

# Public Document Pack

**Date of meeting** Tuesday, 31st January, 2023  
**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 - 8)  
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT HOON AVENUE AND MILEHOUSE LANE, NEWCASTLE-UNDER-LYME. STAFFORDSHIRE COUNTY COUNCIL. 20/01078/OUT** (Pages 9 - 26)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF PEPPER STREET, KEELE. SEDDON HOMES. 22/00094/FUL** (Pages 27 - 34)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - FORMER CLAYTON LODGE HOTEL, CLAYTON ROAD, NEWCASTLE. 22/00284/FUL** (Pages 35 - 50)
- 7 **APPLICATION FOR MINOR DEVELOPMENT - NEWCASTLE MUSEUM AND ART GALLERY. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 22/00983/DEEM3** (Pages 51 - 56)
- 8 **APPLICATION FOR OTHER DEVELOPMENT - BROOKSIDE, SCHOOL LANE, ONNELEY. MS J FINNEMORE. 22/01051/FUL** (Pages 57 - 64)
- 9 **5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 65 - 66)
- 10 **URGENT BUSINESS**  
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

## 11 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.

**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 - 06/12/22

## PLANNING COMMITTEE

Tuesday, 6th December, 2022  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

**Present:** Councillor Paul Northcott (Chair)

<b>Councillors:</b>	Bryan	Holland	Moffat
	Crisp	Hutchison	G Williams
	Fear	D Jones	J Williams
	Gorton	S Jones	

<b>Officers:</b>	Scott Bracken	Senior Planning Officer
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Daniel Dickinson	Head of Legal & Governance /Monitoring Officer
	Nick Fenwick	Interim Head of Planning

### 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 8 November, 2022 be agreed as a correct record.

### 3. **APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT HOON AVENUE AND MILEHOUSE LANE, NEWCASTLE-UNDER-LYME. STAFFORDSHIRE COUNTY COUNCIL. 20/01078/OUT**

*Revised recommendation proposed by Councillor Northcott and seconded by Councillor Fear*

**Resolved:** That, in the absence of photographs and information on the planning history on the site, the application be deferred to a future meeting.

[Watch the debate here](#)

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

*Councillor Gary White spoke on this application*

*Amended recommendation (Removal of Permitted Development Rights) proposed by Councillor Fear and seconded by Councillor John Williams.*

**Planning Committee - 06/12/22**

**Resolved:** (A) That, *with respect to the application for listed building consent 21/01176/LBC*

The application be permitted subject to the undermentioned conditions:

- (i) Time limit for commencement of development
- (ii) Approved plans
- (iii) Work to be undertaken in accordance with the Repair Schedule unless otherwise agreed
- (iv) Prior approval of details of the methods of blocking up internal openings
- (v) Windows in the south elevation facing the M6 motorway shall be repaired and secondary glazing (not double glazing) shall be installed in accordance with details that are to be approved
- (vi) Further details of internal doors and window architraves where alterations are being made to be approved
- (vii) Details of repair work to existing windows and details of proposed new windows to be approved
- (viii) Before boiler house building is demolished details of the reinstatement of the rear conservatory/orangery wall to be approved
- (ix) Removal of permitted development rights for external buildings.

(B) *That, with respect to the planning application 21/01175FUL*

- (1) Subject to the applicant first entering into a Section 106 obligation by the 27<sup>th</sup> January 2023 to secure a review mechanism of the scheme's ability to make a more or fully policy compliant provision of affordable housing, if the development is not substantially commenced within 18 months from the date of the decision, if then found financially viable,

The application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Prior approval of the position and appearance of cycle (to be secure and weatherproof) and bin stores
- (iv) Prior approval of details of the windows of the Mews
- (v) Details of screening around the conservatory/orangery
- (vi) Prior approval of surfacing materials for the internal roads, parking and turning areas
- (vii) Provision of access, internal roads, parking and turning areas prior to occupation and retention for the life of the development
- (viii) Landscaping to include replacement tree planting
- (ix) Tree protection measures

- (x) Contamination conditions
  - (xi) Construction Environmental Management Plan
  - (xii) Overheating
  - (xiii) Glazing specification
  - (xiv) Plant noise
  - (xv) Lighting
  - (xvi) Electric charging points.
- (2) Failing completion of the planning obligation referred to in B(1) by the recommended date the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured planning obligation the development would not provide policy compliant affordable housing; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

[Watch the debate here](#)

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

*Councillor Barry Panter spoke on this application*

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

- (i) Time limit condition
- (ii) Approved Plans
- (iii) Materials
- (iv) All works to be completed In accordance with the recommendations set out in the tree report
- (v) Replanting of hedgerows along the proposed passing place
- (vi) Soft Landscaping Scheme
- (vii) Restriction of any external lighting
- (viii) Restriction of camp site to 4 months of each year only
- (ix) No user of the site is to stay longer than 28 days at any one time and a register of all visitors/occupiers shall be maintained and made available to the LPA
- (x) Camp site to be for tents and for campervans that do not exceed 6m in length with no allowance for caravans
- (xi) Restriction to 64 camping pitches only
- (xii) No tents are to be on site outside of the approved operational times of the camp site
- (xiii) Details of any temporary toilet provision to be submitted to and agreed in writing by the LPA prior to the construction of the toilet block
- (xiv) Visibility splays from the site are to be provided in accordance with the submitted details and retained for the lifetime of the development
- (xv) Passing places to be installed within 6 months of the Permission

[Watch the debate here](#)

**Planning Committee - 06/12/22**

**6. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. DUCHY HOMES LIMITED. 22/00840/FUL**

*Councillor Gary White spoke on this application*

**Resolved:** That the variation of condition 2 of planning permission 21/00866/FUL to substitute approved plans with amended plans for new house types to Plots 16, 18, 22 and 28 along with revised engineering works in the rear gardens of Plots 3-5, be permitted.

and subject to all other conditions attached to planning permission 21/00866/FUL

[Watch the debate here](#)

**7. APPLICATION FOR MINOR DEVELOPMENT - THE NOOK, NEWCASTLE ROAD, MADELEY. MRS JULIE MIROWSKI. 22/00743/FUL**

*Councillor Gary White spoke on this application*

*Revised recommendation proposed by Councillor Fear and seconded by Councillor Dave Jones.*

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

- (i) Approved Plans
- (ii) Restriction on boundary treatments to the front and sides where adjacent to the highway.

[Watch the debate here](#)

**8. APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT TO FARCROFT, MANOR ROAD, BALDWINS GATE. MR & MRS GEOFFREY ADAMS. 22/00836/OUT**

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

The development represents an unsustainable development due to the reliance on the use of private motor vehicles and inadequate pedestrian accessibility by virtue of the site's location, and so is contrary to the guidance of the National Planning Policy Framework (2021).

[Watch the debate here](#)

**9. 5 BOGGS COTTAGE, KEELE. 14/00036/207C3**

**Resolved:**

- (i) That the information be received.
- (ii) That a further update be brought to this Committee in two meetings time.

[Watch the debate here](#)

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

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

[Watch the debate here](#)

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

**Resolved:** (i) That the information be received.

(ii) That a further update be brought to this Committee in two meetings time.

[Watch the debate here](#)

12. **REGISTER OF LOCALLY IMPORTANT BUILDINGS AND STRUCTURES IN NEWCASTLE-UNDER-LYME - 2022 REVIEW**

**Resolved:** That the proposed additions to the Register, as set out in Section 2 of the agenda report, be agreed.

[Watch the debate here](#)

13. **TREE PRESERVATION ORDER - LAND AT AUDLEY PUMPING STATION, NANTWICH ROAD, AUDLEY. TPO 220/22**

**Resolved:** That Tree Preservation Order No 220 (2022), Land at Audley Pumping Station, Nantwich Road, Audley be confirmed with amendments and that the owners of the site be informed accordingly.

[Watch the debate here](#)

14. **URGENT BUSINESS**

There was no Urgent Business.

15. **DISCLOSURE OF EXEMPT INFORMATION**

There was no confidential business.

**Councillor Paul Northcott  
Chair**

Meeting concluded at 9.53 pm

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**LAND ADJACENT HOON AVENUE AND MILEHOUSE LANE, NEWCASTLE-UNDER-LYME**  
**STAFFORDSHIRE COUNTY COUNCIL**

**20/01078/OUT**

The application is for outline planning permission for the construction of up to 100 dwellings with associated infrastructure, children's play area, landscaping and open space. All matters except for access (appearance, landscaping, layout and scale) are reserved for subsequent approval.

The site lies within the Urban Area of Newcastle and is designated as open space and part of the Green Heritage Network as indicated on the Local Development Framework Proposals Map.

This application was deferred at the 6<sup>th</sup> December meeting to enable photographs and information on the planning history on the site to be provided.

**The 13 week period for the determination of this application expired on 16<sup>th</sup> March 2021 but an extension of time has been agreed to 3<sup>rd</sup> February 2023.**

## **RECOMMENDATION**

**(A) Subject to the applicant entering into a Section 106 obligation by 17<sup>th</sup> March 2023 to secure the following:**

- **The provision of 25% on-site affordable housing**
- **A contribution of £10,000 towards travel plan monitoring**
- **A contribution off £20,000 towards the improvements of the existing Multi-Use Games Area at the Croft Road Play Area (Icky Picky)**
- **A management agreement for the long-term maintenance of the open space on the site**

**Permit, subject to conditions relating to the following matters:-**

- 1. Standard time limits for submission of reserved matters and commencement of development**
- 2. Approved plans and supporting documents**
- 3. Provision of accesses**
- 4. Junction improvement**
- 5. Travel Plan**
- 6. Construction Environmental Management Plan**
- 7. Hours of construction**
- 8. Noise mitigation measures**
- 9. Contamination**
- 10. Electric vehicle charging points**
- 11. Details of foul and surface water drainage scheme**
- 12. Development to be carried out in accordance with the approved Flood Risk Assessment (FRA)**
- 13. A written scheme of archaeological investigation**
- 14. Tree and hedgerow protection measures for retained trees**
- 15. Arboricultural method statement**
- 16. A minimum of 0.94ha of green open space, including a minimum 400sqm LEAP Play area to be provided on site**
- 17. Approval of details of play facilities and timing of provision of open space and these facilities**
- 18. Ecological and biodiversity mitigation and compensation**
- 19. Reserved matters submission to comply with the principles of the Design and Access Statement**

**(B) Should the Section 106 obligation referred to in (A) above not be secured within the above period, then 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 be acceptable in planning terms and would not achieve sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.**

## **Reason for Recommendation**

The site provides a sustainable and accessible location for residential development comprising of market and affordable housing. Adequate open space would remain within the site and the immediate locality for the enjoyment of existing and future residents. In addition, there would be new and better quality tree and hedgerow planting enhancing the site's green infrastructure.

The development would provide acceptable living conditions for its occupiers and given its highly sustainable location, it is not considered that the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

An acceptable SUDs design can be achieved and the risk of flooding is low as the majority of the site lies within Flood Zone 1. The proposal provides for ecology and biodiversity enhancements/mitigation

and further archaeological work can be secured to understand and characterise any below ground archaeological features within the application site.

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

The LPA has worked positively and proactively with the applicant/agent to address the issues associated with key planning matters and the proposal is now considered to be a sustainable form of development that complies with the provisions of the development plan and National Planning Policy Framework.

### **Key Issues**

Outline planning permission, with all matters (Appearance, Landscaping, Layout and Scale) reserved except for access is sought for the construction of up to 100 dwellings with associated infrastructure, children's play area, landscaping and open space.

The site lies within the Urban Area of Newcastle and is designated as open space and part of the protected Green Heritage Network as indicated on the Local Development Framework Proposals Map.

This application was deferred at the 6th December meeting to enable photographs and information on the planning history on the site to be provided. Photographs will be displayed to members at the meeting. Neither Staffordshire County Council nor the Borough Council have any record of any planning history for the site and the applicant has confirmed that there is no covenant relevant to the site.

The key planning matters in the determination of the application are:

- Principle of the proposed development
- Open Space and Landscaping
- Affordable Housing
- Highways Safety
- Trees and Hedgerows
- Flood Risk and Drainage
- Ecology and Biodiversity
- Residential Amenity
- Heritage and Archaeology
- Planning Obligations

### **Principle of the proposed development**

The application site comprises greenfield land designated as open space and part of the green heritage network within the urban area of Newcastle.

Core Spatial Strategy (CSS) Policy ASP5 sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026. Policy SP3 seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes which are considered sustainable locations for residential development.

The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 31<sup>st</sup> March 2021. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

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

Although not previously developed land, the site is considered to represent a highly sustainable location for new housing due to its good transport links and links to education facilities, employment opportunities, services and amenities.

The principle of the proposed development complies with local and national planning policy guidance.

### **Open Space and Landscaping**

CSS Strategic Aim 2 seeks to facilitate the delivery of the best of healthy urban living in the development of the conurbation and to ensure that new development makes adequate provision for all necessary community facilities, including health care, education, sports, recreation and leisure.

Strategic Aim 13 seeks to protect and improve the plan area's network of canals and watercourses, green spaces/infrastructure and parks to provide the landscape setting for high quality development of homes, employment and leisure opportunities; opportunities for physical activity and to foster a more sustainable way of life.

CSS Policy CSP5 seeks to enhance, maintain and protect the plan area's open space, sports and leisure assets.

CSS Policy CSP1 expects new development to contribute positively to healthy lifestyles.

NLP Policy C4 states that an appropriate amount of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured. The design and location of new play areas must take into account community safety issues.

NLP Policy N16 seek opportunities to consolidate and enhance the green heritage network. Where development is permitted, the Council may require mitigation and/or compensation measures and will seek to ensure that appropriate landscaping proposals will be implemented and maintained to enhance the area's status and function as part of the Borough's wildlife network.

Paragraph 96 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) c) The development is for the alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The site comprises 3.42ha of land designated as public open space/green heritage network within the urban area of Newcastle. This public open space/green heritage is identified as general amenity space on the green infrastructure typology map.

The adjacent area of land is owned by the County Council but leased to The Orme Academy (previously known as Wolstanton High School) for 125 years (commenced 2015) as playing fields.

As a result of the residential development proposed, there would be loss of 2.48ha of public open space/green heritage network, resulting in 0.94ha remaining.

The remaining 0.94ha would comprise the landscaped link between the northern and southern parts of the site which would include a footway/cycleway and a LEAP play area and landscaped green space either side of the proposed access off Hoon Avenue. The children's play area would meet the

minimum of Fields in Trust LAP and LEAP standards of 0.4ha. The proposed area and type of open space to be provided is shown in the table below:

Open Space	Area Proposed
LEAP (Play Area)	Min 400 sqm
Landscaped Link (inc area around LEAP)	5200 sqm
SuDs Basin	1200 sqm
Landscaped green space	3800 sqm
<b>Total</b>	<b>10600 sqm</b>

In accordance with the National Planning Policy Framework, National Planning Practice Guidance, Core Spatial Strategy, Local Plan and other relevant open space documents the applicant is required to assess the current provision (whether there is a deficit or surplus) of open space against standard requirements.

The recommended quantity and access to green infrastructure standards (2016) covering open space types for Newcastle under Lyme are summarised in the table below (*Source: Newcastle under Lyme Open Space Strategy and Green Infrastructure Strategy Final Draft*).

Open Space Types	Quantity Standard (Hectares per 1,000 population unless indicated otherwise)	Access Standard (measured in a straight line)
*Parks and gardens	3.10	Local – 400m Neigh – 800m District -1600m
*Amenity green space	0.90	Open green - 220m MUGA - 700m
*Natural and semi-natural green space	3.60	600m
*Designated play spaces for children and young people	0.41	LAP - 100m LEAP - 400m NEAP - 1,000m
Outdoor Sports Facilities	No standard	No standard
Allotments *	0.15	400m (5- 10 min walk) 15 min drive
Green Corridors	No standard	No standard
<b>TOTAL open space* (sum from above)</b>	<b>8.16</b>	

Based on a population of 124,184 the current provision of open space per 1,000 head of population is shown in the table below. *Source: Newcastle under Lyme Open Space Strategy and Green Infrastructure Strategy Final Draft*.

Type	Count (no. of sites)	Area (ha.)	Current Provision (ha. per 1,000 population)
Accessible natural greenspace	181	1746.22	14.0
Allotments	12	13.60	0.11
Amenity greenspace	112	128.31	1.03
Green corridor	16	46.03	0.37
Park	35	436.29	3.51
Provision for children and young people	81	51.35	0.41

The Borough has a valued and well-distributed network of open space of varying sizes and types (Parks and Gardens, Amenity Green Spaces, Natural and semi-natural green spaces, designated play

spaces, allotments and green corridors). As highlighted in the tables above the current open space provision exceeds standard requirements per population. In addition, there is an identified need for new open space to accompany any new development.

An assessment of existing open spaces within 1.5 kilometres of the application site (approximately a 15-minute walk), has been undertaken to consider the quality and quantity of alternative open space provision in the area. The assessment identifies 9 other sites within a 1.5-kilometre radius of the application site, totalling 46.3 hectares.

Of the 9 sites identified, four include general amenity space, and six include a park or public garden. The closest green space measuring 2 ha or more is located 400 metres from the site, at Wolstanton Marsh. This is identified as a park or garden and meets the proposed access standard. The land south of Hoon Avenue is an adjacent piece of amenity green space to the site and is less than 220 metres away.

As stated above, the application site is identified as general amenity space on the green infrastructure typology map. The current provision for general amenity space is 1.03 hectares per 1,000 population, based on 124,381 people. The development of 2.48ha of a 3.42ha site for housing would still exceed the quality standards required without further provision or contributions for general amenity space.

Therefore, it is considered that there is sufficient quantity and quality of existing alternative open space (amenity greenspace) provision within 1.5km of the site to ensure the residential development would not detrimentally impact on accessibility to open space for existing and future residents.

The existing provision of and accessibility to natural and semi natural green spaces and designated play spaces for children and young people would remain acceptable within the vicinity of the site. However, given the size and scale of the development proposed there is a requirement to provide a minimum open space provision of 0.94ha, which would include a LEAP play area for existing and future residents

For the reasons outlined above, the proposals are considered to accord with development plan policy the guidance set out within the NPPF

### **Affordable Housing**

CSS Policy CSP6 requires 25% of the total dwellings to be affordable housing units and be fully integrated with the market housing, be built to the same design, quality and space standards and should not be visually distinguishable from other development on the site.

In accordance with the Affordable Housing SPD, 25% or 25 dwellings of the total number of 100 dwellings are required to be affordable and fully integrated within the development so as to be tenure blind and indistinguishable from the market housing. Of the 25% of the affordable homes proposed, a minimum of 15% should be social rented with the remainder shared ownership.

This is considered acceptable and the affordable housing proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

### **Highway Safety**

CSS Policy SP3 addresses the need to secure more choice of, and create better access to, sustainable modes of transport whilst discouraging less sustainable modes. CSP1 expects new development to be accessible to all users and to be safe, uncluttered, varied, and attractive.

NPPF Paragraph 110 notes that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;

- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 advises 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.

Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The proposed vehicular access that would serve the southern part of the site would be directly off Hoon Avenue/Hempstalls Lane and to the south of the Sparch Hollow roundabout. The new access would be a new priority junction that would be 5.5m wide access, with 6.0m radii and a 2m footway on the southern side and a 3m footway/cycleway on the northern side of the access. Visibility splays of 2.4m x 43m would be provided in a northerly and southerly direction.

The northern part of the site is accessed directly of Milehouse Lane and would take the form of a simple priority junction.

A Transport Assessment and Travel Plan have been submitted with the application. The Transport Assessment has assessed the potential transport impact on the local highway network and shows the proposed mitigation measures at Milehouse Lane /Hassam Parade / Hoon Avenue Roundabout. Also, it provides a summary of existing alternative modes of travel including pedestrian, cycling and public transport (i.e. bus and rail modes). The use of alternative modes of transport are reinforced by the Travel Plan which sets out measures and initiatives to promote sustainable travel to and from the site.

The development is forecast to generate in the region of 84 - 91 person trips (two-way) by all combined modes of travel (Car Driver, Car Passenger, Bus, Cycle, Pedestrian Other) during the typical weekday peak hour. In this regard the residential development would be expected to generate in the order of 70 trips in the AM peak hour and 66 trips in the PM peak hour split between the two site access junctions.

An assessment of the proposed access junctions onto Milehouse Lane and Hoon Avenue shows that the proposed access arrangements are predicted to operate within capacity in all of the forecast scenarios assessed, with minimal queuing predicted on any approach to the junction.

The results of the assessments demonstrate that the existing Hoon Avenue/Sparch Hollow/Hempstalls Lane roundabout will operate within capacity at the 2025 assessment.

The wider impacts of development traffic have been assessed at the two main roundabout junctions to the north and south of the site. The addition of further traffic attributable to the proposed development site is predicted to result in minimal changes in queueing and delay at either junction. However, a minor improvement to Milehouse Lane/Hassam Parade/Hoon Avenue Roundabout is proposed which formalises the Hassam Parade entry making it more efficient.

The Highway Authority has no objections to the proposal on the grounds that it has been demonstrated that the junction is adequate and safe and will operate within capacity and that mitigation document measures at Milehouse Lane /Hassam Parade / Hoon Avenue Roundabout and minor improvement to Hassam Parade formalises the entry making it more efficient.

It is considered that a safe and suitable access to the site for all users would be achieved and that any impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety would be mitigated to an acceptable degree.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

### **Trees and Hedgerows**

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets.

NLP Policy N12 seeks to resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

NLP Policy N13 states the felling or unnecessary pruning of any tree of public amenity will not be supported by the Council unless one of the criteria specified is applicable and where possible appropriate replanting is proposed.

The Arboricultural Impact Assessment accompanying the application identifies that no trees on the site are protected by Tree Preservation Orders or by being within a Conservation Area.

The proposed access from Hoon Avenue necessitates the removal of three early mature category B Lime trees. Tree removal identified within the site is limited to the total removal of two groups of natural scrub and the partial removal of three further groups of mixed trees. These are identified as category C and comprise of scrub and less well established plantings of low arboricultural quality.

However, the size of the site and its location provides opportunities for new and better quality hedgerow and tree planting to compensate for this loss and provide an overall, long-term betterment to the site's green infrastructure. The details of the site's landscaping and green infrastructure would be considered as part of any reserved matters application.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

### **Flooding and Drainage**

NPPF Paragraph 167 outlines that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The application is supported by a Flood Risk and Surface Water Drainage Assessment (FRSWDA). The site lies in Flood Zone 1 which is land/property with the lowest risk of flooding. However, the south eastern part of the site is shown as being at risk of flooding from Lyme Brook and associated overland flows.

The surface water runoff from the site would be discharged to Lyme Brook via a new outfall and restricted to a greenfield 1 in 1 year rate of 4.7 l/s per hectare. The surface water would be attenuated on site by a combination of oversized pipes and a detention basin within the south eastern part of the



site. It is expected that the detention basin would provide adequate treatment to the runoff to ensure water quality is not detrimentally impacted.

Foul flows from the site will drain to the existing combined sewers in Hoon Avenue.

The Environment Agency, Staffordshire County Council as the Lead Local Flood Authority, and Severn Trent Water are satisfied that the proposals demonstrate that it would be feasible to achieve an acceptable SUDs design and that detailed drainage design should be in accordance with the proposed drainage strategy. As such, they have no objections to the drainage approach and strategy subject to suitably worded conditions securing the detailed drainage design and foul and surface water flows.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

### **Ecology and Biodiversity**

NPPF Paragraph 180 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets including enhancing the areas natural habitats and biodiversity to achieve the outcomes and targets set out within the UK and Staffordshire Biodiversity Action Plans and Staffordshire Geodiversity Action Plan. Development should avoid and/or mitigate adverse impacts, and wherever possible, enhance the area's natural assets, landscape character, waterways, green corridors and priority species and habitats.

NLP Policy N3 expects development to take account of the potential effects of development proposals upon wildlife and geological features and avoid or minimise any adverse effects and, where appropriate, to seek to enhance the natural heritage. Habitats/features of nature conservation or geological value will be retained in situ and protected from adverse impact. Replacement habitats/features will be provided on at least an equivalent scale where the Council agrees that the loss of wildlife habitats or geological features is unavoidable.

NLP Policy N8 seeks to resist development that may, directly or indirectly habitats, unless the applicant can demonstrate that the need for the development clearly outweighs the need to safeguard the habitat. Where development affecting such habitats can be approved, appropriate measures will be required to minimise damage, to provide for appropriate habitat restoration and/or re-creation to compensate for any loss

An Extended Phase 1 Habitat Survey was completed in June 2016, this was subsequently reviewed in October 2018 and November 2020. These surveys evidenced that the habitats present on site include poor semi-improved grassland, species-poor hedgerow, introduced shrub and dense scrub as well as established lines of trees. As a result of these surveys there was no requirement for additional habitat surveys however, a protected species survey for Water Voles was recommended as Lyme Brook is within and adjacent to the site.

The protected species surveys identified that there was no evidence of water voles within the on-site or off-site sections of the brook and that the habitats have undergone succession and therefore, become unsuitable to support the species. In addition, given the isolated nature of the watercourse; culverted to both the north and south and surrounding built development (houses and roads) it is unlikely that the watercourse will be able to recolonise, even with enhancement measures out in place.

However, the Ecology surveys recommend the following mitigation, best practice and enhancements:

- Avoid vegetation clearance during the bird nesting season.
- Produce and Best Practice Plan.
- Awareness of working in or adjacent Lyme Brook.
- Where possible avoid works after dark for the protection of bats.

- Planting of new areas of soft landscaping with insect-attracting.
- Install a minimum of 10 bird boxes on retained/newly planted trees.
- Enhance scattered tree lines, species poor hedgerow habitats and provide additional tree planting around the site periphery.
- Any trees or hedgerow that are lost are replaced with at least equal numbers/length.
- Install a minimum of five bat boxes on existing trees.

Subject to the imposition of a condition requiring appropriate mitigation, it is not considered that an objection could be sustained on the grounds of ecological impact. For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

### **Residential Amenity**

Paragraph 174 of the NPPF advises that, planning policies and decisions should contribute to and enhance the natural and local environment by "...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans

Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 186 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

An Air Quality Assessment submitted with the application concludes that the development would not have a significant impact upon local air quality.

A Noise Assessment has also been submitted which acknowledges that the dominant noise source would be road traffic noise from the surrounding road network, including Hoon Avenue to the west, Milehouse Lane to the north and St. Michaels road to the south. Also, distant road traffic was audible from the A527 and Liverpool Road.

The proposed general mitigation strategy for the site to achieve indoor ambient noise levels for dwellings and acceptable noise levels for external amenity spaces includes the provision of standard glazing with a minimum sound reduction and ventilation and the presence of close-boarded 1.8m high garden fences to external amenity areas.

The Environmental Health Division agree with the findings of the Noise and Air Quality Assessments and recommend conditions for hours of construction and the submission of a Construction Environmental Management Plan to address the effects of noise, vibration, dust, emissions and site lighting.

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. It is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between both existing and proposed dwellings and that sufficient private amenity space would be provided to comply with the Council's Space Around Dwellings SPG.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

### **Heritage and Archaeology**

NPPF Paragraph 195 expects Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 197 notes that in determining applications, local planning authorities should take account of:

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

LP Policy B8 ensures the conservation of locally important buildings and structures by encouraging their retention, maintenance, appropriate use and restoration.

LP Policy B3 requires archaeological assessments and field evaluations to be submitted prior to the determination of proposals affecting sites of known or potential archaeological significance.

There are no designated heritage assets (i.e. listed buildings, conservation areas, scheduled monuments, registered parks and gardens etc.) within or in close proximity of the proposed red line boundary.

The Staffordshire Historic Environment Record records that a section of the possible route of a Roman road between Littlechester and Chesterton runs through the northern portion of the site, and notes that several excavations along the length of the route have revealed large sandstone blocks on a layer of turf and clay, and that the agger (i.e. the road embankment) is also visible on the southeast edge of Wolstanton Golf Club.

The County Archaeologist advises that considering the potential for groundworks associated with the proposed development to impact below ground archaeology, including the Roman road and possibly associated activity nearby, the lack of previous archaeological works being carried out in a large, previously undeveloped site in the area, and the scale and nature of the proposals, it is recommended that further archaeological work is undertaken to better understand and characterise any below ground archaeological features within the application site.

Subject to the imposition of conditions, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

### **Planning obligations**

CSP10 'Planning Obligations' requires developers to have regard to the consequences that may arise from development. The policy sets out a number of areas which should be considered including transport, infrastructure, affordable housing, education and community facilities, open spaces, sports and recreation facilities and environmental improvements and mitigation.

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

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

The applicant has confirmed their willingness to agree to the provision of 25% on-site affordable housing. The Landscape Development Section has requested a contribution of £20,000 towards the improvements of the existing Multi-Use Games Area at the Croft Road Play Area (Icky Picky) which

the applicant has agreed to pay. It is considered necessary for the community that the open space on site is available for use and appropriately managed, therefore a management agreement is required for the long-term maintenance of the open space on the site. A financial contribution of £10,000 is also considered necessary towards the monitoring of the travel plan for a period of 5 years.

These are all considered to meet the tests identified in the NPPF and are compliant with Section 122 of the CIL Regulations.

## **APPENDIX**

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

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

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

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside.
Policy T16:	Development – General Parking Requirements.
Policy C4:	Open Space in New Housing Areas.
Policy N2:	Development and nature conservation - site surveys.
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures.
Policy N4:	Development and Nature Conservation – Use of Local Species.
Policy N8:	Protection of Key Habitats.
Policy N12:	Development and the Protection of Trees.
Policy N13:	Felling and Pruning of Trees.
Policy N14:	Protection of Landscape Features of Major Importance to Flora and Fauna.
Policy N16:	Protection of a Green Heritage Network.
Policy N17:	Landscape Character - General Considerations.
Policy B3:	Other Archaeological Sites.
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities.

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

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Affordable Housing SPD](#) (2009)

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

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

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

[Relevant Planning History](#)

There is no relevant planning history to the site.

[Views of Consultees](#)

The **Recycling and Waste Services Team** confirms that the swept path information submitted is acceptable. Concerns are raised regarding the indicative layout and the number of properties accessed via unadopted stretches of private access.

The **Highway Authority** has no objections as the submitted information demonstrates the junctions are adequate and safe and will operate within capacity. The mitigation measures at Milehouse Lane /Hassam Parade / Hoon Avenue Roundabout and minor improvement to Hassam Parade formalises the entry making it more efficient.

The **Environmental Health Division** has no objections subject to conditions relating to sufficient site investigation, detailed remediation scheme, appropriate hours of construction and Construction Environmental Management Plan.

**Staffordshire County Council Education Authority** advised that they have considered the impact on school places at the Hempstalls Primary School and The Orme Academy. In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 100 dwellings would require 21 primary school places and 11 secondary places. There are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education. Subsequently, no education contribution is required.

**Severn Trent Water** confirm that they have no objections to the proposals subject to the inclusion of the following condition:

1. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
2. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

In addition, they advise that there is a public 800mm combined sewer and a public 900mm surface water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.

The **County Archaeologist** states that the Staffordshire Historic Environment Record records that a section of the possible route of a Roman road between Littlechester and Chesterton runs through the northern portion of the site, and notes that several excavations along the length of the route have revealed large sandstone blocks on a layer of turf and clay, and that the agger (i.e. the road embankment) is also visible on the southeast edge of Wolstanton Golf Club.

Taking into account the above, and considering the potential for groundworks associated with the proposed development to impact below ground archaeology, including the Roman road and possibly associated activity nearby, the lack of previous archaeological works being carried out in a large, previously undeveloped site in the area, and the scale and nature of the proposals, it is recommended that further archaeological work is undertaken to better understand and characterise any below ground archaeological features within the application site.

This work could be most satisfactorily secured via a condition attached to any planning permission for the scheme.

The **Environment Agency** have no objections.

**The Landscape Development Section** requests tree planting to mitigate the loss of trees T21, T29 and T30 on Hempstalls Lane. Permission should be subject to submission of a dimensioned construction phase tree protection plan to BS5837:2012 and a detailed landscaping scheme. Useable open space provision of 0.4 ha (40m<sup>2</sup> per dwelling) and a LAP and a LEAP to Fields in Trust recommendations should be provided along with a Section 106 contribution towards a MUGA. The contribution would be used for improvements to the existing MUGA at the Croft Road Play Area (Icky Picky) which is approximately 560m away.

The **Lead Local Flood Authority** are satisfied that the proposals demonstrate that it would be feasible to achieve an acceptable SUDs design within the proposed development and that the detailed drainage design should be in accordance with the proposed drainage strategy taking into account the constraints identified and the results of any further investigations.

### Representations

**63 letters of objection** have been received raising concerns on the following grounds:

- Loss of local greenspace which is enjoyed by multigenerational families for recreation, play, dog walking and exercising. A huge loss to the local community
- Concerns about additional traffic as the roads are busy enough without any more congestion
- The area around the junction of Hoon Avenue, Hempstalls lane and Sparch Hollow is already prone to flooding during heavy rain, this will only increase the problem.
- Increasing the area of hardstanding will exacerbate flooding.
- Increased traffic will create noise and disturbance and increase collision risk for school children, walking to/from school.
- The land holds rainwater and allows it to slowly drain into Lyme Brook. Building on this land would cause rainwater to flow directly into the brook.
- It has only been 4-5 years since the previous appeal was rejected.
- There are plenty of houses in the area for sale – why do we need more.
- Build on other plots of land Old Sainsburys, land next to Bradwell hospital on the A34 and flats next to Jubilee
- The land is allocated as Protection of Green Heritage Network.
- Hoon Avenue and Hempstalls Lane are a rabbit run for vehicles avoiding multiple traffic
- Local amenities, schools and doctors are over subscribed
- There are 20 plus flats being built on Hempstalls Lane
- This monstrosity will devalue property
- Since lockdown does not think an accurate amount of the traffic can be assessed.
- Trees and hedgerows being cut down which are home to many different wildlife.
- There are better sites for residential development.
- The area is home to bats, hedgehogs, foxes, carrion crows, swallows, jays, buzzards, frogs, common lizards and insects.
- Existing greenspace is limited
- The roman road which exists would be disturbed by the development
- The grasslands are essentially wetlands which is unsuitable for housing and would result in substandard housing because of poor footings.
- There are currently plans to develop several green areas within the local community and very close to this site, Keele Golf Course and adjacent site with up to 1200 houses and sites in Knutton with over 300 houses, with 1 site already being developed
- Building on this greenspace will negatively impact on the character of the neighbourhood
- The council should be looking at developing brown field sites first, even if higher building costs may be incurred.
- Does not believe on balance there will be sufficient community benefit in compensation for the loss of the greenspace that would be lost. If the committee are minded to approve they should seek the highest available compensation through CIL to be used in the area to enhance the environment.
- Mr Ash left the land for recreational use.
- The area should be used to promote wildlife, environmental enhancement and preservation of the area containing remains of the Roman road, Rynkneld Street, of which most local residents are unaware. Surely this area must be protected and developed as a special interest site and not built over and destroyed.

### 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/20/01078/OUT>

**Background papers**

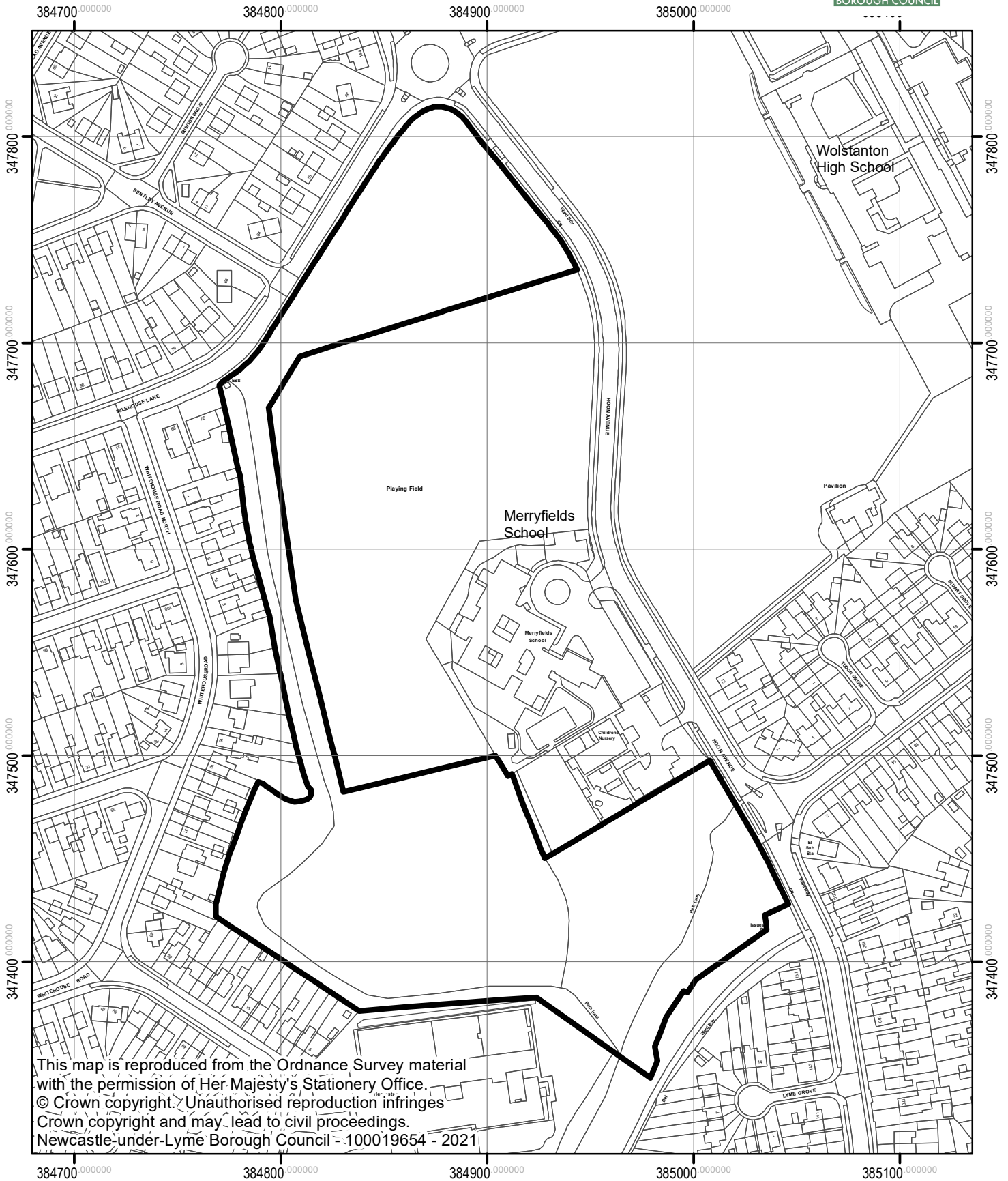
Planning files referred to  
Planning Documents referred to

**Date report prepared**

19 January 2023



**20/01078/OUT**  
**Land Adjacent Hoon Avenue and**  
**Milehouse Lane, Newcastle.**



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

**22/00094/FUL**

The application seeks to vary the wording of condition 21 of planning permission 13/00970/OUT (Residential development, maximum of 100 dwellings) to allow the use of impact piling in the construction of the 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 site was previously used for a mix of commercial purposes, however the site has now been cleared in preparation for development.

This application was deferred at the 8<sup>th</sup> November meeting to enable officers, in liaison with Environmental Health colleagues, to advise Members of appropriate wording for a variation to Condition 21.

**The 13 week period for the determination of this application expired on the 17<sup>th</sup> of May, however an extension of time has been agreed until the 3<sup>rd</sup> February 2023.**

**RECOMMENDATIONS**

**PERMIT the variation of condition 21 of planning permission 13/00970/OUT in the following manner;**

**All piling works shall have a maximum noise threshold of 65dB 15min Laeq for the closest noise sensitive properties and the piling works shall be limited to the following times:**

**Monday – Friday 08.00 – 18.00 hours**

**Saturday - 08.00 – 13.00 hours**

**Sundays & Bank Holidays – No working shall be permitted.**

**Noise monitoring during all piling works shall be undertaken by a specialist consultant so that in the event of complaints from sensitive receptors, the results of this monitoring can be forwarded to the local authority as soon as possible for discussion and action,**

**and subject to all other conditions attached to planning permission 13/00970/OUT.**

**Reason for recommendations**

The variation of the condition is considered to be acceptable with regard to its impact on the residential amenity 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 varied with appropriate wording.

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

Officers of the LPA have been in dialogue with the applicant throughout the planning application process and the proposal is now considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework

**KEY ISSUES**

The application seeks to vary the wording of condition 21 of planning permission 13/00970/OUT (Residential development, maximum of 100 dwellings) which prevents the use of impact piling when carrying out the development.

The application identifies that some level of impact piling is necessary and the cost implications of a non-impact piling solution would create greater viability issues.

The reason for the condition was to protect the living conditions of local residents, particularly those situated along Pepper Street and Quarry Bank.

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

The Parish Council and two residents have raised objections to the removal of the condition on the grounds that piling will cause an unacceptable loss of amenity due to noise and disruption.

Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The applicant's agent has provided additional information to address the queries raised by Members at the November meeting and has suggested that the noise threshold for piling works at the site can be limited to 65dB 15min Laeq for the closest noise sensitive property and that the piling works can be restricted to the following times:

Monday – Friday 08.00 – 18.00 hours  
Saturday - 08.00 – 13.00 hours  
Sundays & Bank Holidays – No working shall be permitted.

Noise monitoring will also be undertaken by a specialist consultant and in the event of complaints from sensitive receptors, the results of this monitoring shall be forwarded to the local authority as soon as possible for discussion and action.

The above details have been reviewed by the Environmental Health Division (EHD) who are satisfied that the proposed details would not result in any adverse impact on the living conditions of existing dwellings. It must also be noted that condition 19 controls the impact of noise and vibration from construction, including piling and that the impact of piling and foundation design on groundwater is controlled by condition 30. Therefore, other conditions still provide mechanisms to control the impacts of construction works on nearby properties.

In the absence of any objections from EHD and subject to appropriate wording to control the above details along with the imposition of all other conditions attached to the original outline planning permission that remain relevant at this time, it is considered that the living conditions of local residents would be suitably protected, 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)

[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)

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

#### Relevant Planning History

04/01321/EXTN	Permitted 2009	Extension of time limit to implement planning permission 04/01321/EXTN – expired
04/01321/FUL	Permitted 2004	Demolition of buildings, erection of buildings for industrial, storage or business use - expired
04/00794/FUL	Refused 2004	Replacement industrial and storage units
03/00495/OUT	Refused 2003	Permanent equestrian dwelling

02/00966/OUT	Refused 2002	Equestrian dwelling
02/00224/OUT	Refused 2002	Proposed dwelling
01/00680/FUL	Refused 2001	Engineering works and car park
00/00430/PLD	Permitted 2000	Certificate of lawfulness for a proposed use as Sunday car boot sales for no more than 14 days in one calendar year
99/00568/FUL	Permitted 1999	Erection of stable block
98/00633/FUL	Permitted 1998	Renewal of permission for use of land for the keeping of horses and retention of ménage area
97/00282/COU	Permitted 1997	Change of use to keeping of horses and formation of ménage area
96/00537/ELD	Permitted 1996	Application for a certificate of lawfulness for an existing use for business/storage purposes
96/00272/ELD	Refused 1996	Application for a certificate of lawfulness for an existing use for business/storage purposes
95/00465/CPO	Unconfirmed	Modification of condition 5 of permission NNR3969
93/00664/CPO	Permitted 1993	Continuation of underground coal mining and development of two new adits
13/00970/OUT	Permitted 2014	Residential development (maximum of 100 dwellings)
15/00324/FUL	Permitted 2015	Application to remove condition 11 of planning permission 04/01321/EXTN relating to ground contamination ( in response to submitted ground investigation report)and vary conditions 12 and 13 to enable the development to commence before a contamination remediation scheme is agreed and implemented
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** initially objected to the proposal as they considered no justification has been given to allow the condition to be removed. However, following the submission of additional information including a noise impact assessment they have confirmed that they raise no objections to the proposal.

**The Environment Agency** initially advised that a Piling Risk Assessment be undertaken and submitted in support of the application. Following the submission of this report they confirmed that they 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

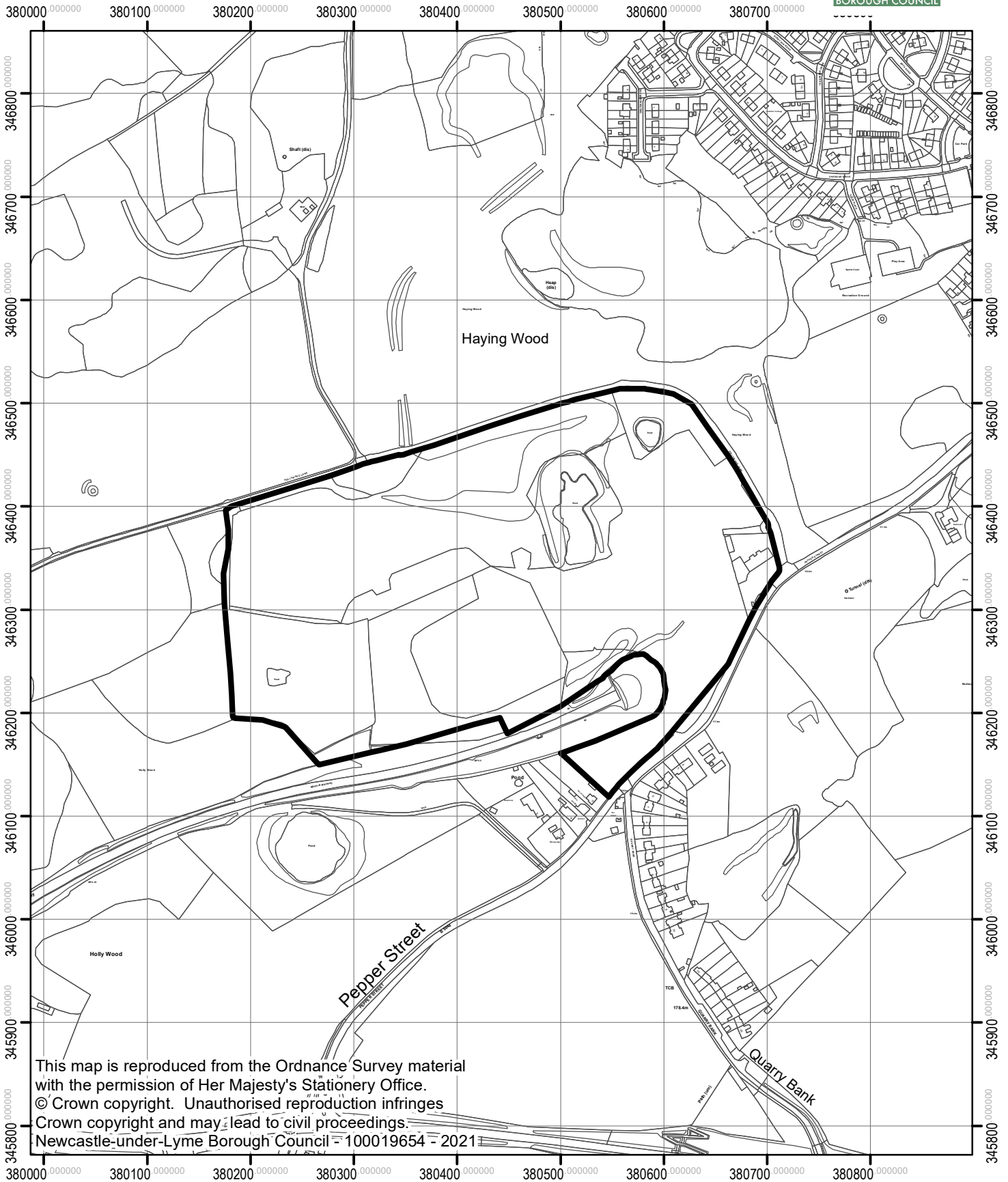
Planning File  
Development Plan

#### Date report prepared

18<sup>th</sup> January 2023



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



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**FORMER CLAYTON LODGE HOTEL, CLAYTON ROAD**

**22/00284/FUL**

The application seeks full planning permission for the erection of 48 no. dwellings at the former Clayton Lodge Hotel located on Clayton Road.

The application site contains a number of buildings and areas of hardstanding which are associated with the former hotel and the site is therefore classed as brownfield land. Part of the site is also covered by Tree Protection Order no.6.

The application site, of approximately 16.1 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map and lies close to the Clayton Conservation Area.

**The statutory 13 week determination period for this application expired on the 7<sup>th</sup> September and an extension of time has been agreed to the 3<sup>rd</sup> February 2023.**

**RECOMMENDATIONS**

**A) Subject to the applicant entering into a Section 106 obligation by 17<sup>th</sup> March 2023 to secure the following:**

- **A contribution of £10,000 towards travel plan monitoring**
- **A contribution of £174,500 towards primary education**
- **A management agreement for the long-term maintenance of the open space on the site**

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Facing and roofing materials**
- 4. Boundary treatments**
- 5. Hardstandings**
- 6. Woodland and open space management plan**
- 7. Arboricultural Method Statement**
- 8. Waste collection and storage arrangements**
- 9. Details of vehicle access works including engineering works to reform the existing access onto Clayton Lodge**
- 10. Details of offsite highway scheme to implement tactile pedestrian crossing on Clayton Road**
- 11. Details of the design and construction of any new roads, footways and accesses**
- 12. Restriction on the gradient level of highway carriageway**
- 13. Provision of access, parking and turning areas**
- 14. Provision of cycle storage areas**
- 15. Details of surface water drainage interceptors**
- 16. No soakaways or attenuation tanks are to be placed within 4.5m of the highway boundary**
- 17. Submission of a Structural Design Assessment**
- 18. Submission of a Travel Plan**
- 19. Construction Method Statement**
- 20. Electric vehicle charging provision**
- 21. Construction and demolition hours**
- 22. Works to be completed in accordance with the surface water drainage details**
- 23. Temporary arrangements for the control of surface water and pollution are to be in place prior to completion of the proposed**
- 24. Land contamination investigations and mitigation measures**
- 25. Unexpected land contamination**
- 26. Ecology mitigation and enhancements**
- 27. Drainage plans for the disposal of foul and surface water**

**B) Should the Section 106 obligation referred to in (A) above not be secured within the above period, then 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 be acceptable in planning terms and would not achieve sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.**

**Reason for recommendations**

The redevelopment and regeneration of this vacant site within a sustainable urban location, accords with local and national planning policy. The scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety concerns or impact residential amenity. A number of trees would need to be removed from the site to accommodate the proposed development which will result in a loss of natural habitats, however it is considered that subject to a number of conditions, the development represents a sustainable form of development and should be supported.

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

The LPA has requested further information throughout the application process and the applicant has subsequently provided amended and additional information. The application is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

**KEY ISSUES**

The application seeks full planning permission for the erection of 48 no. dwellings at the former Clayton Lodge Hotel located on Clayton Road.

The application site, of approximately 16.1 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map and lies close to the Clayton Conservation Area. Part of the site is covered by Tree Protection Order no.6.

The proposed application raises the following key issues:

1. The principle of the development of this site for residential purposes,
2. The design of the development and its impact on the surrounding area,
3. The impact of the development on highway safety,
4. Acceptable standards of residential amenity,
5. The impact on trees and ecology,
6. Flood risk and sustainable drainage,
7. Planning obligations and financial viability and
8. Conclusions

**Is the principle of the development of this site for residential purposes acceptable?**

The hotel has not been in use since before the start of the covid pandemic and is currently in a state of disrepair which is causing it to detract from the character of the area. There are also ongoing issues relating to trespassing, vandalism and other unlawful activities on the site.

Core Spatial Strategy (CSS) Policy ASP5 sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026. Policy SP3 seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes which are considered sustainable locations for residential development.

The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 31st March 2021. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

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

The application site comprises previously developed land which is located in the urban area and is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

The principle of the proposed development complies with local and national planning policy guidance.

**The design of the residential development and its impact on the surrounding 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. Furthermore, paragraph 130 of the framework lists 6 criteria, 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.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. In particular, Policy R3 states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it, exploiting existing site characteristics, such as mature trees, existing buildings or long views and incorporating them into the proposal. In addition, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

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

A total of 48 dwellings are proposed on the site which has been reduced from the 52 originally submitted proposed. The proposed houses would be a combination of detached and semi-detached two storey properties which would be of traditional design. The surrounding area comprises residential properties of various styles with St James the Great Church of England and its associated car park located directly to the east of the site and Our Lady & Saint Werburgh Catholic Church located to the west. The majority of nearby dwellings are two-storey however there are some bungalows located to the west of the site along Waveney Grove and some terraced properties can be found in the Kingsdown Mews development to the north.

The proposed development has been presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF, and a number of amendments and enhancements have been made to the scheme at the request of the case officer to ensure that the scheme demonstrates a high quality design as required by both national and local policies. The site has been designed to include a good number of varied house types with the chosen designs being considered to be acceptable additions to the local design vernacular. A number of landscaped areas and new planting will also help to break up new built up frontages and soften the overall visual impact of the development.

Through the removal of the Hotel the proposal would also result in an improvement to the overall setting of the Clayton Conservation Area which is located to the south east of the site, however the CA itself has a strong defining boundary in the form of a high level hedge and row of mature trees which limits the spatial and visual relationship between the two sites.

To conclude, the proposal will help to remove what is currently an eyesore in the area and replace this with a high quality residential development which will integrate well with surrounding land uses. It is therefore considered that the design of the proposed development is acceptable and subject to conditions, it will comply with design principles and policies of the Council's Urban Design Guidance, policy CSP1 of the CSS and the guidance and requirements of the NPPF.

#### The impact of the development on highway safety

Paragraph 110 of the NPPF states that in assessing specific applications for development it should be ensured, amongst other things, that appropriate opportunities to promote sustainable transport modes; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The NPPF further states at paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Such a policy is, however, of limited weight as it is not in fully consistent with the Framework given its reference to maximum parking levels.

Objections have been received from residents about the suitability of the access and the level of potential congestion in the area.

The application is accompanied by a Transport Assessment which considers the transport impacts associated with the proposed development. The net increase of development trips generated compared to existing use is considered to be a material change.

The majority of trips within the AM and PM peak periods are forecast to route north of the development site on Clayton Road towards the Clayton Road/ Warwick Avenue/ Seabridge Lane Signalised junction. Traffic count data has been used to demonstrate that the increased number of trips on Clayton Road as a result of the development would not materially impact traffic flow on this highway within the peak period. The Highway Authority states that the increase of traffic flow on Clayton Road will be minimal and accepts that no junctions have been identified as requiring capacity assessment as a result of the development traffic impact.

Concern initially raised by the Highway Authority in regard to substandard visibility splays to the north have been addressed by revised plans which now demonstrate that a 2.4m by 95m splay can be provided, which is appropriate due to the presence of a splitter island. The parking and internal road layout of the proposed development, as well as details relating to construction vehicles, EV charging points, waste collections and pedestrian connections have again all been found to be acceptable by the Highway Authority.

The Recycling and Waste Servicing Team have requested that a Swept path analysis be provided to show that their refuse collection vehicles would be able to make collections. The internal road arrangement has been designed in accordance with up to date highways requirements, and it is considered that there would be a good level of turning and manoeuvrability areas available for larger vehicles, including refuse vehicles within the site.

There are a number of bus stops within walking distance of the site, with the Clayton Road stops providing access to bus routes which operate on a frequent basis throughout the day and provide access to a range of key destinations. It is also relevant to note that former use of the hotel would, at its maximum capacity, see large numbers of vehicles entering and leaving the site on a daily basis, including during the night time and early morning periods.

In the absence of any objections from the Highway Authority and subject to conditions, it is not considered that the proposal would have any significant adverse impact on highway safety and it is considered that the proposal complies with Policy T16 of the Local Plan and the aims and objectives of the Framework.

#### Acceptable standards of residential amenity

Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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 Council's Supplementary Planning Guidance (SPG) - Space Around Dwellings provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

There are existing residential properties to the south, west and north which share boundaries with the proposed development. A number of objections have been raised by occupants of Kingsdown Mews which is located to the north of the site regarding the potential loss of privacy as a result of the development. Several dwellings proposed in the original scheme for the site would have breached the 21m separation distance required for new housing development as set out in the Council's SPG. This breach would have been emphasised by the difference in land levels found along the application site's northern boundary. Amendments were requested and received and all properties within the development site would now achieve acceptable separation distances, in accordance with the Council's SPG.

A row of houses proposed in a central section of the application site have also been removed, which has allowed for a lower density form of development. The rearranged properties now also provide the added benefit of providing a good level of surveillance over the large section of amenity space found close to the main entrance to the site.

Furthermore, the proposed development demonstrates acceptable separation distances and relationships between plots, particularly for plots that occupy a central position within the development where the difference in ground levels is significant. All plots will also have an acceptable amount of private amenity space.

The Council's Environmental Health Division has no objections subject to conditions relating to land contamination, piling, construction management and hours of construction in order to ensure that these works do not have an unacceptable impact on the amenity of neighbouring properties.

The EHD did initially raise objections in relation to potential lighting pollution from the nearby petrol station on the residents of the proposed development. However, a submitted lighting assessment has sufficiently demonstrated that there would be no adverse implications and the EHD are satisfied on that basis.

Objections were also raised in relation to the absence of an appropriate noise assessment which should consider the impact of noise from road traffic and the petrol station on residents and any design or mitigation measures that need to be incorporated into the development. An assessment was submitted on the 11<sup>th</sup> January 2023, and your officers will report the comments of the Environmental Health Division through a supplementary report.

Therefore subject to no further objections from the EHD in relation to the submitted noise assessment, and subject to the inclusion of appropriate conditions, the development is in accordance with the NPPF, in particular paragraphs 130 and 185.

#### Impact on Trees and Ecology

Policy CSP4 of the Core Strategy states that "the quality and quantity of the plan area's natural assets will be protected, maintained and enhanced through the following measures ... ensuring that the location, scale and nature of all development planned and delivered through this Core Spatial Strategy avoids and mitigates adverse impacts, and wherever possible enhances, the plan area's distinctive natural assets, landscape character".

Paragraphs 174 & 180 of the NPPF set out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

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

A large section of the site is covered by a Tree Preservation Order (no.6) which was originally designated following concerns that a number of trees had been felled without the consent of the LPA.



While a number of trees covered by the blanket TPO are of low quality, there are a number of mature trees covered by the TPO which positively contribute to the site.

The plans originally submitted with the application proposed the removal of the majority of trees from the site, and whilst some mitigation was provided in the form of new tree planting, the overall level of landscaping and replanting was not considered to be an acceptable mitigation. To address these concerns a revised scheme has been provided which has reduced the number of dwellings proposed from 52 to 48 and includes a more ambitious planting scheme inclusive of a new designated non-accessible landscaping strip which has been incorporated into the proposal.

The application is supported by an Arboricultural Impact Assessment, an Arboricultural Method Statement and an Ecological Impact Assessment. The Council's Landscape Team (LDS) has been consulted on the application and have provided ongoing advice throughout the determination process. The LDS have noted that the details provided in support of the proposed landscaping scheme are acceptable and have welcomed the alterations to the scheme, however they have confirmed that they cannot support the removal of healthy mature trees from the centre of the site.

Some of the existing mature trees on site are to be retained including a number of large Ash trees which are located close in the eastern section of the site, a large sycamore located in the north east corner of the site and a large Beech tree in the south western corner of the site. There are also a number of sycamore trees located along the eastern edge of the site which run adjacent to Clayton Road which are to be retained. However a sizeable group of trees within the central area of the site are still proposed to be removed. While these trees are of various quality with some having grown out of sections of hardstanding and others that have been inspected by officers and are clearly unhealthy, there are several trees which provide a positive contribution to the site in respect of visual appearance and their contribution to biodiversity. The applicant has confirmed that without the removal of the trees, the application site would not be financially or physically appropriate for redevelopment, especially when the financial cost of removing the hotel from the site is taken into consideration.

The Ecological Impact Assessment (EIA) identifies that habitats for breeding birds and bats could be negatively affected by the proposed development. No evidence of badger sets or activity were recorded at the site however it was noted that the application site has habitat features such as plantation woodland which provides suitable commuting habitat for this transient species. The reptile survey showed no evidence to suggest that there was a permanent population of reptiles onsite.

The EIA has recommend a number of mitigation measures to safeguard the status of the species referred to above, a summary of the main mitigation measures is listed below:

- i) New tree planting and sowing of areas with wildflower seed mixes*
- ii) Submission of a supporting Landscape and Ecological Management Plan*
- iii) Works should be avoided during the nesting bird season*
- iv) New Bat Boxes and wall boxes to be agreed on*
- v) No artificial security lighting should be installed on the elevations of buildings in close proximity to the south-western boundary of the site*
- vi) All buildings to be demolished should be subjected to a pre-dawn re-entry survey to confirm the presence / absence of bats*
- vii) Additional surveys are to be submitted if works are started within 12 months of the decision notice*
- viii) Vegetative connectivity around the edges of the should be maintained*
- ix) If any protected species are found on site works are to cease until the advice of a qualified ecologist has been sought.*
- x) removal of any low suitability trees should be undertaken following a 'soft-felling' methodology*

A number of public objections have also raised concerns about the loss of wildlife from the site. However it is considered that the mitigation methods outlined above are reasonable and achievable and can be controlled through suitably worded planning conditions. Subject to the imposition of these conditions it is considered that the application has demonstrated that the impact and loss of wildlife and biodiversity can be suitably mitigated, therefore, it accords with Paragraphs 174 & 180 of the NPPF.

### Flood Risk and sustainable drainage

The application has been accompanied by a Flood Risk Assessment (FRA), which includes a drainage strategy. The drainage strategy incorporates a sustainable urban drainage strategy scheme (SuDS) in the form of permeable paving where feasible, filtration trenches and an attenuation pond with aquatic planting and low flow channels with permanent wet area.

The FRA identifies that the site is within Flood Zone 1, being an area of low probability (of flooding), Development within Flood Zone 1 is the preferable option when considered in the context of the sequential test found in the NPPF. The Lead Local Flood Authority (LLFA) have been consulted on the application.

The LLFA originally raised concerns with the FRA and the drainage strategy, in particular. There were concerns relating to the location of cellular storage units, emergency overflow from the attenuation basin, performance calculations, exceedance flows and management and maintenance of the proposed drainage strategy.

Additional information has been submitted to address the concerns of the LLFA which has resulted in the FRA and its associated appendices being updated. The submission of these revisions has now overcome the concerns that were raised by the LLFA, and they no longer raise any objections subject to conditions to secure the development takes place in accordance with the submitted FRA and Drainage Strategy and subject to temporary arrangements for the control of surface water and pollution being used prior to the completion of the proposal. Subject to these conditions, the development will be acceptable and minimise flood risk, in accordance with local and national planning policy.

### Planning obligations and financial viability

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

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

Public open space is to be provided within the site and therefore no contribution to off-site provision is required. The open space should be maintained by a management company which can also be secured by a Section 106 Agreement.

With respect to affordable housing provision, as a vacant building is to be demolished as part of the proposal, vacant building credit can be used to determine how much affordable housing provision should be provided on site. Vacant Building Credit is a national policy which is set out in Paragraph 64 of the NPPF, intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. When vacant building credit is applied, the equivalent of the gross floor space of any relevant vacant buildings being demolished as part of the scheme are deducted from the overall affordable housing contribution calculation applied to the scheme. Normal Affordable Housing requirements for the site would be 25%.

The application has been supported by a Vacant Building Credit Statement which has provided an analysis of the site in respect of whether Vacant Building Credit is applicable. The Statement concludes that a total of 5,751.61sqm floor space is proposed whilst the level of existing floor space to be removed from the site is 6,036sqm. This calculation means that there is a -284sqm excess in floor space differences which equates to no affordable housing provision being required for the site.

In order for the vacant building credit to be applicable, the building in question to be removed must not have been abandoned. It is important to note that for the purposes of Vacant Building Credit, an abandoned site does not simply mean a site which is currently not in use. The Vacant Building Credit Statement has provided a robust and accurate analysis of the site to demonstrate that the site does not meet the definition of having been abandoned and overall the justification is considered to be reasonable and is therefore accepted.

Given the above no affordable housing provision is required for this development site.

The County Council's Education Authority have advised that the planning application would result in an education contribution of £174,500 to be sought from the developer to mitigate the impact on education from the development and would be acceptable from an education perspective subject to a S106 agreement which meets this requirement. The response from the Education Authority indicates that there would be sufficient school places at the secondary phase of education, but insufficient spaces to accommodate the additional demand of 10 primary school places created by the development.

### Conclusions

The proposed development would result in the loss of several trees which provide natural screening for parts of the site and provide habitats for a number of species. However, the proposal would provide various social and economic benefits, most notably the construction of 48 new houses in a sustainable location within the urban area, which will increase the housing mix and make a contribution to boosting housing supply in the Borough. The removal of the Clayton Lodge Hotel would also be welcomed due to visual harm of the building and the ongoing vandalism and trespassing issues relating to the site. It has also been demonstrated that the design and appearance of the scheme would be of an appropriate quality and would not harm the visual amenity of the area. Onsite replanting and biodiversity enhancements have been proposed and other environmental objectives will be secured. Therefore, the three overarching objectives of sustainable development will be achieved.

On this basis planning permission should be granted provided the required S106 obligations are secured to address infrastructure requirements, alongside appropriate planning conditions, as recommended.

### 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

Classification: NULBC **UNCLASSIFIED**

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 SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
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 B9:	Prevention of Harm to Conservation Areas
Policy B10:	The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B14:	Development in or adjoining the boundary of Conservation Areas
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 N13:	Felling and Pruning of Trees
Policy N17:	Landscape Character – general Considerations
Policy IM1:	Provision of essential supporting infrastructure and community facilities.

**Other material considerations include:**

National Planning Policy Framework (2021)

Planning Practice Guidance (March 2019, 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)

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

Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016

### Relevant Planning History

05/00450/FUL - Redevelopment of existing site to provide 71 dwellinghouses comprising 16 two storey dwellings; 3 bungalows; alterations and reuse of existing building as a single dwelling; alterations and conversion of existing building to form 5 apartments and 46 apartments within 3 new buildings (Amended Description) – Refused

06/00152/FUL - Alterations and extensions to existing building – permitted

06/00663/FUL - Change of use of staff training area to restaurant, external staircase and extended terrace – permitted

06/01146/FUL - Retention of engineering works widening existing driveway on frontage, erection of railings on existing boundary wall and erection of automatic gates – permitted

16/00427/FUL - Extension to restaurant – permitted

16/00695/ADV - Retention of 3 banner signs – refused

### Views of Consultees

The **Education Authority** advise that the planning application would require a contribution of £174,500 to mitigate the impact of the development on education. This is towards primary school education within which there are not considered to be a sufficient number of places.

The Council's **Waste Management Section** request that a swept path analysis needs to be provided to ensure that their standard fleet would be able to make collections at the location within the proposed layout.

The **County Highway Authority** raise no objections to the proposal subject to a number of conditions that relate to access, parking, surfacing and pedestrian connections, the submission of a Travel Plan and details relating to the structural integrity of a wall that abuts the highway.

Following the submission of various updates and additional information, the most recent response from the **Lead Local Flood Authority** raise no objections subject to all works taking place in accordance with the submitted drainage details and subject to temporary arrangements for the control of surface water and pollution being used prior to the completion of the proposed.

**CADENT (network maintenance pipelines)** request that an informative note is added to any decision notice.

The **Environmental Health Division** raise no objections to the proposal subject to conditions relating to contamination investigation.

Following the submission of additional information, the **Landscape Development Section (LDS)** note that additional boundary tree planting has been included in the landscape proposals to replace the trees lost from the perimeter of the site and they are satisfied that, as the majority of the existing trees in these areas are younger or of impaired condition, the proposed planting will mitigate their loss. Subject to works being completed in accordance with the submitted details, then the LDS have no objection in principle to the overall layout and landscaping proposals.

The LDS however are still unable to support the loss of all of the mature trees covered by Tree preservation Order number 217 from the centre of the site.

The **Crime Prevention Design Advisor** is in support of the application and has provided guidance on a number of security matters.

**Severn Trent Water** confirms that they have no objections to the proposals subject to the inclusion of a condition which requires the submission of drainage plans for the disposal of foul and surface water flows.

Representations

**Thirty (30)** letters of representation have been received raising objections on the following grounds;

- There are too many houses already in the area
- The proposal will result in an increase to traffic which will be detrimental to highway safety
- Concerns over dust nuisance and asbestos as a result in the demolition of the hotel
- Harmful impact on wildlife and biodiversity
- Properties that are to be built close to Kingsdown Mews will be visually dominating
- Loss of privacy to residents of Kingsdown Mews
- Additional pressure on local schools and healthcare services
- Impact to a listed building
- Not all properties have been consulted on the application
- Drainage impacts on nearby properties

Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00284/FUL>

Background Papers

Planning File  
Development Plan

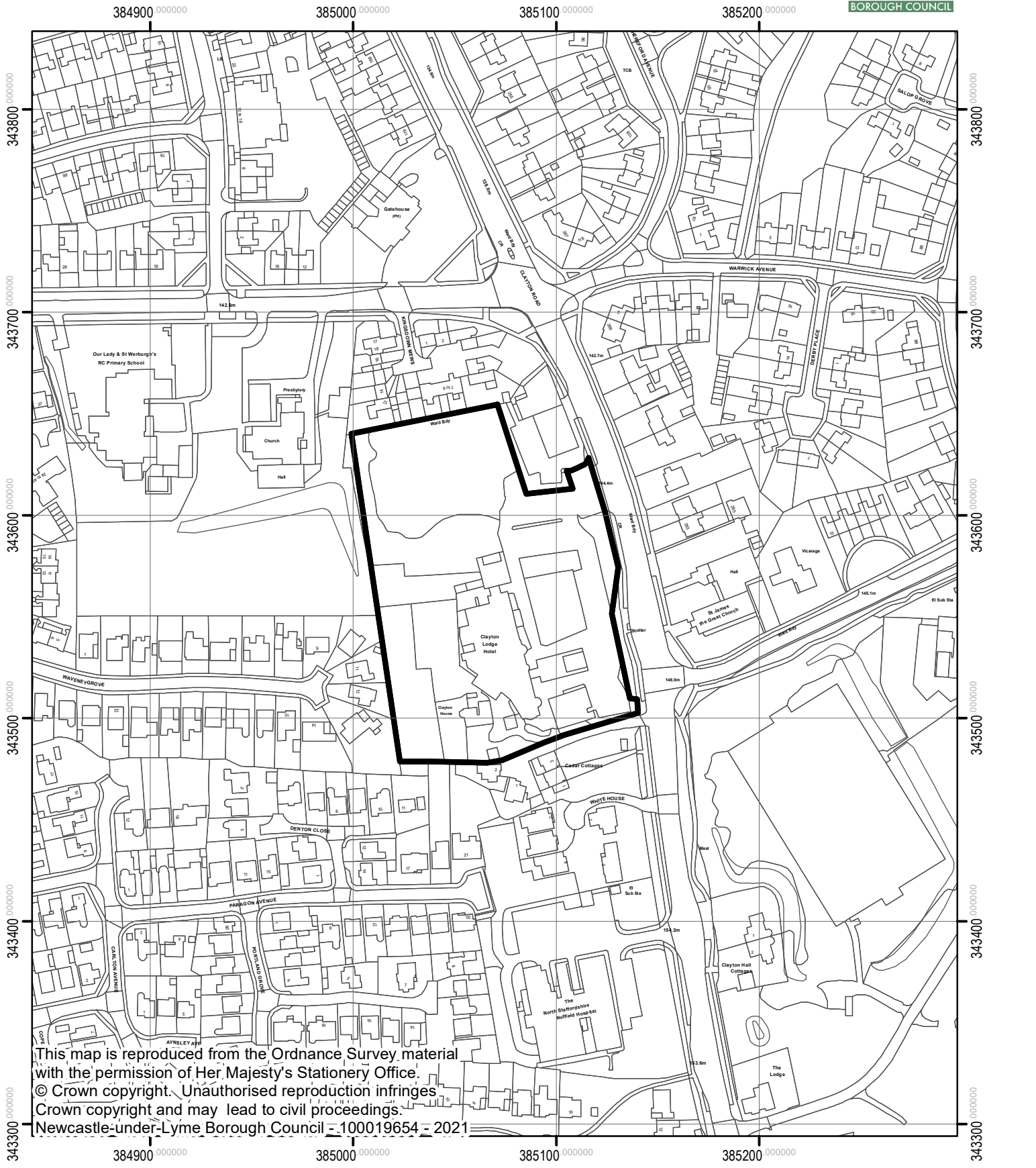
Date report prepared

16<sup>th</sup> January 2023

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**22/00284/FUL**  
**Former Clayton Lodge Hotel**  
**Clayton Road**



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**NEWCASTLE MUSEUM AND ART GALLERY**  
**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**22/00983/DEEM3**

The application is for the addition of use class E9(b) for the sale of hot food to the existing approved F1(c) use class at Newcastle Museum and Art Gallery.

The site is located within the Urban Area of Newcastle and the Brampton Conservation Area as defined on the Local Development Framework Proposals Map.

**The statutory 8-week period for the determination expires on the 14<sup>th</sup> February 2023.**

**RECOMMENDATION**

**Permit, subject to conditions relating to;**

- i. Time limit condition**
- ii. Approved plans**
- iii. Limit on types of food to be cooked on the premises**

**Reason for Recommendation**

The proposed additional use within the building raises no significant impacts in relation to residential amenity or the character and appearance of the Conservation Area. The site is within a sustainable location and the addition would continue to support an established Museum and Gallery just outside Newcastle Town Centre.

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

Additional information was requested to clarify the type of hot food to be cooked and this information was subsequently received. The proposed development is now considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

**KEY ISSUES**

The application seeks full planning permission for the addition of use class E9(b) to the premises to allow the sale of hot food within the existing café area. The café currently only serves cold food, beverages and snacks.

The site is located within the Urban Area of Newcastle and the Brampton Conservation Area as defined on the Local Development Framework Proposals Map.

The proposed development relates to the use of part of the building and as such no external changes are proposed. On that basis, the development is not considered to have any implications on the significance of the Brampton Conservation Area.

Therefore the main issues to consider in the determination of this application are the principle of an additional use to allow the provision of hot food consumption on the premises and any implications on residential amenity.

**Principle of the use**

The application site is situated beyond the boundary of the Town Centre, but remains within the Urban Area of Newcastle.

Paragraph 87 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre, nor in accordance with an up-to-date plan. It goes on to state that main town centre uses should be located in town centres, then in edge of centre locations. The NPPF defines main town centre uses as recreation uses which include restaurants as well as culture and tourism development, which includes museums and galleries.

The Newcastle Museum and Art Gallery is a long established cultural museum and learning centre situated within the grounds of Brampton Park. Planning application 19/00687/DEEM3 which was permitted in November 2019 approved extensions to the building to provide a new visitor café. As such the principle of a café use outside of the defined town centre has already been established as suitable. It is therefore not considered that allowing the addition of hot food provisions within the building would have any greater impact on the vitality and viability of the town centre. Instead this proposal would assist in the continued operation and viability of this local cultural facility. Therefore on this occasion, a sequential test is not considered to be necessary, and the principle of the additional use class is acceptable.

The site remains in a sustainable location and is readily accessible from the town centre by a short journey on foot or through local public transport links. Therefore the principle of the proposed use is considered to be acceptable and would accord with the relevant policies of the development plan as well as the provisions of the NPPF.

#### Any implications for residential amenity?

The application site is surrounded by residential dwellings to the north, east and southern boundaries of the site. However, these dwellings are sited a suitable distance from the building given their generous curtilages.

The proposal is for the introduction of hot food within the café, which can sometimes result in an additional requirement for further kitchen equipment and its associated extraction and ventilation equipment needing to be provided.

Clarification has been sought from the applicant as to what hot food is proposed to be served and what additional kitchen equipment will be needed to facilitate this. In an email response the applicant has confirmed that they will be serving soup, teacakes and jacket potatoes. To facilitate this the kitchen would provide a toaster, soup kettle, under counter electric oven, hot plate and bain-marie serving dishes. As such there is no requirement for additional extraction and/or ventilation to be installed.

Given that the opening hours of the site remain unaltered and the additional hot food use can be appropriately served by minimal kitchen equipment, there are not considered to be any adverse implications in relation to residential amenity from the proposed development. A condition should be attached to any permission granted to limit the type of hot food to be served. This would help to control the type of hot food to be cooked on the premises and the level of odours and extraction/ventilation equipment required.

Subject to the advised condition, it is considered that the living conditions of neighbouring properties would be protected and the proposed development accords with the necessary policies of the development plan as well as the provisions of the NPPF.

## **APPENDIX**

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

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

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

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

Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

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

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

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

Relevant Planning History

NNB02469 - The change of use from residential purposes to use as a Borough Museum – Permitted

N13865 - Proposed extension to The Museum to form Fine Art Gallery – Permitted

07/00683/DEEM3 - Alterations to roof – Permitted

19/00687/DEEM3 - Extensions and alterations to existing museum to form additional exhibition and educational facilities – Permitted

19/00687/NMA - Application for a non-material amendment relating to alterations to planning permission 19/00687/DEEM3 to show alteration to eaves detail to the exhibition space along with the addition of a ventilation turret – Permitted

Views of Consultees

The **Conservation Officer** has no observations to make on the application.

The comments of the **Environmental Health Division** have been sought and will be reported if received.

**Cadent** raises no objections to the proposed development but has requested the inclusion of an informative note on any permission granted.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website by searching under the application reference number 22/00983/DEEM3 on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/22/00983/DEEM3>

Background Papers

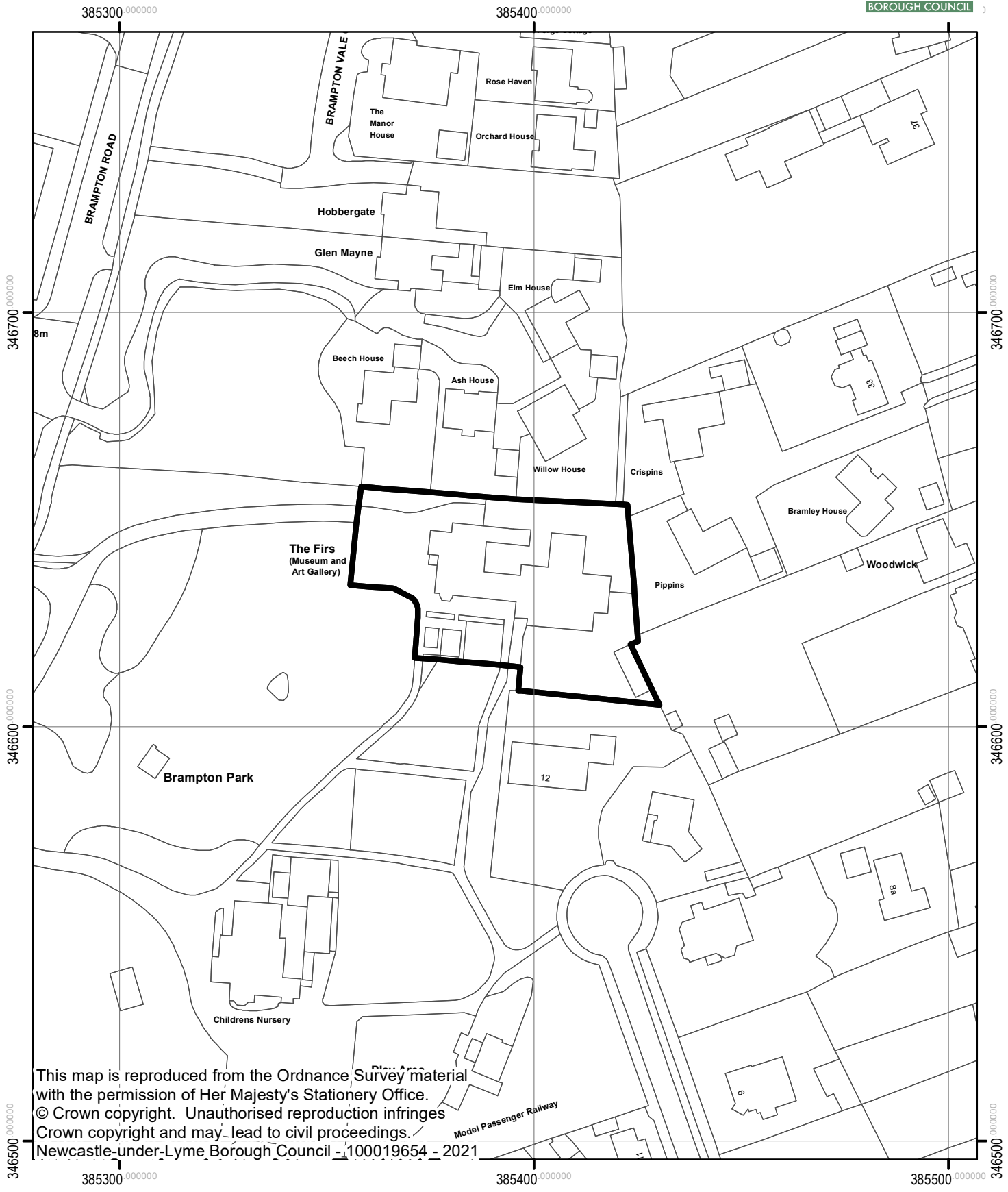
Planning File

Development Plan

Date report prepared

18<sup>th</sup> January 2023

22/00983/DEEM3  
Newcastle Museum And Art Gallery  
Brampton Road



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**BROOKSIDE, SCHOOL LANE, ONNELEY**  
**MS J FINNEMORE**

**22/01051/FUL**

This application seeks full planning permission for the replacement of an existing garage and porch with a new single storey side and rear extension at the property known as 'Brookside', which is located on School Lane, Onneley.

The application site falls within the rural area of the Borough and is within a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

**The 8 week determination period expires on the 1<sup>st</sup> February 2023.**

## **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 quality of the landscape. There would also be no detrimental impact on highway safety. The proposals accord with Policies H18 and N19 of the Newcastle under Lyme Local Plan 2011, Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026, Policy DES1 of the Neighbourhood Plan 2022 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 and no amendments or additional information had to be sought.

## **KEY ISSUES**

This application seeks full planning permission for the replacement of an existing garage and porch with a new single storey side and rear extension at the property known as 'Brookside', which is located on School Lane, Onneley.

The application site falls within the rural area of the Borough and is within a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

The property has no immediate neighbours and so the only key issues in the determination of this application are;

- The design of the proposals and the impact upon the character and quality of the landscape, and
- Parking and the impact on highway safety.

## **The design of the proposals and the impact upon the character and quality of the landscape**

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.

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

Saved policy N19 of the local plan seeks development that will maintain high quality and characteristic landscapes that would not erode the character or harm the quality of the landscape.

The proposal would result in the removal of a small single storey flat roofed section of the property and its replacement with a single storey dual pitched roof extension of a larger footprint. The proposed extension would measure 5.6 x 5.4m in plan and would have an eaves height of 2.43 with a ridge height of 4.86m, which is approximately 2.13m lower than that of the main dwelling. The proposed alterations will allow the proposal to be seen as a subordinate addition to the host property and the removal of the existing flat roofed part of the property is welcomed in design terms.

On the basis of the above, it is considered that the proposed development accords with policies H18 and N19 of the local plan, policy DES1 of the neighbourhood plan, policy CSP1 of the CSS and the aims and objectives of the NPPF.

#### Parking and the impact on highway safety

In the consideration of proposed development, paragraph 111 of the NPPF states it should be ensured that safe and suitable access to the site can be achieved and that significant impacts on the transport network or on highway safety can be mitigated.

The proposal includes the replacement of an existing single garage with a double garage. Therefore, off street car parking provision will be improved.

The Highway Authority (HA) has raised no objections but they have requested a condition which prevents the garage from being converted into living accommodation.

Paragraphs 55 and 56 of the NPPF advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions but they should only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

In this instance the parking arrangements would be improved and the condition advised by the HA is not considered reasonable or necessary because ample off street car parking for the dwelling would be maintained, even if the garage was converted in the future.

A highway safety objection could not be sustained and the proposed development accords with 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 ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy H18: Design of residential extensions where subject to planning control  
Policy N17: Landscape Character – General Considerations  
Policy N19: Landscape Maintenance Areas

#### **[Madeley Neighbourhood Development Plan 2018 – 2037](#)**

Policy DES1: Design

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

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

National Design Guidance (2021)

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

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

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

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

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

NNR2021 - Alterations to House and Erection of Garage – permitted.

### **Consultees**

The **Highway Authority** has raised no objections subject to a condition which prevents the garage from being converted.

**Madeley Parish Council** has not responded by the due date of the 13<sup>th</sup> of January 2022 and therefore it is assumed that they have no observations to make on the application.

### **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/22/01051/FUL>

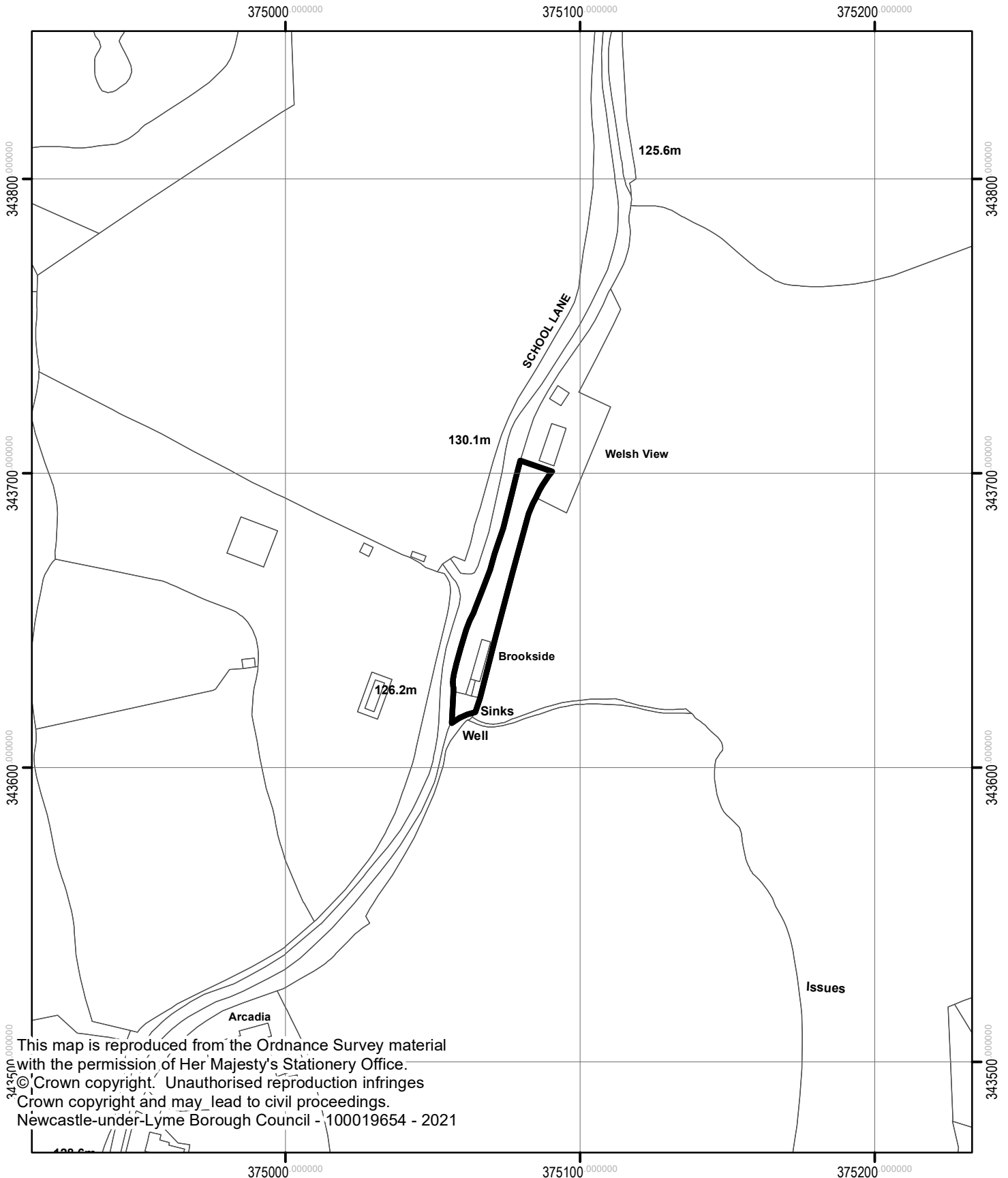
### **Background papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

17<sup>th</sup> January 2022

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

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

### **RECOMMENDATION**

**That the information be received.**

The appeal decision against the enforcement notice dated the 9<sup>th</sup> November 2018 was received on the 21<sup>st</sup> December 2022.

The Planning Inspectorate has allowed the appeal and the enforcement notice is quashed. Therefore, planning permission has been granted for the use of a mobile home on the land as a dwelling.

A number of conditions have been imposed, including a restriction on the occupancy of the mobile home to Mr Thomas Maughan and Mrs Eileen Maughan, and their dependants. There is a requirement to remove an existing double garage within two months of the date of the decision and a requirement to submit information to the Local Planning Authority regarding drainage, provisions for facilities for water and sewerage, provision of parking spaces and details of a scheme to restore the land to its condition before the development took place. Further conditions specify that there shall be no more than one pitch on the site with no more than two caravans and no commercial activities shall take place on the land, including the storage of materials.

In reaching his decision, the Inspector identified the main issues as:

- whether the breach of planning control alleged in the notice is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework) and the Planning Policy for Traveller Sites (PPTS), and
- if the breach of planning control alleged in the notice is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whilst the Inspector concluded that the use of the land as a gypsy and traveller site was inappropriate development in the Green Belt, he considered that there were other factors that would outweigh the harm to the Green Belt and that a personal permission would accord with the development plan when read as whole, as well as with the Framework and the PPTS.

A copy of the appeal decision can be viewed via the following link; <https://www.newcastle-staffs.gov.uk/BoggsCottage>

Your officers will now monitor compliance with these conditions ensuring that any appropriate and necessary action is taken swiftly. Neighbouring occupiers will also be kept up to date with the monitoring process.

Date report prepared – 19<sup>th</sup> January 2023

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