

Public Document Pack

Date of meeting Tuesday, 28th February, 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 - MADELEY
MANOR NURSING HOME, HEIGHLEY CASTLE WAY,
MADELEY, MR G EMERY, 21/01175/FUL** (Pages 9 - 24)
- 5 APPLICATION FOR OTHER DEVELOPMENT - AREA 13
WHITMORE APPLICATION 23B LAND IN THE VICINITY OF
WHITMORE WOOD. HIGH SPEED TWO (HS2) LIMITED C/O
ARUP. 23/00052/SCH17** (Pages 25 - 32)
- 6 LAND ADJACENT HOON AVENUE AND MILEHOUSE LANE,
NEWCASTLE-UNDER-LYME, STAFFORDSHIRE COUNTY
COUNCIL, 20/01078/OUT** (Pages 33 - 34)
- 7 LAND AT DODDLEPOOL, BETLEY, 17/00186/207C2** (Pages 35 - 36)
- 8 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972
- 9 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 :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

SUBSTITUTE MEMBER SCHEME (Appendix 9, Section 4 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	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 go:

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

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

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

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

Agenda Item 3

Planning Committee - 31/01/23

PLANNING COMMITTEE

Tuesday, 31st January, 2023
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present:	Councillor Paul Northcott (Chair)		
Councillors:	Bryan Crisp Fear	Gorton Hutchison D Jones	Moffat G Williams J Williams
Apologies:	Councillor(s) Holland and S Jones		
Substitutes:	Councillor Gill Heesom Councillor Stephen Sweeney		
Officers:	Rachel Killeen Geoff Durham Nick Fenwick Debbie Jones	Development Management Manager Mayor's Secretary / Member Support Officer Interim Head of Planning Senior Planning Officer	

1. **APOLOGIES**

Apologies were received from Councillors' Mark Holland and Simon Jones.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

Resolved: That the Minutes of the meeting held on 6 December, 2022 be agreed as a correct record.

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

Amended recommendation proposed by Councillor John Williams and seconded by Councillor Gorton.

Members held a long debate on this item raising several concerns.

Resolved: That the application be refused on the grounds of loss of open space with particular reference to the green heritage aspect.

Draft reason(s) for refusal to be considered at the next meeting of the Planning Committee

[Watch the debate here](#)

5. APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF PEPPER STREET, KEELE. SEDDON HOMES. 22/00094/FUL

Amended recommendation, to include that piling be undertaken as per the time schedule in the Wardell Armstrong Noise Assessment report proposed by Councillor Dave Jones and seconded by Councillor Williams

Resolved: That the variation of condition 21 of planning permission 13/00970/OUT be permitted in the following manner;

All piling works shall be carried out in accordance with the timeframes set out in the Wardell Armstrong Noise Assessment and shall have a maximum noise threshold of 65dB 15min Laeq for the closest noise sensitive properties. 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.

[Watch the debate here](#)

6. APPLICATION FOR MAJOR DEVELOPMENT - FORMER CLAYTON LODGE HOTEL, CLAYTON ROAD, NEWCASTLE. 22/00284/FUL

Councillor Andrew Parker spoke on this application.

Resolved: (A) That, subject to the applicant entering into a Section 106 obligation by 17th March 2023 to secure the following:

- A contribution of £10,000 towards travel plan monitoring
- A contribution of £174,500 towards primary education
- A contribution of £5,579 per dwelling to off-site open space

The application be permitted subject to the undermentioned conditions:

- (i) Standard time limit for commencement of Development
- (ii) Approved plans
- (iii) Facing and roofing materials
- (iv) Boundary treatments
- (v) Hardstandings

- (vi) Woodland and open space management plan
 - (vii) Arboricultural Method Statement
 - (viii) Waste collection and storage arrangements
 - (ix) Details of vehicle access works including engineering works to reform the existing access onto Clayton Lodge
 - (x) Details of offsite highway scheme to implement tactile pedestrian crossing on Clayton Road
 - (xi) Details of the design and construction of any new roads, footways and accesses
 - (xii) Restriction on the gradient level of highway carriageway
 - (xiii) Provision of access, parking and turning areas
 - (xiv) Provision of cycle storage areas
 - (xv) Details of surface water drainage interceptors
 - (xvi) No soakaways or attenuation tanks are to be placed within 4.5m of the highway boundary
 - (xvii) Submission of a Structural Design Assessment
 - (xviii) Submission of a Travel Plan
 - (ix) Construction Method Statement
 - (xx) Electric vehicle charging provision
 - (xxi) Construction and demolition hours
 - (xxii) Works to be completed in accordance with the surface water drainage details
 - (xxiii) Temporary arrangements for the control of surface water and pollution are to be in place prior to completion of the proposed
 - (xxiv) Land contamination investigations and mitigation measures
 - (xxv) Unexpected land contamination
 - (xxvi) Ecology mitigation and enhancements
 - (xxvii) 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.

[Watch the debate here](#)

Planning Committee - 31/01/23

7. APPLICATION FOR MINOR DEVELOPMENT - NEWCASTLE MUSEUM AND ART GALLERY. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 22/00983/DEEM3

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

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

[Watch the debate here](#)

8. APPLICATION FOR OTHER DEVELOPMENT - BROOKSIDE, SCHOOL LANE, ONNELEY. MS J FINNEMORE. 22/01051/FUL

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

- (i) Time limit condition
- (ii) Approved Plans
- (iii) Materials

[Watch the debate here](#)

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

Members were advised that the appeal had been allowed, subject to a number of conditions.

Members requested that this item remain as a regular item on the agenda to ensure that any works carried out safely and that any breaches of conditions are dealt with promptly.

- Resolved:**
- (i) That the information be received
 - (ii) That an update report be brought to this Committee in two meetings' time.

[Watch the debate here](#)

10. URGENT BUSINESS

There was no Urgent Business.

11. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

**Councillor Paul Northcott
Chair**

Meeting concluded at 9.05 pm

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**MADELEY MANOR NURSING HOME, HEIGHLEY CASTLE WAY, MADELEY
MR GERALD EMERY**

21/01175/FUL

Full planning permission is sought for the conversion of Madeley Manor into 12 apartments and 2 houses, demolition of the boiler house, and upgrades to the driveway and the provision of 30 parking spaces.

The application site is within the North Staffordshire Green Belt, the Rural Area and a Landscape Enhancement Area as indicated on the Local Development Framework Proposals Map.

Madeley Manor is a Grade II Listed Building. Trees within the site are protected by Tree Preservation Orders 3 and 110.

At their meeting on 6th December 2022, Members resolved to permit this application subject to conditions and subject to the applicant first entering into a Section 106 obligation 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 applicant's agent has subsequently made a case to suggest that such a review mechanism should not be required and therefore the application is brought back to enable the Committee to consider that case.

Members also approved the related application for listed building consent for the works (Ref. 21/01176/LBC).

The 13 week period for the planning application expired on 25th March 2022 but the applicant has agreed to an extension of time to the statutory determination period to 3rd March 2023.

RECOMMENDATIONS

PERMIT subject to conditions relating to the following matters:

- 1. Time limit**
- 2. Approved plans**
- 3. Prior approval of the position and appearance of cycle (to be secure and weatherproof) and bin stores**
- 4. Prior approval of details of the windows of the Mews**
- 5. Details of screening around the conservatory/orangery**
- 6. Prior approval of surfacing materials for the internal roads, parking and turning areas**
- 7. Provision of access, internal roads, parking and turning areas prior to occupation and retention for the life of the development**
- 8. Landscaping to include replacement tree planting**
- 9. Tree protection measures**
- 10. Contamination conditions**
- 11. Construction Environmental Management Plan**
- 12. Overheating**
- 13. Glazing specification**
- 14. Plant noise**
- 15. Lighting**
- 16. Electric charging points.**

Reason for Recommendation

Taking into account the requirement for the decision-maker to pay special attention to such matters, subject to conditions it is considered that the alterations to, and partial demolition of, the Listed Building would retain its character and features. The engineering works proposed to provide parking spaces and upgrade the driveway would preserve the setting of the Listed Building. It is considered that sufficient parking is provided and acceptable living conditions are provided for the occupants of the development. It is also accepted, following the obtaining of independent financial advice, that the

scheme is not viable if policy compliant affordable housing is required. Therefore, it is recommended that this policy compliant requirement is not sought, given the benefits arising from the reuse of this listed building, the development is acceptable. On further reflection, it is no longer considered reasonable to require a review of the viability case should a substantial commencement not be made within 18 months.

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

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the conversion of Madeley Manor, last used as a nursing home, into residential accommodation which falls within a 'Use Class C2', residential institution use. The main manor house is proposed to be subdivided into 6 apartments as is the attached service block. An attached Mews House is to be renovated as a two bedroom dwelling. The orangery and the single storey building linking it to the main house is to be converted to a two bedroom dwelling.

At their meeting on 6th December 2022, Members resolved to permit this application subject to conditions and subject to the applicant first entering into a Section 106 obligation 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.

As Madeley Manor is a Grade II Listed Building, listed building consent was also sought for the works of alteration that are involved (Ref. 21/01176/LBC). That application was approved.

The application site is within the North Staffordshire Green Belt, the Rural Area and a Landscape Enhancement Area as indicated on the Local Development Framework Proposals Map.

The main issues in the consideration of this application are:

- The impact of the proposal on the character and appearance of the Listed Building including impact on trees
- The principle of the development in this Green Belt location
- Residential amenity levels of future occupiers
- Parking and highway safety
- Planning obligations

Impact upon the character and appearance of the Listed Building including impact on trees

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

Saved Policy B4 of the Newcastle Local Plan (NLP) states that the Council will resist total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue to use the building for its existing purpose and there is no other viable use. Demolition will not be permitted unless there are approved detailed plans for redevelopment and, where appropriate, an enforceable agreement or contact exists to ensure the construction of the replacement building.

Saved NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building.

Saved NLP Policy B6 states that the Council will resist alterations or additions to a Listed Building that would adversely affect its character or its architectural or historic features. Saved Policy B7 states

that the change of use of a listed building will only be permitted if its character or appearance would be preserved or enhanced.

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

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

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

In paragraph 201 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

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

The proposal involves the demolition of a single storey boiler house that is attached at the rear of the orangery. The boiler house is a relatively modern addition to the listed building and does not contribute to its significance. Its demolition would not amount to total or substantial demolition. Bearing this in mind, and taking into consideration its limited scale, it is not considered that the loss of this part of the listed building will be harmful to the designated heritage asset and it will not conflict with saved policy B4 of the Local Plan.

The proposal involves limited alteration to the external appearance of the listed building, in addition to the demolition of the boiler house.

The most significant external change is the replacement of the glazed roof of the orangery with a solid lead roof. The orangery requires restoration given its poor condition and the alteration to the roof is considered acceptable and compatible with the intended use. The design and appearance of the proposed roof is considered to be satisfactory and in keeping with the listed building, however the loss of the original fabric of the building and alteration as proposed amounts to less than substantial harm to the heritage asset.

The removal of two external staircases is another external change. As the functional appearance of the staircases is currently considered to be harmful to the appearance of the listed building their removal is beneficial. The proposed replacement of the timber roof lanterns on the main building which are in poor condition and deemed unrepairable, is also acceptable.

There will be other interventions internally in order to facilitate the conversion such as blocking of internal openings, mainly for the purpose of creating cellular apartments and create separate rooms.

Such changes are considered to be reasonable and acceptable but nonetheless amount to less than substantial harm to the listed building. In other respects the internal works are minimal and key features are retained. The longstanding main entry point to the building is to be retained as are the principal elements of communal internal circulation, fireplaces and other features of significance thereby allowing the opportunity to restore and conserve damaged or missing elements. All the principal rooms are being retained in their present form. The partitions used to subdivide the principal rooms are to be removed and the rooms restored to the original proportions.

In relation to the setting of the listed building, areas of hardstanding throughout the site would be incorporated and rationalised in order to accommodate the associated car parking areas. This would result in the narrowing of the width of the main entrance road and the provision of small clusters of car parking areas along its length, and the alteration of the larger parking areas near to the building.

An amended site layout plan has been submitted relocating the position of some of the parking spaces in response to the comments of the Landscape Development Section. As initially submitted, two small areas for parking were to be provided between trees to the south of the driveway. One of these groups has now been shown to be repositioned to the less treed area at the front of the site. In addition the number of parking spaces in the area near to the building has been reduced in area. The number of parking spaces to be provided has been maintained.

Informal parking off the driveway between trees has taken place whilst the building was in use as a nursing home and the 'formalisation' of this practice is not considered to be harmful to the setting of the listed building subject to controls over the surfacing of these areas.

The proposal as amended still involves the removal of trees to accommodate the proposals (2 Sawara Cypress, 1 Norway Spruce and 3 Holly) all of which are Category C, of low quality with an estimated remaining life of at least 10 years. The arboricultural report also recommends the removal of a number of other trees due to poor condition of such trees.

Whilst the loss of trees is always regrettable it is considered that it would not harm the setting of the listed building. Replacement planting for the trees to be removed in association with the development and to compensate for other tree loss due to tree management practices can be secured through a condition.

As indicated above, some of the elements of the proposal result in less than substantial harm to the heritage asset and as such it is necessary to weigh such harm against the public benefits of the proposal.

The orangery has been at risk for a number of years and, as indicated by the Conservation Officer, the condition of the main buildings is such that it is now also in the 'at risk' category. Without a new use the building will continue to deteriorate. The proposal is for an acceptable new use for the building and as the conversion works involves the preservation of the vast majority of the fabric and external envelope of the building this is considered to be of significant public benefit. The less than substantial harm that has been identified will therefore be outweighed by such public benefits.

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

Principle of the development in this Green Belt location

Paragraph 137 of the NPPF details that "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF further indicates in paragraph 149 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, but identifies a number of exceptions to this. Paragraph 150 states that certain forms of development are not inappropriate in the Green

Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The exceptions listed include the re-use of buildings provided that the buildings are of permanent and substantial construction; material changes in the use of land; and engineering operations.

The building as it stands has a residential Class 2 use and is an original building for the purposes of considering this against the Green Belt policy. It is of permanent and substantial construction and therefore, its re-use amounts to appropriate development. No extension or building is proposed. The change of use of the land from a residential institutional use to dwellings to with the associated works building preserves openness and does not conflict with the purposes of including land in the Green Belt as does the proposed engineering works involved in the formation of the access and parking. Such aspects of the proposal are also considered to be appropriate.

Overall it is considered that the proposal comprises appropriate development within the Green Belt.

Policy HOU1 of the Madeley Neighbourhood Plan states that new residential development will be supported where it is in accordance with development plan policy and in particular within the Madeley village envelope and Madeley Heath village envelope.

This site lies outside of the village envelope of Madeley, in the open countryside.

Paragraph 80 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside unless one of a number of circumstances apply including the following:

- the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- the development would re-use redundant or disused buildings and enhance its immediate setting.

Although outside the village envelope, the site is in a sustainable location within walking distance of the shops and services of Madeley. The proposed conversion would re-use an existing disused building which is an inherently sustainable act and importantly, it would bring the building back into use and secure the future of the heritage asset. No objection is raised to the principle of the conversion therefore.

Residential amenity

Paragraph 119 of the NPPF states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 125 supports higher density residential developments provided that they result in acceptable living conditions. Paragraph 127 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.

Care has been taken to ensure that the parking areas are positioned away from principal windows of the proposed dwellings to minimise disturbance. The noise report recommends double glazing for south elevation facing the M6 and trickle vents on other elevations, the repair schedule in section G9 and G9.2, however, sets out proposals for the windows and repair and introduction of secondary glazing. This is the correct approach to minimise harm to the listed building whilst protecting amenity.

The proposed dwelling incorporating the orangery would have principal windows in close proximity to the main entrance into the building and largest parking area. Whilst details haven't been provided the site layout plan shows some form of boundary treatment in front of the glazed elevations which would deflect activity away from directly adjacent to the building. It is considered that an acceptable level of residential amenity will be achieved.

The property is set within extensive grounds and whilst the proposal does not include private amenity space for the occupiers of the units, their public open space needs would be met on site. As the proposal does not include family accommodation there is no requirement to provide an equipped play

area and as such a contribution towards improvements to public open space off site could not be justified.

In conclusion, it is considered that a good standard of amenity for all existing and future occupants of land and buildings can be achieved and maintained, as required by the NPPF, and subject to suitably worded conditions.

Parking and highway safety

Policy T16 of the Local Plan 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.

Paragraph 110 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe. Paragraph 112 also sets out a list of criteria that applications for development should seek to achieve, these include, amongst other things, priority first to pedestrian and cycle movements and designed to enable charging of plug-in and other ultra-low emission vehicles.

The proposed site plan shows the provision of 25 parking spaces for the proposed development and the provision of six additional parking spaces for the occupants of three mews houses adjacent to the application site. This equates to approximately 1.5 parking spaces for each proposed residential unit which is considered to be acceptable.

The submission indicates that the internal road network has been designed to ensure the movements of refuse vehicles can be accommodated without allowing their requirements to dominate the layout. Swept path analysis has been undertaken which seeks to demonstrate that a refuse vehicle can enter the site in forward gear, access bin stores, turn in the proposed turning heads and exit the site in a forward gear. It is considered that the proposed layout strikes the right balance in respect of minimising harm to the setting of the listed building and ensuring that waste vehicles can service the development.

Planning obligations

As the proposal involves major development, given that 10 or more new dwellings are proposed, the provision of 25% affordable housing is required to accord with policy. This equates to 3 units.

Such an obligation is considered to meet the requirements of the CIL Regulations which are as follows:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The applicant has been required to submit financial information to demonstrate whether or not there is a conservation deficit (i.e. the cost of repair and conversion of the heritage asset exceeds its market value upon completion) which means that the development cannot support the provision of affordable housing as required by policy. This financial information has subsequently been independently assessed and concludes that the scheme cannot support any affordable housing.

The NPPF sets out the approach to be adopted to viability in planning decisions. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. In the Borough it is not presently the case

that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until a Local Plan is finalised. The scheme does provide benefits, which include the reuse of a listed building that is currently 'at risk' and this is considered to outweigh the harm caused by the lack of affordable housing provision.

Your officers previously considered it reasonable and necessary for the Local Planning Authority to require the independent financial assessment of the scheme to be reviewed if the development has not been substantially commenced within 18 months of the grant of the permission, and alterations then made to the level of obligations if the scheme is then evaluated to be able to support higher contributions. Therefore, the previous recommendation included a requirement for the applicant to enter into a Section 106 agreement to secure a viability review mechanism.

However, following the meeting of the Planning Committee, the applicant's agent highlighted an appeal decision relating to New Farm, Audley (Ref. 18/00122/FUL) in which the Inspector determined that the requirement would not meet the requirements of the CIL Regulations. The Inspector concluded that a S106 was not required, setting out the following in the decision notice:

“22. The Newcastle-Under-Lyme Borough Council Developer Contributions SPD (September 2007) sets out the approach the Council will take with respect to securing contributions. In relation to viability, it acknowledges that in some circumstances, an applicant may believe that what is being asked for will render a development unviable. In such circumstances, for the Council to be persuaded to reduce its requirements, the onus will be on the applicant to justify why and how special circumstances apply.

23. Given the nature of the site and the time and investment likely to be required to get the development to the point where substantial commencement is achieved, the requirement to review the development appraisal would introduce unnecessary uncertainty and cost for the appellant and would therefore not pass the test of reasonableness. Moreover, the Planning Practice Guidance advises that viability assessments should be informed by current costs and values wherever possible, nor is there any requirement set out within Policies CSP5 or CSP6 of the Spatial Strategy for applicants to review the viability of a development.

24. For these reasons, therefore, the proposed development would accord with relevant local and national planning policy in respect to affordable housing and open space without the relevant obligation of the S106 Agreement.”

This previous appeal decision is a material consideration and the circumstances in this case are very similar in that the nature of the site and the time and investment likely to be required to get the development to the point where substantial commencement is achieved, would introduce unnecessary uncertainty and cost for the applicant. It is the case that the Council's Developer Contributions SPD has not been revised to set out when a review mechanism could be requested, and there is no policy in place to require that. On this basis, and on reflection, it is considered that this case also does not pass the reasonableness test and any requirement for a S106 must be set aside.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
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 N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Considerations
Policy N20: Areas of Landscape Enhancement
Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
Policy B7: Listed Buildings – Change of Use
Policy T16: Development – General Parking Requirements
Policy IM1: Provision of essential supporting infrastructure and community facilities

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

Policy HOU1: Housing Development
Policy HOU2: Housing Mix
Policy DES1: Design
Policy NE1: Natural Environment

Other Material Considerations include:

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

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

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

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

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

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

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

[Relevant Planning History](#)

96/00137/LBC & Extension
96/00138/FUL

Refused and
subsequently
allowed on
appeal

02/00615/FUL	Renewal of planning permission 96/00138/FUL for two storey extension	Permitted
02/00726/LBC	Two storey extension	Permitted
04/00625/FUL	Extension to provide additional patient accommodation for nursing home (Revised Scheme)	Permitted
04/00625/EXTN	Extension to the time limit to implement planning permission 04/00625/FUL for extension to provide additional patient accommodation for nursing home (Revised Scheme)	Permitted
04/00626/LBC	Extension to nursing home	Permitted
21/00021/FUL & 21/00022/LBC	Part demolition and restoration of Listed Building and change of use from nursing home to 10 residential apartments and 1 mews house, construction of 52 new apartments.	Withdrawn
21/01176/LBC	Conversion of Grade 2 Listed 'Madeley Manor' into 12 no. apartments and 2 no. houses. Demolition of boiler house. Upgrades to driveway and provision of 30 no. parking spaces.	Approved

Views of Consultees

The Council's **Conservation Officer** (CO) notes that the current scheme is to provide enabling development off-site to minimise the adverse impact of development on the setting of the listed building which was the case in the previous scheme. It is accepted that a residential conversion of the house is an acceptable way of securing a viable future for the building with minimum careful intervention. Clearly any off-site enabling development, providing all information is put forward to establish the conservation deficit and comply with other aspects of the Historic England's Good Practice Advice 'Enabling Development and Heritage Assets', will preserve the setting of the listed building.

A condition survey has now been undertaken and a schedule of repairs and this gives a much more comprehensive picture of the state of the building which is poor and as the building is vacant, this puts the whole complex with a category of at risk. As the condition survey and photographs were undertaken in April 2021, almost 12 months ago, the building can have only deteriorated further. The survey refers to rapid mould growth and water ingress and penetration in the cellar and from the roof.

The current scheme presented states the following points which are agreed:-

- There will be no significant external alteration,
- The proposal retains the longstanding point of entry into the main building,
- Principal elements of communal internal circulation are retained,
- No fireplaces or features of significance will be removed, with an opportunity to restore and conserve damaged or missing elements,
- All the principal rooms can be retained in their present form, and there will be the opportunity to remove later partitions and to restore rooms to their original proportions (with benefits for cornices, skirtings etc),
- Most of the internal alteration (new partitions and removal of partitions) will take place in the plainer and later service areas of the building.

Various minor interventions are described within the submission and the approach is readily accepted providing that we can agree the details of how this will be undertaken. The building has already undergone such changes over its existence and some of these harmful elements will be rectified through this development. This in turn will preserve the building, its external envelope and setting into the future.

The timber roof lanterns are in poor condition and deemed unrepairable. It is proposed to replace the lanterns with new bespoke units in black painted steel sections with lead dressed detailing. Due to the vulnerable location of the lanterns and rooflights it is proposed that a more robust replacement is provided. The CO is happy with this alteration to the existing materials and considers it to be a sensible approach.

There is extensive restoration required for the orangery and some details have been provided with regard to how and when this will be undertaken but it is relatively speculative. A lead roof is proposed to replace the existing roof which was glazed with a timber structure and steel ties. This is an alteration but one which, given the new use, will enable the building to be sustained into the future.

Notwithstanding the noise report which recommends double glazing for south elevation facing M6 and trickle vents on other elevations, the repair schedule sets out proposals for the windows and repair and introduction of secondary glazing and this should be highlighted as the appropriate way forward. All shutters still in existence should be retained and overhauled so that they can be utilised. Consideration also needs to be given to windows which have a bathroom, especially on the ground floor. The possibility of using the shutters at low level has been discussed.

Given the number of apartments on the site and limited storage within the apartments, the CO wonders what the plans are for storage etc. as there are no elevations or details for cycle store or bin store. It is reasonable that there may be a demand for permanent storage of bikes etc and the apartments do not have that much room. Positioning of cycle store is not convenient. We want to consider and prevent future issues and possible enforcement cases around erection of sheds etc and other domestic paraphernalia. Details of screening around conservatory are required. In addition arrangements for management of the grounds is important and how spaces can be used etc.

Schedule of works indicates full scaffold which would help to keep the water out. This ideally needs to be erected as soon as possible and would negate the need for the Council to consider ways of dealing with the building at risk through its enforcement powers, such as an urgent works notice. The CO considers that the Council should be considering this as our next steps potentially because if this proposal is considered acceptable and grant permission the indication is still that enabling development is still required and this complicated process could take some time. Meanwhile the building will continue to deteriorate and suddenly the parameters of the enabling scheme will change.

Timescales are key to ensuring the building does not continue to get worse and begins to be repaired and we cannot ensure this happens through this set of applications.

The **Conservation Advisory Working Party (CAWP)** were happy that the scheme was now workable and practical and were aligned with the general principles and fully supportive of its intentions to restore the listed building with a viable use.

A lot of detail is still missing particularly regarding ventilation and heating, resultant trunking and vents especially between apartments. In addition more detail is needed for the windows, for example any replacements and secondary glazing.

The group were happy with the incorporation of the orangery into a dwelling but felt that the room layout in this apartment could be slightly altered and would prefer it if some glazing could be retained on the roof. Concern was raised on the large amount of glazing within the new room and how this would be dealt with from an energy efficiency and heritage perspective. They felt that the orangery needed a separate more detailed schedule of works and specification.

Historic England state that in heritage terms the current proposals are a significant improvement on the previously submitted scheme. However, further detailed information is required, and they would recommend that this is provided for consideration prior to these applications being determined.

Given that the condition of Madeley Manor continues to decline, they would also recommend that consideration be given as to what repairs and holding works are required in the short to medium term, in order to ensure that this important Grade II listed building is stable, secure, water tight and well ventilated.

The **Landscape Development Section** states that the submitted tree protection plan merely identifies areas of road and footpath within root protection areas and labels them as special measures, without addressing what form the special measures will take. It is unlikely that a 'no dig' solution will be possible in most cases and the special measures are unlikely to be able to be confined to the areas shown. Amendments to the scheme are likely to be required to avoid significant harm to and potential loss of trees. Concern remains that the proposals of the tree report are unworkable and

that without further detail, the scheme in its current form will cause avoidable harm to existing trees. The measurements shown for the layout if the proposed protective fencing are insufficient for accurate installation.

The **Highway Authority** has no objections to the proposal subject to conditions relating to the following matters:

- Provision of access, internal roads, parking and turning areas prior to occupation.
- Prior approval of surfacing materials for internal roads, parking and turning areas.
- Provision of secure weatherproof cycle parking in accordance with details to be approved.

The **Local Lead Flood Authority** has no objections as the plan shows that any additional footprint will be permeable paving and does not appear to show any other changes relevant for drainage. There is unlikely to be a significant impact on surface water caused by any of the proposed changes, given the proposals, and the existing risk to the site.

The **Public Rights of Way Officer** indicates that public footpaths nos. 9 and 52 Madeley Parish run through the development site. The submission shows an unidentified public right of way which deviates from the legal line of the path. The applicant needs to submit a plan showing the legal line of path, along with the development proposals.

The attention of the developer should be drawn to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. It is asked that trees are not planted within 3 metres of the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.

Cadent Gas states that they have gas assets in the area which may be affected by the proposal.

Madeley Parish Council has no objections.

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, a Construction Environmental Management Plan, overheating, glazing specification, plant noise, lighting and electric charging points.

The Council's **Waste Management Section** requires clarification on the bin store size and access.

The County Council as the **Mineral and Waste Planning Authority** makes no comments on the application.

No comments have been received from the Council's **Housing Strategy Section** and given that the period for comment has now expired, it must be assumed that they have no comments to make.

Representations

None

Applicant's/Agent's submission

The applications are accompanied by the following documents:

- Heritage Report
- Planning Statement
- Design and Access Statement
- Building Condition Report
- Repair Schedule
- Highways Report
- Acoustic Report

- Ground Report
- Ecology Report
- Arboricultural Report
- Archaeological Report

All of these documents can be viewed via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/01175/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

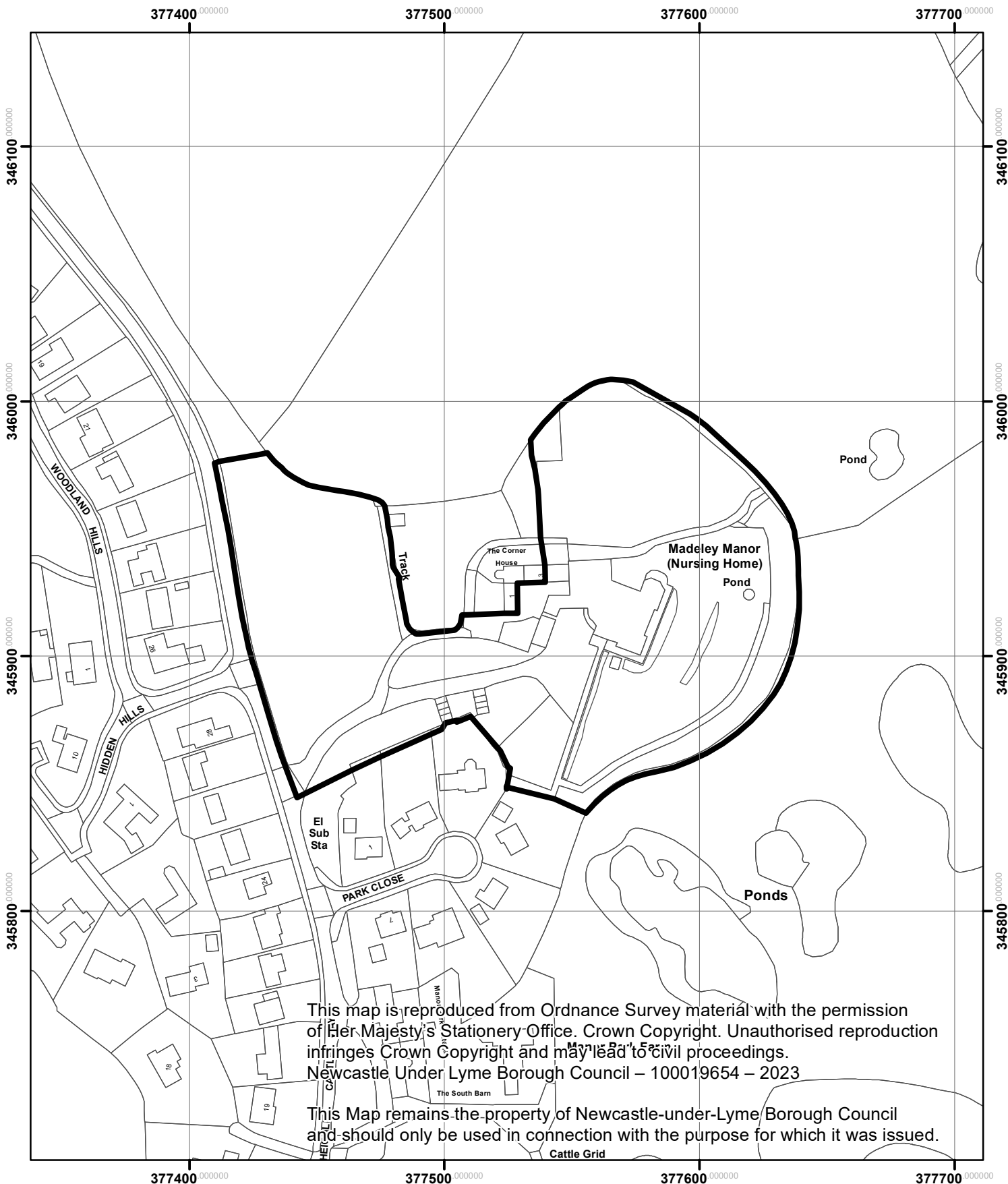
Date report prepared

14 February 2023

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Madeley Manor Nursing Home, Heighley Castle Way, Madeley □

21/01175/FUL



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Newcastle Under Lyme Borough Council – 100019654 – 2023

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**LAND IN THE VICINITY OF WHITMORE WOOD, MANOR ROAD, MADELEY
HIGH SPEED TWO (HS2) LIMITED**

23/00052/SCH17

This application seeks approval of the plans and specifications under Schedule 17 of the High Speed Rail (West Midlands – Crewe) Act 2021 for earthworks for the creation of an ecological mitigation pond and associated bunds, along with two permanent gates.

The site lies within the open countryside, which is designated as an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

The 8 week determination period for this application ends on 18th March 2023.

RECOMMENDATIONS

That the Schedule 17 application be granted subject to conditions relating to the following:

- 1. Carried out in accordance with the approved plans.**

Reason for Recommendation

The proposed works preserve the local environment and local amenity, do not result in any prejudicial effect on road safety or on the free flow of traffic in the local area and would not adversely affect a site of archaeological or historic interest or nature conservation value. As such there are no design and appearance reasons to refuse to approve the application or grounds to argue that the development ought to, and could reasonably be carried out on, other land.

KEY ISSUES

Consideration of Schedule 17 Applications

Section 17 of the Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 for HS2 Phase 2a and associated works (“the Works”) between West Midlands and Crewe, but some of the detailed design and construction are subject to further approval. Schedule 17 to the Act puts in place a process for the approval of certain matters relating to the design and construction of the railway which requires that the nominated undertaker (the organisation on whom the powers to carry out the works are conferred) must seek approval of these matters from the relevant planning authority. As deemed planning permission has been granted by the Act, requests for approval under Schedule 17 are not planning applications.

In passing the Act, Parliament has judged such impacts to be acceptable when set against the benefits to be achieved by the Phase 2a scheme.

The purpose of Schedule 17 is not therefore to eliminate all prejudicial impacts on, or to secure the complete preservation of, any sites within the various categories identified in the schedule (set out below). On the contrary, the operation of Schedule 17 is such that there will be cases where a submission must be approved notwithstanding an identified negative impact, unless there are modifications that are reasonably capable of being made.

Accordingly, it is not open to the planning authorities under Schedule 17 to refuse in principle works or development which is covered by the Environmental Statement and approved by Parliament. The impacts have been assessed and planning permission has been granted on that basis. Instead, Schedule 17 offers planning authorities an opportunity to seek modifications to the details submitted that they consider reduce the impacts of a submission if such modifications can be justified.

The Schedule sets out that the Council can only refuse to approve the application, or impose conditions, in the following circumstances:

- (a) The design or external appearance of the works ought to be modified
 - (i) To preserve the local environment or local amenity;
 - (ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area; or
 - (iii) To preserve a site of archaeological or historic interest or nature conservation value; and is reasonably capable of being so modified; or
- (b) Where the Council consider that the development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.
- (a) Consideration of the Design and External Appearance of the Proposal

This Schedule 17 application seeks approval for excavation to support associated works on site. In particular the application sets out that;

“The earthworks proposed under this application are required to facilitate the creation of one large pond located to the north of Site 323. Adjacent to the pond, further earthworks are required, and comprise excavation along with an increase in ground levels. Two bunds are located to the south of the pond and are arranged within the site in a linear configuration. The existing ponds on site will remain.”

The material excavated to create the pond will be used to create two bunds adjacent to the pond and these works will increase ground levels in the vicinity of the pond. Two gates are also proposed within the existing fencing around the site.

The mitigation works will include the creation of a grassland area, enhanced hedgerow planting, tree planting, herpetofauna hibernacula and bat and bird boxes.

Impact on the local environment and local amenity

The site is immediately adjacent to Manor Road which is bound by high hedgerows. The earthworks and ponds are located next to existing ponds and the landscaping of the site will be sympathetic to the character of the landscape. On this basis, it is considered that the proposals will not have an adverse impact on the local environment and local amenity.

The design of the gates have not been specified but they are likely to be of a suitable design for a rural area. These details have been requested for the avoidance of any doubt.

Road safety and the free flow of traffic in the local area

The works are located adjacent to Manor Road and will utilise an existing field access. Measures to control road safety and traffic impacts arising from the construction of the works are separately covered and do not fall to be considered with this application. As such the works would not have any detrimental impact on road safety or the free flow of traffic in the local area.

Impact on archaeological or historic interest or nature conservation value

The site is not within, or close to, a known site of archaeological or historic interest or nature conservation value. Notwithstanding this, a Location Specific Written Scheme of Investigation has been drawn up in consultation with the County Archaeologist which details the methodology for archaeological surveys and investigations to be implemented prior to construction. Should any heritage assets of such significance be identified during construction that warrant preservation in situ there is a commitment to redesign the submission to avoid impacting the assets leading to a revised Schedule 17 approval request.

- (b) Ought the development, and could it reasonably, be carried out elsewhere on land within the Act limits.

As there are no design and appearance reasons to refuse to approve the application, there are no grounds to argue that the development ought to, and could reasonably be carried out on, other land.

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 and the matters that can be addressed, 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 N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy N21: Area of Landscape Restoration

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

Policy DES1: Design
Policy NE1: Natural Environment

Other Material Considerations include:

[National Planning Policy](#)

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

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

[High Speed Rail \(West Midlands – Crewe\) Act 2021](#)

[High Speed Rail \(West Midlands – Crewe\) Act 2021 Schedule 17 Statutory Guidance \(May 2021\)](#)

[Equality Act 2010](#)

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

None.

[Views of Consultees](#)

The **County Council Ecologist** advises that there are no concerns with this application. An informative note to the applicant is advised regarding a Biodiversity Alert Site 'Manor Road Verges' which is partly within the red line boundary. No activity should take place that impacts this site, which mainly comprises woodland with some associated grassland.

The **Environment Agency** advises that they have no comments on this application.

No representations have been received from **Madeley Parish Council**, the **Highway Authority**, the **Environmental Health Division** or the **Landscape Development Section** within the statutory consultation period and therefore it is assumed that they have no observations to make on the application.

[Representations](#)

None received.

Applicant/agent's submission

The applicant has submitted, in addition to plans, the following:

- Submission Letter
- Written Statement

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/23/00052/SCH17>

Background Papers

Planning File referred to
Planning Documents referred to

Date report prepared

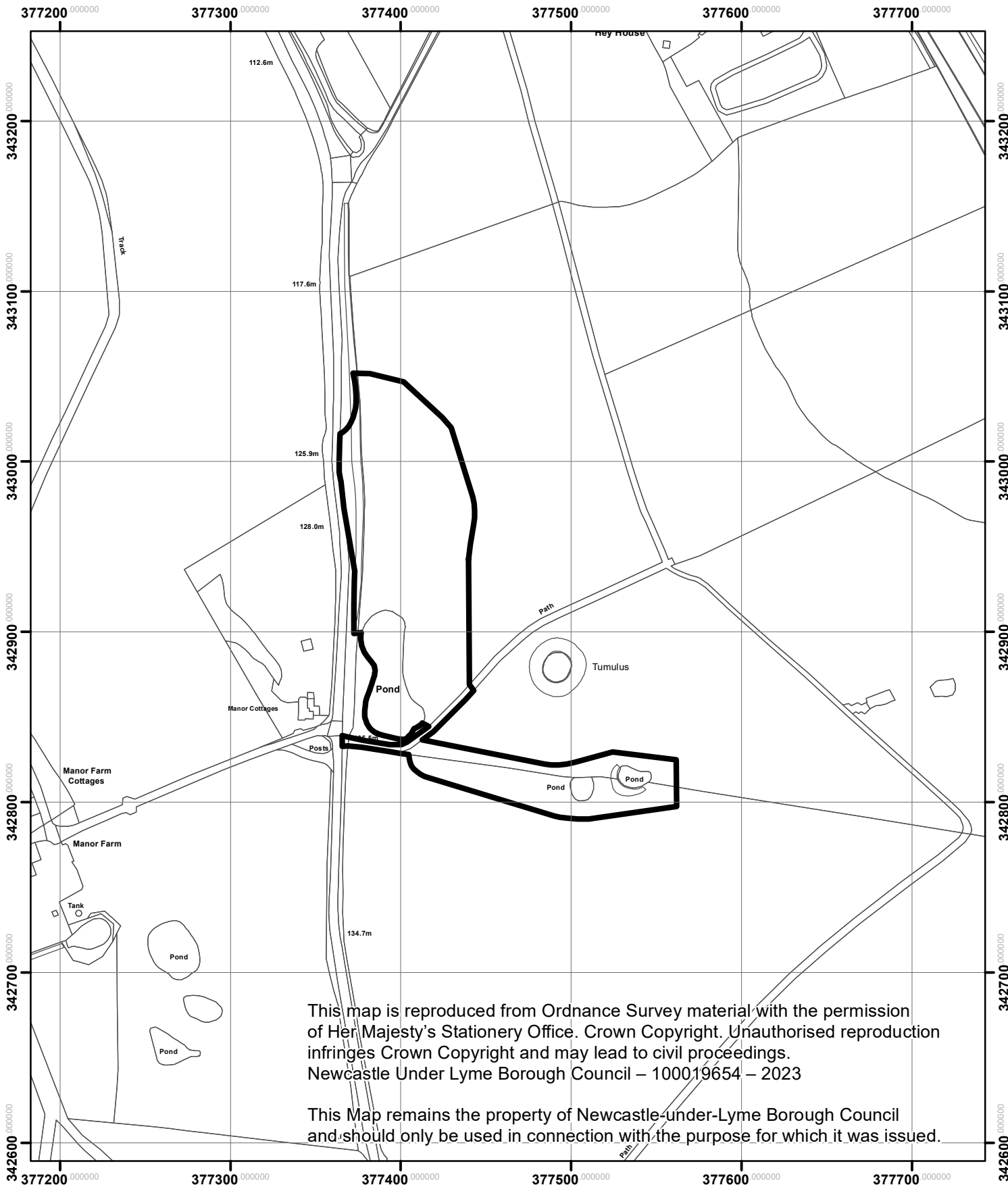
16th February 2023

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Area 13 Whitmore Application 23B Land In The Vicinity Of Whitmore Wood - HS2 request for approval of Plans and Specifications



23/00052/SCH17



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Classification: NULBC UNCLASSIFIED

LAND ADJACENT HOON AVENUE AND MILEHOUSE LANE, NEWCASTLE-UNDER-LYME
STAFFORDSHIRE COUNTY COUNCIL **20/01078/OUT**

The application seeks 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 6th December 2022 meeting to enable photographs and information on the planning history on the site to be provided.

The Committee subsequently revisited this application on 31st January 2023 and received a comprehensive update from officers including the information required by the Committee at the previous meeting.

After a discussion on the application the Committee resolved to (i) refuse the application on grounds of loss of open space with particular reference to the green heritage aspect and, (ii) that officers come back to committee with appropriate wording to reflect this.

Officers have considered the content of the Member discussion and resolution and recommend that the wording for the reason for refusal is as follows:

The development would result in the loss of a locally unique area of natural open space that forms part of the 'green heritage' network of the Borough. It would harm the integrity and ecological and landscape value of the green heritage network and would detrimentally impact on accessibility to open space for existing and future residents. The proposal would thereby be contrary to:

- i. Policy CSP4 (points 3 and 4) and Policy CSP5 (points 3 and 4) of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026*
- ii. Saved Policy N16 of the Newcastle-under-Lyme Local Plan 2011*
- iii. The aims and objectives of the National Planning Policy Framework 2021*

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

There are fundamental objections to the development which cannot be resolved and therefore the appropriate course of action is to refuse planning permission.

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

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

RECOMMENDATION

That the information be received.

Latest Information

As previously reported, works to the track are largely complete and the landowner now needs to carry out the approved landscaping works.

It was reported in the last update report on the 6th December that your officers have carried out a site visit which has confirmed that the approved landscaping works have not been implemented, as required by condition 4 of planning permission 21/00286/FUL.

Your officers are now progressing the appropriate enforcement action against the landowner to ensure that the landscaping works are carried out in accordance with the approved plans at the earliest opportunity.

Date Report Prepared – 13th February 2023

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