

Public Document Pack

Date of meeting Tuesday, 20th June, 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 5 - 8)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - SHOPPING MALL, YORK PLACE, NEWCASTLE-UNDER-LYME, NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 22/01079/DEEM3** (Pages 9 - 20)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE SOUTH OF LIVERPOOL ROAD, NEWCASTLE-UNDER-LYME. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 23/00192/DEEM3** (Pages 21 - 32)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH WEST OF CHATTERLEY VALLEY, PEACOCK HAY ROAD, TALKE. HARWORTH ESTATES INVESTMENTS LTD. 23/00220/REM** (Pages 33 - 44)
- 7 **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF WATERMILLS ROAD, CHESTERTON. HODGKINSON BUILDERS LTD. 22/01018/FUL** (Pages 45 - 52)
- 8 **APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD, NEWCASTLE-UNDER-LYME. ABODE RESIDENCIES. 23/00104/FUL** (Pages 53 - 60)

9 APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD, NEWCASTLE UNDER LYME. ABODE MANCHESTER LIMITED. 23/00164/FUL (Pages 61 - 68)

10 APPLICATION FOR MINOR DEVELOPMENT - THE WAMMY, LOWER MILEHOUSE LANE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL . 23/00142/DEEM3 (Pages 69 - 78)

11 5 BOGGS COTTAGE, KEELE. 14/00036/207C3 (Pages 79 - 80)

12 DISCLOSURE OF EXEMPT INFORMATION

Should there be a requirement to go into closed session:

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.

13 URGENT BUSINESS

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

Members: Councillors Northcott (Chair), Crisp (Vice-Chair), Fear, Holland, Bryan, Hutchison, Burnett-Faulkner, D Jones, Gorton, 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:	Sweeney	S Jones
	Panter	Beeston
	S Tagg	Fox-Hewitt
	Heesom	Dymond
	Johnson	Edginton-Plunkett
	J Tagg	Grocott

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.

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Agenda Item 3

Planning Committee - 23/05/23

PLANNING COMMITTEE

Tuesday, 23rd May, 2023
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Paul Northcott (Chair)

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

Apologies: Councillor(s) Burnett-Faulkner

Substitutes: Councillor Stephen Sweeney (In place of Councillor Gillian Burnett -Faulkner)

Officers:	Rachel Killeen	Development Management Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Daniel Dickinson	Service Director - Legal & Governance /Monitoring Officer
	Debbie Jones	Senior Planning Officer

Also in attendance:

1. **APOLOGIES**

Apologies were received from Councillor Burnett-Faulkner.

2. **DECLARATIONS OF INTEREST**

Councillor Sweeney declared an interest in item 4 – 23 to 25 Merrial Street as a member of the Town Deal Board and would not be voting on the application.

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

Resolved: That the minutes of the meeting held on 28 March, 2023 be agreed as a correct record.

4. **APPLICATION FOR MINOR DEVELOPMENT - 23-25 MERRIAL STREET, NEWCASTLE UNDER LYME. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL . 23/00173/DEEM3**

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

Planning Committee - 23/05/23

- (i) Time limit condition
- (ii) Approved plans
- (iii) Materials
- (iv) Opening hours

[Watch the debate here](#)

5. APPLICATION FOR OTHER DEVELOPMENT - LAND AT POOL FARM, NAPLEY. C A & S WOODFIELD AND SON. 22/00724/FUL

Following a few concerns being raised on this application, The Chair proposed the inclusion of an additional recommendation to remove permitted development rights. This was seconded by Councillor Fear.

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 Biodiversity Survey
- (v) Soft and Hard Landscaping Scheme
- (vi) Restriction of any external lighting
- (vii) Dog waste disposal arrangements
- (viii) Provision of parking area and visibility splays prior to first use of the site
- (ix) Reversion of land back to agriculture upon cessation of the business
- (x) Opening hours
- (xi) Business to operate in accordance with the submitted management plan which limits the number of visitors and dogs at the site at any one time
- (xii) Removal of Permitted Development Rights.

[Watch the debate here](#)

6. LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2

A visit had been made to the site and the applicant had referred to a number of problems he had been having. However, due to the length of time of this matter, an enforcement notice had been drafted.

Councillor Williams made reference to Station Road, Silverdale and the Committee's request to bring it to committee regularly. An update was requested.

Resolved:

- (i) That the information be received.
- (ii) That the item be brought back to this Committee in 2 month's time.

[Watch the debate here](#)

7. APPLICATIONS FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - BETLEY COURT (REF: 23/24001/HBG) AND MADELEY ALMSHOUSES (23/24002/HBG)

Resolved: That the following grants be approved:-

- (i) £5,000 Historic Building Grant be given, subject to the standard conditions, towards sash window repairs on part of the building which was not damaged during the fire at Betley Court.
- (ii) £5,000 Historic Building Grant be given, subject to the standard conditions, towards the cost of the renovated and new metal windows at Madeley Almshouses.

[Watch the debate here](#)

8. URGENT BUSINESS

There was no Urgent Business.

9. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

**Councillor Paul Northcott
Chair**

Meeting concluded at 7.30 pm

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SHOPPING MALL, YORK PLACE, NEWCASTLE-UNDER-LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

22/01079/DEEM3

Full planning permission is sought for the demolition of the existing shopping centre and the construction of 2 no. mixed-use three and four storey buildings with upper floor offices and ground floor retail and food and beverage units and associated external landscaping.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The 13 week period for the determination of this application expired on 16th March but an extension of time has been agreed to 23rd June 2023.

RECOMMENDATION

A. Subject to the applicant first entering into a Section 106 obligation by the 28th July 2023 to secure the following financial contributions:

- i. £50,000 towards improvement of pedestrian/cycle infrastructure within Merrial Street**
- ii. £10,000 towards amendment of disabled parking bay Traffic Regulation Order**
- iii. £10,000 towards travel plan monitoring**

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Provision of cycle parking facilities**
- 4. Implementation of the Travel Plan**
- 5. Details of a replacement temporary and permanent road lighting scheme**
- 6. Submission and approval of a Demolition and Construction Environmental Management Plan**
- 7. Detailed design information for off-site highway works**
- 8. Removal and replacement of highway tree on Merrial Street**
- 9. Submission of unit-specific Delivery and Servicing Management Plan**
- 10. Details of temporary and permanent structural design solution for the highway retaining feature adjacent Fogg Street West**
- 11. Any external doors abutting the highway to open inwardly only**
- 12. Submission of a tree protection plan including an arboricultural method statement if required**
- 13. Detailed drainage design**
- 14. Material samples**
- 15. Details of window reveals**
- 16. Construction and demolition hours**
- 17. Provision of security measures**
- 18. Waste collection arrangements**

B. Should the matters 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 secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The redevelopment of this prominent town centre site is a sustainable form of development supported by the National Planning Policy Framework. The design, scale and appearance of the proposed development would protect and enhance, and as such would not harm, the character and appearance

of the Conservation Area or the setting of the nearby Listed Buildings. Subject to appropriate conditions and a Section 106 agreement to ensure sustainable transport objectives, it is not considered that an objection could be sustained.

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

Amended plans and additional information has been sought and received and the proposal is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the demolition of the existing shopping centre and the construction of 2 no. mixed-use three and four storey buildings with upper floor offices and ground floor retail and food and beverage units and associated external landscaping

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The key issues in the determination of the application are:

- Is the principle of the proposed development on the site acceptable?
- Is the design and massing of the proposal acceptable particularly in terms of its impact on the form and character of the Conservation Area?
- Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?
- What, if any, planning obligations are necessary to make the development policy compliant?

Is the principle of the proposed development on the site acceptable?

Paragraph 86 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The Newcastle Town Centre SPD states that encouraging mixed-use development increases the diversity of uses within a locality. As a result, such development would enhance the vitality and viability of the Town Centre by encouraging its use by a greater range of people for different purposes, possibly at different times of the day and night. This helps to strengthen the social fabric and economic viability of the Town Centre. It also has positive implications in terms of sustainable development as it encourages proximity of uses, reducing the need to travel.

The SPD places the application site within the Town Centre Historic Core where any development opportunities would be likely to be infilling and intensification, with special attention to conservation. It also states that retail activities must continue to predominate.

The proposed uses are defined as main town centre uses in Annex 2 of the NPPF and therefore, the principle of the development is considered acceptable.

Is the design and massing of the proposal acceptable particularly in terms of its impact on the form and character of the Conservation Area?

The application site lies within the Newcastle Town Centre Conservation Area and close to a number of listed buildings including the Grade II listed Old Bulls Head Pub and the Grade II* listed St Giles' Church.

In considering development affecting Listed Buildings, special regard will be given to the desirability of preserving the building, its setting or any features of special architectural or historic interest (Section 66, Planning [Listed Buildings and Conservation Areas] Act 1990).

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

The NPPF 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, 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.

The NPPF at paragraph 201 further states that "Where a proposed development will 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss."

At paragraph 202 of the NPPF it 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.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

Saved Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a listed building.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

The Town Centre SPD states that the Town Centre's historic character and identity, with its special distinctiveness as a market town, is an asset that needs to be conserved and enhanced. Development must be designed to respect, and where possible enhance, its surroundings and contribute positively to the character of the Town Centre, helping to improve its image and identity, having particular regard to the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials.

The site comprises York Place Shopping Centre which was built in the late 1960s and is three storeys in height with roof deck access for deliveries and parking. The shopping centre has frontages onto

Merrial Street, High Street and Lad Lane with retail units accessed directly from the street. There is a pedestrian route (Astley Walk) through the shopping centre from Merrial Street to Ironmarket.

The current arcade provides space that is inflexible and has not been able to adapt to the changing trends of the town centre, which has led to significantly high vacancy rates. It is currently an incongruous mass within the street scene and is specifically mentioned within the Conservation Area Character Appraisal and Management Proposals as being a key negative due to the building being “heavily detailed without any fenestration to the first floor”.

The new proposals comprise two blocks, one four storey and one three storey, with the tallest massing along Merrial Street and in particular at the corner with High Street in the form of feature gable elements. The mass of the proposed building is broken down on Merrial Street with the top floor stepping back and becoming a pitched mansard roof. The immediate building to the south of Block A on the corner of Ironmarket and High Street is a tall three storeys with heights that follow the slope of the surrounding street. The rear wing of Block A steps down to three storeys to meet the block across the widened Lad Lane.

Block B is a reduced scale building standing at three storeys with significantly set back and screened roof top plant area. The step down in height of this block addresses the lower neighbouring context of the St George’s Chambers building. The immediate building to the south of Block B is the Grade II listed Old Bull’s Head Pub. This is a small and traditional two storey pub building that is currently significantly overshadowed by the existing Astley Walk shopping centre. The proposals step back from the Old Bull’s Head pub to give it space to address the newly created public square. The massing of the proposed building to the rear of Block B is broken down with a setback in the rear wing of the block and the creation of a sloping mansard roof to make up the third storey. This approach addresses the context of the neighbouring listed building by bringing down the scale of the massing.

The proposed palette of materials includes standing seam metal for the roofs, red bricks for the facades, green glazed bricks for the shop fronts and linear format white bricks/blocks for the feature gable corner of the scheme referencing the lighter colours seen throughout the conservation area in white painted brick and render buildings.

The application is supported by a Heritage Asset Statement (HAS) and a Design and Access Statement (DAS) which set out the historic context of the site and the design philosophy and rationale for the proposed design. The HAS concludes that there will be no erosion of the significance of Newcastle Town Centre Conservation Area arising from the proposals, and there will be no erosion of the significance of the Old Bulls Head or other nearby listed buildings.

Prior to submission of the application, an earlier scheme was presented to a Design Review Panel (DRP), as encouraged by the NPPF. The DRP recommended that the proposal to widen Lad Lane be reconsidered due to its potential to harm the historic urban grain. They recommended that the proposed architectural treatment for the corner to Red Lion Square be refined and that options to ensure that the commercial units relate better to the site topography be explored ensuring level access and a seamless transition between the ground floor units and the central square. The design has evolved in response to the feedback from the DRP, including an extension to the footprint of Block A to reduce the width of Lad Lane, the use of an alternative linear masonry material to the feature corner and an increase in the level of the external public square to create improved access with a reduction in the number of steps and ramps required.

The Conservation Officer comments that the scheme has been well informed by proper analysis and due consideration given to the character and context of the conservation area and the site in question. The regeneration of this corner of the town is fully supported. The officer is generally very supportive of the scheme, the scale and massing, materiality and the creation of the square and opening up the space around the pub.

The massing of the buildings is considered appropriate in the context of existing development and it cannot be said that the building would compete with neighbouring buildings within the immediate street scene and conservation area. In particular it would not harm the setting of the adjacent listed building, the Old Bulls Head.

The appearance of the development, due to the active frontage at ground floor and the appropriate use of materials, would present a high quality building that would be a significant improvement on the existing York Place and would enhance the site, streetscene and conservation area.

As no harm to the Conservation Area has been identified it is not necessary to identify public benefits of the scheme to justify the granting of permission. Overall, it is considered that the proposed development accords with the NPPF and the local planning policies and guidance set out above.

Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

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. Saved Policy T17 of the Local Plan states that development in Newcastle Town Centre within the ring road will not be permitted to provide new private parking but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. The policy identifies what such improvements may include.

The NPPF, at paragraph 111, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. It went on to state that Local Planning Authorities should only impose local parking standards where there is clear and compelling justification that it is necessary to manage their local road network.

No car parking is proposed within the site and servicing of the units would be undertaken through either Merrial Street or Ironmarket.

A Transport Statement that accompanies the application states that a review of highway safety on the surrounding local road network has demonstrated that there are no existing highway safety issues which will likely be exacerbated by the development proposals. The traffic generation of the former permitted land use has been reviewed against the proposed scheme and indicates a decrease of total trips. It is therefore stated that the impact of the development proposals will be negligible on the surrounding local highway network. It concludes that the redevelopment proposals would not result in a severe impact on the local highway network, in terms of safety and/or capacity; and as such, there should be no reason why the application cannot be recommended in terms of highways and transportation, in accordance with NPPF.

Given the highly sustainable/accessible location of the site close to bus provision and several car parks, and the fact that there is no parking for the current development, it is considered suitable to provide no dedicated parking as part of this scheme. Disabled parking and taxi bays are available on Merrial Street along the site's northern boundary.

The Highway Authority (HA) has raised no objections to the application subject to conditions. Subject to the imposition of those conditions, it is considered that there would be no adverse impact on highway safety and that the development would accord with the guidance of the NPPF.

What, if any, planning obligations are necessary to make the development policy compliant?

Section 122 of the Community Infrastructure Levy 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 Highway Authority has requested the following financial contributions:

- i. £50,000 towards improvement of pedestrian/cycle infrastructure within Merrial Street
- ii. £10,000 towards amendment of disabled parking bay Traffic Regulation Order
- iii. £10,000 towards travel plan monitoring

These contributions are considered reasonable and necessary to contribute to the provision of sustainable development objectives, as encouraged 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 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 ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change
Policy CSP10:	Planning Obligations

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

Policy T16:	Development – General Parking Requirements
Policy T17:	Parking in Town and District Centres
Policy B5:	Control of Development Affecting the Setting of a Listed Building
Policy B9:	Prevention of Harm to Conservation Areas
Policy B10:	The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13:	Design and Development in Conservation Areas
Policy B14:	Development in or Adjoining the Boundary of Conservation Areas
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 \(September 2007\)](#)

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

[Newcastle Town Centre SPD \(2009\)](#)

[Newcastle Town Centre Conservation Area Appraisal \(August 2008\)](#)

[Relevant Planning History](#)

There have been various applications for advertisement consent for the shopping centre.

[Views of Consultees](#)

The **Highway Authority** has no objections subject to conditions regarding provision of cycle parking facilities, implementation of the Travel Plan, details of a replacement temporary and permanent road lighting scheme, submission and approval of a Demolition and Construction Environmental Management Plan, detailed design information for off-site highway works, removal and replacement of highway tree on Merrial Street, submission of unit-specific Delivery and Servicing Management Plan, details of temporary and permanent structural design solution for the highway retaining feature adjacent Fogg Street West and any external doors on blocks A and B abutting the highway to open inwardly only.

Financial contributions are requested towards improvements to pedestrian/cycle infrastructure within Merrial Street, amendments to disabled parking bay Traffic Regulation Order to provide off-peak unloading/loading, and Travel Plan Monitoring.

The **Conservation Officer** states that the scheme has evolved through the pre-application process and has been well informed by proper analysis and due consideration given to the character and context of the conservation area and the site in question. The regeneration of this corner of the town is fully supported. The officer is generally very supportive of the scheme, the scale and massing, materiality and the creation of the active square and opening up the space around the pub. Some concerns are raised about the Dutch style gables in white brick and the way the different roofs will sit next to each other but it is considered that the view up Church Street is a positive one on the 3D images and the scheme keeps the scale and massing down within Merrial Street. It is important that we don't get a diluting of the design during the process, both in terms of buildings and the landscaping.

The **Conservation Advisory Working Party** recognises this significant development as key to this corner of Newcastle. Some of the group were happy with the change of rhythm and materials adding variety to the streetscene. The general consensus was that this was a well thought out scheme apart from the 5 gables on High Street which create a cumbersome design with no relief on the gables which exists presently. Concern was raised over the drainage for the gables. It needs more articulation although the gradation of bricks will help a little. In general the group were happy with the mansard roofs and dormers on the preliminary scheme and that perhaps the mansards should carry on around the corner to High Street. There was general support for the green bricks but concern was raised about the general weathering of the white bricks.

The **Landscape Development Section** has no objections subject to submission of a tree protection plan in accordance with BS5837:2012, including an arboricultural method statement if required.

Staffordshire County Council as **Lead Local Flood Authority** has no objections subject to conditions regarding submission and approval of a detailed surface water drainage design, submission of a build close to agreement with Severn Trent Water and satisfactory arrangements for the control of surface water as part of any temporary works associated with the demolition and construction of the permanent development.

Cadent Gas has no objection.

Staffordshire Police **Crime Prevention Design Advisor** states that the demolition and redevelopment of the existing shopping centre represents a tremendous opportunity to enhance the vitality and viability of the town centre. The proposals indicate grander and more imposing buildings in line with the historical nature of the town, replacing a tired and aesthetically uninspiring development. The locality has attracted low level anti-social behaviour over the years and the challenge will be to create a development which is a safe place in which to socialise, work and pass through, and which minimises opportunities for a range of criminal and anti-social activity. This is against a backdrop of some ongoing incidents of rough sleeping, street drinking, rowdy/nuisance behaviour and drug activity etc in the town centre more generally.

In broad terms, the two buildings would have straightforward building lines fronting Merrial Street and High Street and high levels of natural surveillance of these elevations. The discreet and separate entrances to the cycle/bin stores and offices of each building on Merrial Street are welcomed, as is the apparent absence of any recessed doorways around the buildings, which have proven to lend themselves to a range of misuse in some locations. The open walkway between the two buildings will be straight and relatively short enabling views along it. There is no indication that vehicle access would be restricted at the Merrial Street end of this central walkway, but in the interest of public safety there could be a case for some form of suitable hostile vehicle mitigation measure to be incorporated.

The intention to create active frontages on multiple sides of the buildings is viewed positively to add interest and provide overlooking outwardly over the public spaces/routes. The new public square might be viewed as being a little hidden away, but at least it should be subject to natural surveillance during the daytime and at such times as when the food & beverage units overlooking it are open. Future tenants who may spill out to utilise this space will provide and manage the seating within this

area. A concern is whether this space and the seating within it may be misused, in particular by any rough sleeping, street drinking cohort.

A number of security recommendations are made.

No comments have been received from the **Newcastle South Local Area Partnership** and given that the period for comment has passed, it must be assumed that they have no comments to make.

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/22/01079/DEEM3>

Background papers

Planning files referred to
Planning Documents referred to

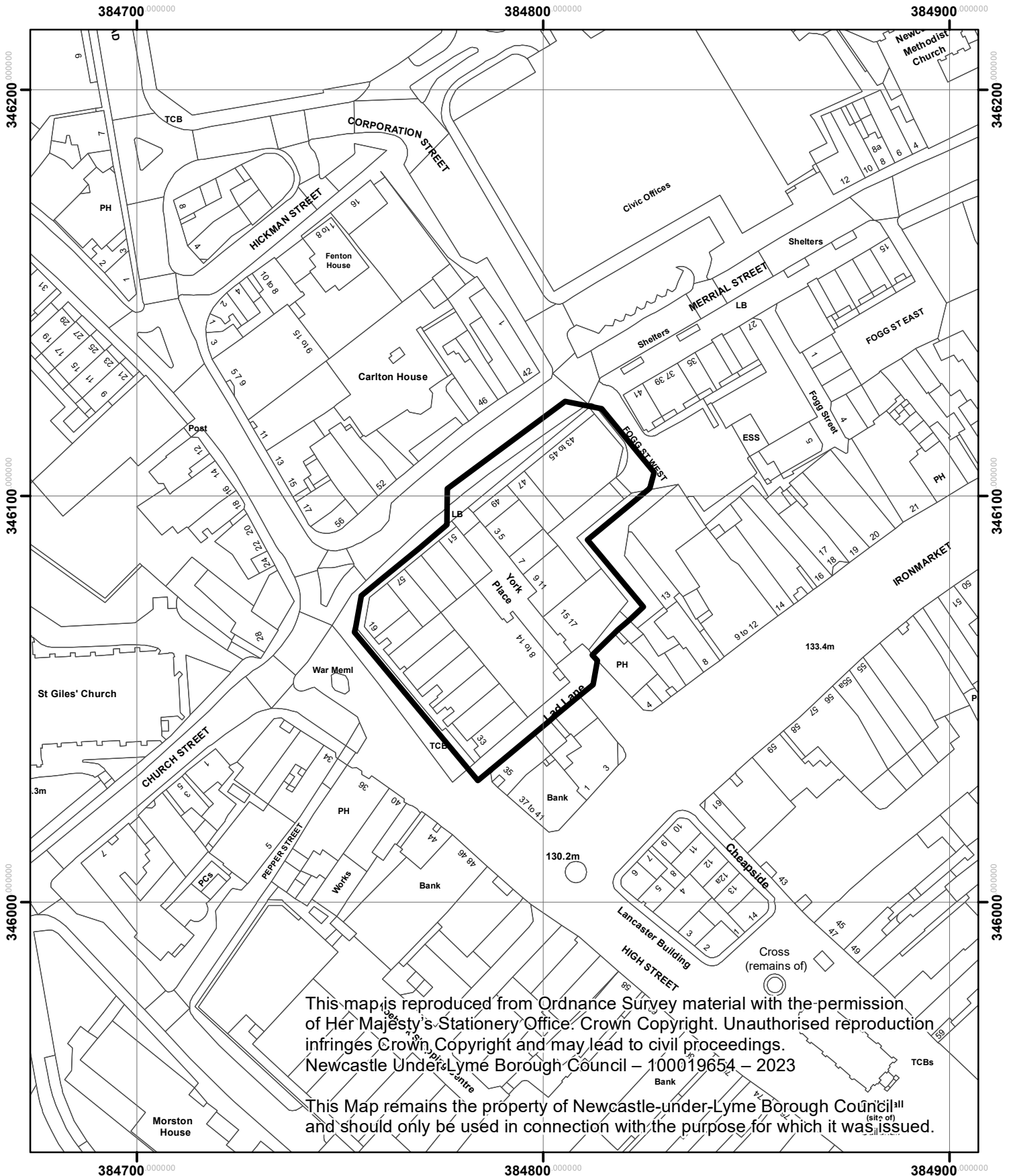
Date report prepared

8 June 2023

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Shopping Mall, York Place, Newcastle -

22/01079/DEEM3



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LAND TO THE SOUTH OF LIVERPOOL ROAD, NEWCASTLE-UNDER-LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

23/00192/DEEM3

Full planning permission is sought for the erection of a multi-storey car park (MSCP) with associated access, servicing and landscape works. The site is part of a wider masterplan aspiration for Ryecroft.

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Quarter.

The 13 week period for the determination of this application expires on 8th June but an extension of time has been agreed to 23rd June 2023.

RECOMMENDATION

A. Subject to the applicant first entering into a Section 106 obligation by the 28th July 2023 to secure £50,000 towards improvement of pedestrian/cycle infrastructure,

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Highway related conditions**
- 4. Construction environmental management plan**
- 5. Details of piling**
- 6. Noise from plant and machinery**
- 7. Scheme to deter anti-social behaviour**
- 8. Lighting**
- 9. Landscaping scheme**
- 10. Detailed drainage design**
- 11. Material samples**
- 12. Construction hours**

B. Should the matters 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 secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The scheme would regenerate a previously developed site and contribute to the vitality and viability of the town centre. There would be no adverse impact on the setting of any listed buildings or on the character of the Conservation Area and the scale and design of the development would be appropriate. There would be no adverse impact on the local highway network in terms of safety and/or capacity and subject to appropriate conditions and a Section 106 agreement to ensure sustainable transport objectives, it is not considered that an objection could be sustained.

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

Amended/additional information has been sought and received and the proposal is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the erection of a multi-storey car park (MSCP) with associated access, servicing and landscape works. The site is part of a wider masterplan aspiration for Ryecroft.

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Quarter.

The site is not located in a conservation area, however, Newcastle Town Centre Conservation Area lies close to the south and there are a number of listed buildings nearby.

A representation has been received stating that the project should be subject to an Environmental Impact Assessment (EIA) screening opinion prior to determination of the application on the basis that it is part of a wider scheme that would meet the trigger for when an EIA is required. By itself it doesn't meet or exceed the threshold requirement. Although the car park is likely to form part of a wider scheme, it is intended to support the needs of the town centre generally and therefore the car park is not functionally dependent upon the remainder of the site. On that basis, an EIA screening opinion is not required.

The key issues in the determination of the application are:

- Is the principle of the proposed development on the site acceptable?
- Would there be any impact on the setting of any listed buildings or on the character of the Conservation Area?
- Would there be any adverse impact on the character and appearance of the area?
- Is the proposal acceptable in terms of highway safety?
- Air quality and noise impact
- Flood risk and drainage
- What, if any, planning obligations are necessary to make the development policy compliant?

Is the principle of the proposed development on the site acceptable?

Paragraph 86 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The Newcastle Town Centre SPD states that encouraging mixed-use development increases the diversity of uses within a locality. As a result, such development would enhance the vitality and viability of the Town Centre by encouraging its use by a greater range of people for different purposes, possibly at different times of the day and night. This helps to strengthen the social fabric and economic viability of the Town Centre. It also has positive implications in terms of sustainable development as it encourages proximity of uses, reducing the need to travel.

The SPD places the application site within the Northern Quarter which is a mixed zone which has been defined in recognition of its shared potential for significant redevelopment. Redevelopment opportunities could lead to a greater mix and intensity of uses. Additional residential development could be appropriate here, as well as leisure, offices and hotel development, so long as the main function of the Primary Shopping Area is maintained and enhanced.

The proposed car park forms part of a wider scheme to rejuvenate the town centre. The MSCP would directly support wider regeneration initiatives by providing car parking for the forthcoming mixed-use developments in the area. It would regenerate a previously developed site, providing parking spaces and in turn generating visitors and footfall and thereby contributing to the vitality and viability of the town centre. The principle of the development is therefore considered acceptable.

Would there be any impact on the setting of any listed buildings or on the character of the Conservation Area?

The site is not located in a conservation area, however, Newcastle Town Centre Conservation Area lies close to the south. There are no listed buildings within the site, but there are a number nearby.

In considering development affecting Listed Buildings, special regard will be given to the desirability of preserving the building, its setting or any features of special architectural or historic interest (Section 66, Planning [Listed Buildings and Conservation Areas] Act 1990).

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

The NPPF 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, 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.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

Saved Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a listed building.

A Heritage Statement that accompanies the application concludes that the proposed development would not harm the significance of any Listed Building or Conservation Area through changes to the settings. It is noted that the site currently makes no positive contribution to the setting of the heritage assets and while the proposal represents a major development in terms of massing and height, it is within a derelict area which does not compliment any of the assets identified. The Conservation Officer agrees with the findings of the Heritage Statement.

To conclude, it is not considered that there would be any adverse impact on the setting of any listed buildings or on the character of the Conservation Area.

Would there be any adverse impact on the character and appearance of the area?

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

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

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

The proposal comprises a 5-storey MSCP, providing a maximum of 472 parking spaces. It has been designed as a Vertical Circulation Module (VCM) which is a continuous gently sloping ramped car park that is set at a slight gradient allowing easy pedestrian movement around the car park at all levels.

There are two principal circulation cores with lifts and staircases within them which provide access to all levels of the car park. The main circulation core is located on the south east corner of the building offering an easy connection to the wider Ryecroft masterplan area and allowing a 'landing space' for people approaching the car park from the town centre on the corner of Liverpool Road and Corporation Street. The secondary core is positioned on the corner of Ryecroft and Liverpool Road, to allow easy Fire Brigade access.

The Liverpool Road elevation is composed of a series of profiled and perforated aluminium panels with solid panels to create the appearance of projecting fins following the line of the sloping floor slabs which have been designed to continuously and gently rise up to the top of the car park. The effect of the fins is further emphasised by alternating the orientation of the aluminium panels at each floor level to create a series of sloping horizontal bands that wrap around the car park elevations. Aluminium cladding is raised up above ground level with a natural facing red brickwork plinth. The two cores would comprise a painted pre cast concrete, coloured in a complimentary tone to the red brickwork plinth. The perforations within the aluminium cladding panels are laser cut to represent the Council's castle logo to tie in with the proposed name of the MSCP, which is the 'Castle Car Park'.

Prior to submission of the application, the scheme was presented to a Design Review Panel (DRP), as encouraged by the NPPF. In particular, the DRP raised concerns over the presentation of the car park proposals in advance of seeing the Ryecroft wider Masterplan. They commented on the lack of proposed public realm improvement on Liverpool Road and on routes to and from the town centre and gave advice on assessing the impact of the development on heritage assets. In terms of the design approach and layout, the Panel encouraged further exploration of the design concept, particularly the proposed towers, they recommended an alternative approach to the use of painted concrete, and recommended the removal of ramps and steps to the entrance to create a more pleasant experience for users, and the removal of the incongruous 'step' at roof level.

In response to the DRP's concerns about the lack of a wider masterplan, it is the case that the car park has been developed in line with the proposed wider masterplan, but the MSCP scheme had to be accelerated to meet the requirements of the project funding.

In response to their other comments, a Landscape Architect was appointed to the project team and detailed landscape proposals have been developed. A Heritage Impact Assessment was produced and Historic map regression carried out and included within the submitted Design and Access Statement. The design has developed and a pre-cast concrete finish with a high performance long lasting paint is proposed for the towers, to remove concerns over maintenance liability. The roof level design has been altered to remove the incongruous step in the façade, replacing it with a series of tapered panels that more seamlessly meet the cladding on the northern elevation and the ramps and steps to the entrance of the car park have now been omitted, creating a level approach.

Although significant in scale and massing, given the context in which it would be located, it is considered that the MSCP would sit comfortably on the proposed site. While the nature of the development is functional, namely the provision of parking, it is considered that the MSCP would be a building of high quality and one that respects the characteristics of the area in which it sits.

Landscape proposals have been submitted for the scheme which will eventually link to the landscaping proposals for the wider masterplan project. Particular attention has been given to improving and enhancing the Liverpool Road frontage, with the provision of a wide landscaping strip along the western boundary of the building. This landscaping strip will provide a mix of planting, shrubs and trees. The northern and eastern frontages of the MSCP building see more subtle landscaping strips, creating legible and well-defined boundaries. The southern boundary of the site, adjacent Corporation Street, will also see significant landscaping enhancements, with tree planting and a range of other shrubs and vegetation proposed.

The Council's Landscape Development section is concerned that there doesn't appear to be space for any meaningful landscaping. They are also concerned that there appears to be no proposal for any landscaping/softening to the eastern elevation. Concern is raised about a lack of light to outdoor space on the greenspace within the adjacent development plot, especially given the heights of the car park and future development.

The applicant's agent has responded to advise that a combination of smaller, multi-stemmed trees combined with tall, narrow trees have been proposed which will be a minimum of 3m from the building and have root-barriers offset 600mm from the building. Regarding the lack of planting on the eastern elevation, it is stated that the applicant is unable to commit to any potential works which may limit future development opportunities for the Ryecroft site. Works outside the extent of the MSCP red line development boundary, including any landscape proposals to the east of the building, will be subject to a separate application.

It is considered that the proposed landscaping would help to soften the car park elevations and will provide a substantial betterment to the site, specifically fronting onto Liverpool Road and Corporation Street. The landscaping will also eventually link into the landscaping proposals for the wider masterplan project which will provide a substantial improvement in terms of the public realm.

Overall, it is considered that the scale and design of the development would be appropriate and with the implementation of an appropriate landscaping scheme to soften the building, there would be no adverse impact on the character and appearance of the surrounding area.

Is the proposal acceptable in terms of highway safety?

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

The MSCP would accommodate up to 453 cars, with 22 (5%) accessible parking bays and 45 (10%) bays providing electric charging points (6 of the EV points would be sited in accessible bays). In addition, there would be parking for 19 motorcycles and a cycle hub with racking and lockers for up to 25 bicycles. Vehicle access and egress to the proposed MSCP will be directly off Liverpool Road, through a vehicle portal in the western façade. There will be three lanes available within the portal.

Pedestrians will access the MSCP via the service cores in the north-east and south-west corners of the building, which will provide stairs and lifts to all floors. Access into and egress from the MSCP for pedestrians will be fully isolated from the vehicle portal.

The application is accompanied by a Transport Assessment which concludes that the proposals raise no concerns in relation to highway or transport matters. It states that the site is ideally located for local and regional highway connections and will lie close to the town centre, to attract social and business visitors. The report demonstrates that the existing highway network can accommodate the additional traffic generated by the MSCP with the principal junctions continuing to operate satisfactorily. It states that the pedestrian route between the proposed MSCP and the town centre is adequate, with zebra crossings at the principal locations and dropped crossings elsewhere. The provision for cyclists in and around the town centre is limited, but the Highway Authority is planning enhancements to the existing routes. The cycle hub within the MSCP, will lie close to the Newcastle Town Deal cycle route and will thus provide opportunity to promote Active Travel.

The Highway Authority (HA) has confirmed that traffic impact on the identified critical junctions has been appropriately and robustly assessed and that the proposed redevelopment proposals would therefore not result in a severe impact on the local highway network in terms of safety and/or capacity. They have requested clarification on a number of matters and a response has been provided. It is anticipated that the further comments of the HA will be set out in a supplementary report.

Air Quality & Noise Impact

As the site is situated within Newcastle's Air Quality Management Area, an Air Quality Assessment was requested and submitted in support of the application. The Assessment concludes that the development would have no adverse air quality impacts on the area.

A Noise Impact Assessment has also been submitted to assess the impact of noise from normal operation of the MSCP upon nearby noise sensitive properties. The assessment shows that assuming the worst-case vehicle movement numbers, there is not expected to be an adverse impact on the nearby sensitive receptors identified.

The Environmental Health Division has no objections subject to the imposition of conditions and therefore it is considered that the proposed development would be acceptable in terms of air quality and noise impact.

Flood Risk & Drainage

The application is accompanied by a Drainage Strategy but Staffordshire County Council as Lead Local Flood Authority (LLFA) states that insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed. Additional information has been provided and the further comments of the LLFA are awaited.

What, if any, planning obligations are necessary to make the development policy compliant?

Section 122 of the Community Infrastructure Levy 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 Highway Authority has requested a financial contribution of £50,000 towards improvement of pedestrian/cycle infrastructure. This contribution is considered reasonable and necessary to contribute to the provision of sustainable development objectives, as encouraged by 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 SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP10: Planning Obligations

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

Policy T16: Development – General Parking Requirements
Policy T17: Parking in Town and District Centres
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 \(September 2007\)](#)

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

[Newcastle Town Centre SPD \(2009\)](#)

Relevant Planning History

06/01181/OUT	Demolition of existing buildings and erection of 6 non-food retail units (Class A1) with associated car parking, access and landscaping works – Approved
14/00657/FUL	Temporary Winter Wonderland consisting of an ice rink, bar, German market units and fair – Approved
17/00959/FUL	Temporary circus consisting of three big tops, box office/bar tent, café tent, company catering tent, toilets and showers and space for caravans and trailers – Approved
19/00470/DEEM3	Temporary ad-hoc use of cleared site of former supermarket for the holding of licenced events such as circuses, fairgrounds, ice rinks etc. – Approved

Views of Consultees

Staffordshire County Council as the **Mineral and Waste Planning Authority** has no objection.

The **Environmental Health Division** has no objections subject to conditions regarding a construction environmental management plan, piling, noise from plant and machinery, deterrent to anti-social behaviour and noise, active travel and lighting.

The **Highway Authority** (HA) has requested additional information regarding detailed access arrangements, a vehicle tracking exercise, intended use of the existing means of access at A52

Ryecroft, widening of the footway along Liverpool Road and proposed boundary treatments. Additional information has been provided and the further comments of the HA are awaited.

Staffordshire County Council as **Lead Local Flood Authority (LLFA)** states that insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed. Additional information has been provided and the further comments of the LLFA are awaited.

Historic England offers no advice and suggests that the views of the Council's Conservation Officer are sought.

The **Conservation Officer** has considered the heritage statement with gives map analysis and assesses the likely impact on the significance of the heritage assets and would generally agree with its findings. The urban grain of this area really begins to change in the mid-20th century and is currently devoid of any character or worthwhile features. It only serves to grant views across the site into the end of the town. Generally the urban environment is served well by the tight grain and topography meaning that only glimpses of this site are available from within the town and this development shouldn't interfere with the main views of St Giles church. It is not considered that the new car park will change how we understand the significance of the CA or the nearby listed buildings – it will not be a distraction albeit it will cause a change in the environment. The building itself would be improved by the towers being clad in a similar stone to Castle House, and the painted concrete is a mistake and maintenance liability. The greenery and landscaping will help to assimilate this building and create an attractive edge but this again should be well executed and maintained. The idea of the perforated castle logo in the metal cladding fins is disliked so maybe it doesn't need to be on all of them.

The **Conservation Advisory Working Party** felt that the proposal was unsustainable in terms of its embodied energy but respected the careful consideration which had been given to the design process. There was some concern over the tunnel effect which would be created by its massing in conjunction with the proposal for flats on Liverpool Road and that this would not be betterment for this gateway site into the town centre conservation area. All felt that the material for the towers was inappropriate and should be a sandstone cladding. Also that the metal fins were an alien material and that wood was preferable and that they created a rather busy appearance and the rhythm would be improved with larger units. There was concern that the tower closest to the subway would be rarely used and presented a potential risk for anti-social behaviour. On a practical level there was a question that the ventilation was adequate.

The **Landscape Development Section** is concerned that there doesn't appear to be space for any meaningful landscaping. The proposed tree planting doesn't have space to grow, which will reduce the screening/softening effect that the landscaping proposals can provide. There appears to be no proposal for any landscaping/softening to the eastern elevation. Tree planting that is illustrated (particularly to the south of the proposed car park) may not be possible due to existing/proposed service connection constraints, additional information is required. Concern is raised about a lack of light to outdoor space on the greenspace within the adjacent development plot, especially given the heights of the car park and future development.

Staffordshire Police **Crime Prevention Design Advisor (CPDA)** initially advised that there were a number of aspects of the scheme which had the potential to undermine security and safety and that due consideration should be given to providing a MSCP which has features more likely to reduce criminal and anti-social opportunity, and an overall safer environment for legitimate users.

Additional information was provided and the CPDA states that it provides very helpful clarification about what is proposed including how the MSCP will operate in general terms, and indicates the incorporation of significant security and safety measures in response to previous perceived shortcomings. It is accepted that the design of the MSCP should provide a good level of safety and security to the perimeter of the building while maintaining an approachable proposal. The rectilinear shape with minimal protrusions should result in good sight lines and natural surveillance opportunities to have a positive impact upon the likelihood of misuse/gathering. A number of recommendations are made regarding security.

No comments have been received from the **Newcastle South Local Area Partnership** and given that the period for comment has passed, it must be assumed that they have no comments to make.

Representations

One letter of representation has been received stating that while it is nice to see some regeneration of this area, it seems rather unusual for a regeneration scheme to commence with a MSCP on the location of an existing car park, particularly as none of the documents submitted in support of the application set out the need. The Planning Statement sets out that the development seeks to increase the number of visitors to the town centre, which is a good thing. However, it promotes no other modes other than by private car, which is a bad thing. Objection is raised on the basis that the proposals do not accord with the presumption of sustainable development. A Health Impact Assessment should be submitted. It is also considered that, regardless of the site area, the project should be subject to EIA Screening by an appropriate expert, and a screening opinion adopted by NuLBC and published on the public record, prior to determination.

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/23/00192/DEEM3>

Background papers

Planning files referred to

Planning Documents referred to

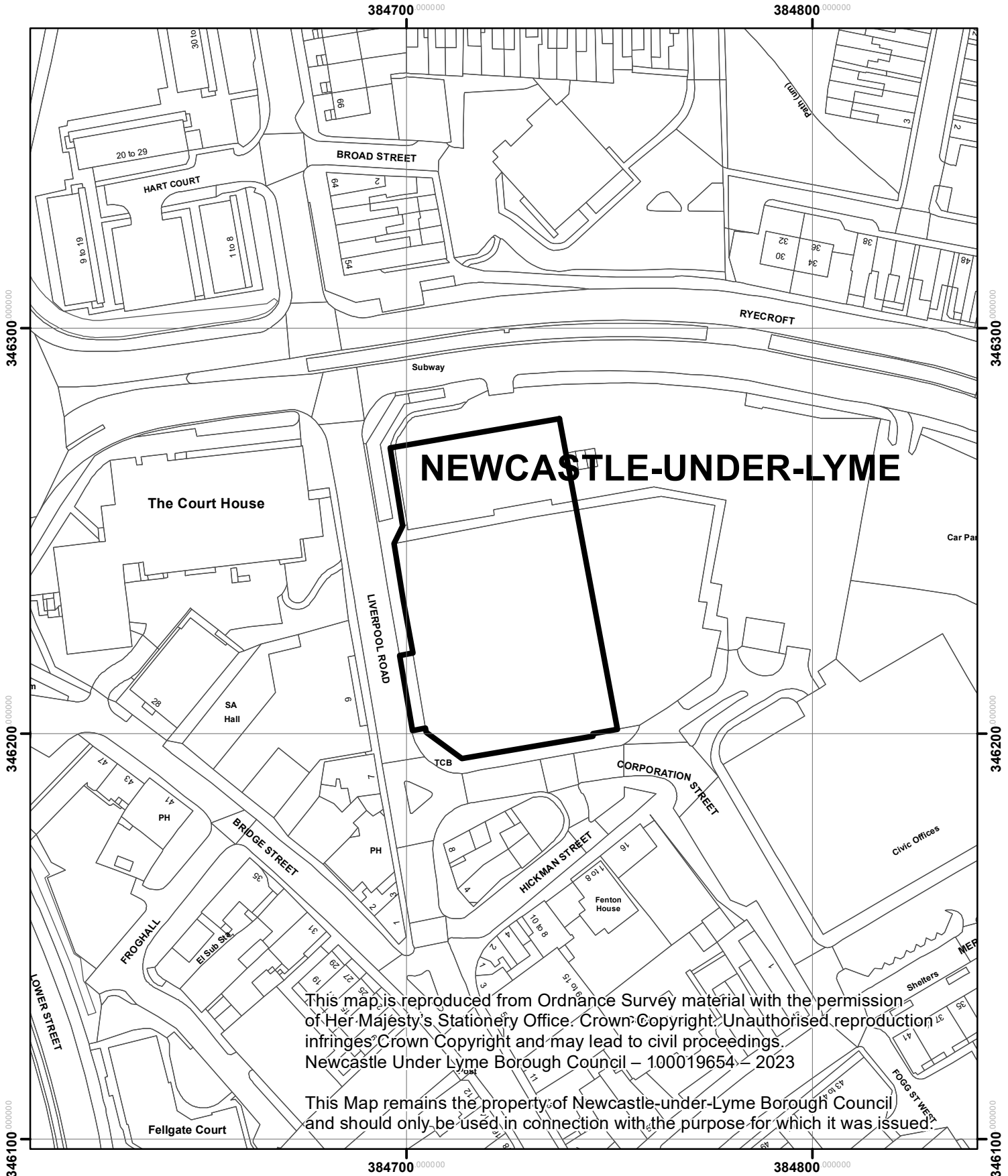
Date report prepared

9 June 2023

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Land to the south of Liverpool Rd, Newcastle -

23/00192/DEEM3



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LAND SOUTH WEST OF CHATTERLEY VALLEY, PEACOCK HAY ROAD, TALKE
HARWORTH ESTATES INVESTMENTS LTD

23/00220/REM

The application is for the approval of reserved matters relating to access arrangements, layout, scale, appearance and landscaping of Plot D1 for a building in Use Classes B1(b), B1(c), B2 and/or B8 pursuant to the outline planning permission element of the hybrid planning application ref: 21/00595/FUL.

The application site forms part of the wider Chatterley Valley development site which has a long standing employment allocation and has previously been subject to planning permission for its redevelopment.

Plot D1 extends to approximately 1.82ha.

The 13 week period for the determination of this application expires on the 16th June 2023.

RECOMMENDATIONS

Subject to the Lead Local Flood Authority not raising objections that cannot be resolved through conditions, the Head of Planning be given the delegated authority to Permit, subject to conditions relating to;

- 1. Link to outline planning permission and conditions;**
- 2. Approved plans;**
- 3. Facing and roofing materials;**
- 4. Boundary treatments;**
- 5. Hardstandings;**
- 6. Soft landscaping;**
- 7. No external storage;**
- 8. Provision of car parking, access, servicing and circulation areas as shown on the approved and sustainably drained, hard surfaced in a bound material, lit and marked out prior to the first occupation of the building;**
- 9. Provision of secure, covered and safe cycle parking facilities;**
- 10. Implementation of ecology and habitat mitigation and enhancement measures;**
- 11. Approval does not constitute the LPA's approval pursuant subject of other conditions of the outline planning permission, these needing to be subject of separate application**

Reason for Recommendation

The proposed development represents a good quality design and there would be no significant harm to the visual amenity of the area, including views from the wider landscape. All technical issues have been addressed within this application or are covered by conditions of the hybrid planning application. It is therefore accepted that the proposed development is a sustainable form of development that accords with the development plan policies identified and the guidance and requirements of the National Planning Policy Framework and should be approved.

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

The LPA and applicant have engaged in proactive discussions and the LPA has requested further information during the consideration of the application to address concerns. Following

the submission of further information the proposed development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

1.1 The application is for the approval of reserved matters relating to access arrangements, layout, scale, appearance and landscaping of Plot D1 for a building in Use Classes B1(b), B1(c), B2 and/or B8 pursuant to the outline planning permission element of the hybrid planning application ref: 21/00595/FUL.

1.2 Plot D1 extends to approximately 1.82ha and forms part of the wider Chatterley Valley development site which has a long standing employment allocation and has previously been subject to planning permission for its redevelopment. Therefore, the principle of employment development has been established on the site.

1.3 The outline planning permission was subject to a number of planning conditions, including those which required information to be submitted as part of the reserved matters submission, namely; intrusive site investigations and remediation for coal mining legacy; landscaping within the parking areas and other hard surfaced areas; a schedule of long-term on-plot landscape management proposals; details of Tree and Hedgerow Protection Measures to BS5837:2012 Method Statement to BS5837:2012; further ecological surveys; Electric Vehicle Charging Infrastructure; and the potential impacts arising from operational noise and onsite vehicle movements.

1.4 The building will comprise a floor area of 7,061sqm and access to the plot will be via a spine road, which will serve other plots on the Chatterley Valley development site. The plot will have 88 parking spaces, including 18 electric vehicle charging bays, 6 accessible parking spaces, and 3 motorcycle parking spaces. Sheltered cycle spaces will also be provided. A landscape strategy and an ecological management plan are also proposed.

1.5 A public right of way will need to be diverted by way of a separate section 257 application.

1.6 Given that this is a reserved matters application the key issues for consideration are now limited to:-

- The design of the scheme and the impact on the form and character of the area;
- Access, parking and highway safety matters;
- Ecology impacts; and
- Sustainable drainage considerations;

2.0 The design of the scheme and the impact on the form and character of the area, including loss of trees

2.1 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 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.

2.2 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.

2.3 The Urban Design Supplementary Planning Document indicates at Policy E3 that business development should be designed to contribute towards improving the character and quality of the area.

2.4 The proposed building will be located on Plot D1 which is the first plot on the southern side of the future spine road which will serve other plots on the wider Chatterley Valley development site. It will be served by a single point of access and the car parking and servicing areas will be to the front of the building. The building will have a floor area of 7,061sqm and a height of approximately 15.7 metres.

2.5 The application is supported by a design and access statement which includes extensive details about the appearance of the building, including computer-generated imagery of the proposed building. Site sections, hard and soft landscaping details have been submitted also.

2.6 The appearance of the building would be comparable to other modern large commercial buildings and the submitted design and access statement sets out that *"The graduated horizontal bands help to read the building from the exterior as the lower, darker band indicates the ground and first floor levels that the offices are located at. This is also accentuated by a feature colour band in Ocean Blue that suggests the extent of the first floor level. The middle and upper horizontal bands are lighter shades of blue-greys which create less contrast between the building and its surroundings from eye level, helping the building to sit more subtly in the surroundings. The vertical feature bands are placed on the corners of each elevation creating visual interest at the most critically visible points of the building."*

2.7 A landscaping scheme has been proposed to soften the appearance of the proposed building, particularly on the western boundary. There is less opportunity for soft landscaping on the northern and eastern boundaries and this is even more limited on the southern boundary due to the footprint and position of the building. However, the topography of the land ensures that the building would be sunken into the landscape.

2.8 The Landscape Development Section (LDS) have expressed disappointment at elements of the scheme, in particular they raise concerns about planting densities and missed opportunities for additional tree planting. They also assert that landscaped areas should not be used as 'potential storage areas', as indicated on the proposed site plans.

2.9 The applicant has set out that the landscaping works for Plot D1 need to be viewed in the context of the overall Green Infrastructure Strategy for the wider site. The wider site will consist of flat plateaus with surrounding substantial sloped areas separating the plots. These slopes will be landscaped which will assist in softening views from the wider area. Additionally, the plots are designed in an efficient manner to provide maximum floorspace and parking within each plot and this reduces the overall visual impact of the plots but does restrict on-site soft landscaping opportunity.

2.10 Conditions of the hybrid planning permission secured the Green Infrastructure Strategy and on balance the applicants' justification for the amount of landscaping for plot D1 is accepted. A condition which prevents external storage areas, particularly within soft landscaping areas, is considered reasonable and necessary due to the already limited amount of soft landscaping provision within the site.

2.11 Subject to conditions which secure additional tree planting and the provision of the approved landscaping scheme, along with the details set out within the application regarding facing materials, boundary treatments and hard surfaces, it is considered that the proposed development represents a good quality design and accords with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

3.0 Access, parking and highway safety matters

3.1 The principle of the wider access works via Peacock Hay Road have been accepted but these details will be considered as part of future reserved matters applications, as required by conditions B9, B10 and B11 of the hybrid planning permission.

3.2 The proposed access point for Plot D1 will be located at the south-eastern corner of the plot, off the future spine road. The internal access roads, parking and turning arrangements are now submitted for approval.

3.3 The HGV servicing and loading area, including parking for 15 trailers will be located to the front of the building and the car parking will be located to the side/ east. The plot will have 88 parking spaces, including 18 Electric Vehicle Charging Bays (20%), 6 Accessible Parking Spaces, and 3 Motorcycle Parking Spaces. Sheltered cycle spaces will also be provided.

3.4 The previous hybrid applications have secured wider access improvements for walkers, cyclists and horse riders and the proposed access arrangements for this plot would connect to the wider roads and footways to support movement to the proposed building for pedestrians and cyclists. The hybrid application also secured the submission and approval of a travel plan prior to the occupation of any of the buildings.

3.5 The Highway Authority has raised no objections, subject to the standard conditions which ensure that the car parking, access, servicing and circulation areas are sustainably drained, hard surfaced in a bound material, lit and marked out prior to the first occupation of the building. The secure, covered and safe cycle parking facilities shall also be provided prior to the occupation of the building.

3.6 The proposed development is considered acceptable and it has been demonstrated that suitable access, parking, servicing and turning areas can be achieved. On this basis the proposed development is in accordance with policies of the development plan and the aims and objectives of the NPPF.

4.0 Ecology and tree/ hedgerow Impacts

4.1 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”.

4.2 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.

4.3 The hybrid application secured a schedule of long-term landscape and woodland management proposals and condition B16 of the outline planning permission requires that

any reserved matters application shall be supported by further ecological surveys, to include measures to mitigate any impact on ecology that is identified.

4.4 The application is accompanied by a Habitat Survey (HS) and a Landscape Specification Management Plan (LSMP) which set out mitigation and enhancement measures. These mainly focus on the wider site works.

4.5 The main focus of the submission is to demonstrate that the wider development works will result in the creation and retention of existing habitats. This will be via six on-site wildlife ponds, log piles and hibernacula, tussock and wildflower grasslands, structural planting, trees and species-rich hedgerows. Furthermore, dropped kerbs, wildlife kerbs/off-set gullies, amphibian gully ladders (where adoptable) and a wildlife tunnel are also being provided to guide animals through a safe road crossing point. This would help to provide suitable foraging, sheltering, commuting and breeding habitat, enabling wildlife to utilise features throughout the wider-site and out to the wider environment.

4.6 Similar surveys and landscape management plans will need to accompany applications for reserved matters for other plots.

4.7 LDS have raised concerns about the ongoing engineering works and the specification of tree protection fencing. However, it is not clear whether they have considered the submitted Arboricultural Assessment & Method Statement. Your officers are seeking clarification on this point.

4.8 The mitigation and enhancements, as set out in the LSMP, are sufficiently detailed and can be secured by condition. On this basis it is accepted that suitable mitigation and enhancement is proposed in accordance with policy CSP4 of the CSS and the guidance and requirements of the NPPF.

5.0 Sustainable drainage considerations

5.1 Policy CSP3 of the CSS indicates that development which positively addresses the impacts of climate change and delivers a sustainable approach will be encouraged.

5.2 Paragraph 152 of the revised NPPF also recognises that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”.

5.3 Conditions of the hybrid permission sought outline surface water drainage schemes (SuDS) for the wider development site and conditions B5 and B12 of the hybrid planning permission sought detailed surface water drainage schemes for the site (B5).

5.4 Condition B5 of the outline planning permission has not been satisfied as yet but this is a separate process to this reserved matters application. However, surface water drainage details were required as part of the reserved matters application, via condition 12.

5.5 The Lead Local Flood Authority (LLFA) has asked for clarification on the detailed surface water drainage schemes for the site, including Plot D1 and their further comments are awaited. These are likely to be received prior to the committee meeting.

5.6 Subject to no objections being received from the LLFA, the proposed development has demonstrated an acceptable sustainable drainage scheme, in accordance with CSP3 of the NPPF and the guidance and requirements of the NPPF

6.0 Reducing Inequalities

6.1 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.

6.2 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.

6.3 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

6.4 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

6.5 The scheme has been developed embracing good design and access and 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 CSP1: Design Quality

Policy CSP3: Sustainability and Climate Change

Policy CSP4: Natural Assets

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

Policy E2: Chatterley Valley

Policy T16: Development – General Parking Requirements

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures

Policy N4: Development and Nature Conservation – Use of Local Species

Policy N17: Landscape Character – General Considerations

Other Material Considerations include:

National Planning Policy

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

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

In 2019 a hybrid planning permission, 18/00736/OUT, was granted for the following:-

- A. full planning permission for earthworks associated with the creation of development plateaus, access roads and associated works; and
- B. outline planning permission for development of buildings falling within Use Classes B1b (research and development), B1c (light industry), B2 (general industrial and B8 (storage and distribution), and ancillary A3 (Restaurants and cafes) and A5 (hot food takeaways) uses. All matters of detail are reserved for subsequent approval.

Application 19/00846/OUT permitted the removal of condition B23, relating to pedestrian and cycleway enhancements, of planning permission 18/00736/OUT and variation of condition A1 relating to timescales for completion of earthworks; variation of conditions A8, B1 and B10 with regards to reference to Green Infrastructure Strategy; variation of condition B3 regarding requirements for the reserved matters application/s; and variation of reason for condition B25 relating to permitted use classes on the plots.

A further application, 21/00595/FUL, was permitted for the removal and variation of a number of conditions of 19/00846/OUT.

Application 21/00570/FUL, for full planning permission for the formation of development platforms, provision of access road and accompanying infrastructure and ecological enhancements has also been permitted.

Application 21/00595/NMA for a non-material amendment relating to the Electric Vehicle Charging Infrastructure as required by condition B18 of planning permission 21/00595/FUL is pending consideration.

Views of Consultees

The **Environment Agency** advises that Flood Risk Standing Advice, and/or Development Guidance Note, should be considered.

The **Highways Authority** raises no objections subject to conditions which ensure that the car parking, access, servicing and circulation areas are sustainably drained, hard surfaced in a bound material, lit and marked out prior to the first occupation of the building. The secure, covered and safe cycle parking facilities shall also be provided prior to the occupation of the building.

The **Coal Authority** raises no objections subject to the recommended remedial works (secured by condition B8 of the outline permission) being implemented on site.

The **Landscape Development Section** advises that planting densities are light and there are missed opportunities for additional tree planting. Softening views of the site from the footpath/bridleway/ cyclepath, along with large expanses of paved surfacing should also be considered. Footpath diversion details should be shown because of concerns about how this would work with the layout and levels shown. Issues are raised with regards to tree protection measures on site whilst extensive works are undertaken.

Network Rail raises no objections.

The County Council as the **Lead Local Flood Authority** advises that information to satisfy other drainage conditions of the hybrid planning application should also come forward for consideration alongside the REM.

Stoke-on-Trent City Council advises that they have no comments to make on the application.

The County Council as the **Mineral and Waste Planning Authority** has no comments.

Comments were also invited from the **Council's Waste Management Section, Economic Regeneration and Environmental Health Division**, along with the **Public Rights of Way Officer** but in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by the following key documents;

- Planning Statement;
- Design and Access Statement;

- Drainage Strategy;
- Habitat Survey;
- Landscape Specification Management Plan
- Noise Assessment;
- Arboricultural Report;
- Geotechnical Investigation Report (GIR) and Environmental Report;
- External lighting 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/23/00220/REM>

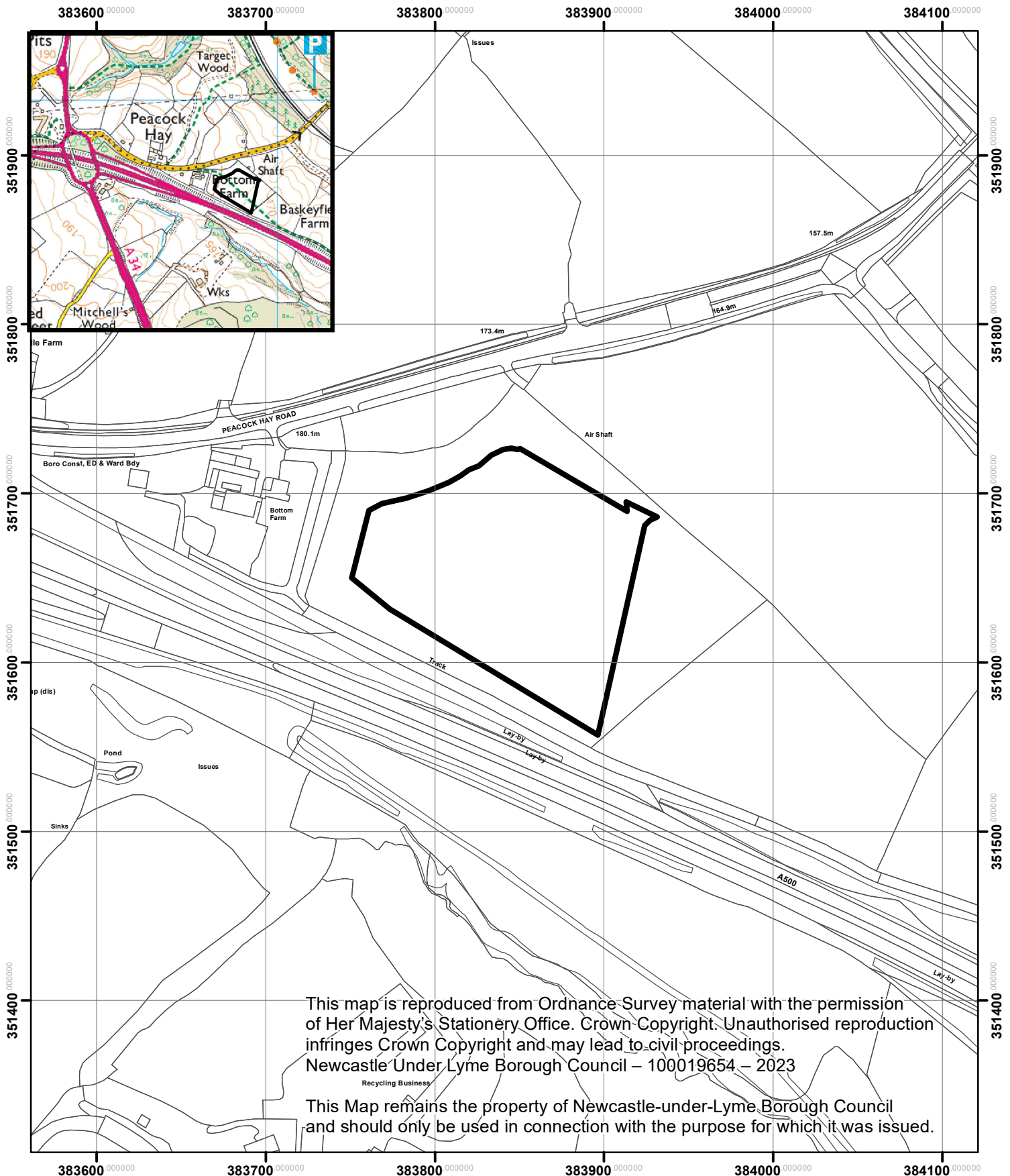
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

6th June 2023

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Newcastle Under Lyme Borough Council – 100019654 – 2023

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LAND OFF WATERMILLS ROAD, CHESTERTON
HODGKINSON BUILDERS LTD

22/01018/FUL

This application seeks to vary conditions 2 and 10 of planning permission 20/00463/FUL (67 dwellings) to include changes to the application site boundary, access, layout and house types. Condition 2 lists the approved drawings and condition 10 requires the provision of visibility splays in accordance with an approved plan.

The application site lies within the Newcastle Urban Neighbourhood in an area covered by Policy E9 (Renewal of Planning Permissions for Employment Development) of the Newcastle-under-Lyme Local Plan.

The 13 week period for the determination of this application expired on 28 February but the applicant has agreed an extension to the statutory period to 23 June.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- 1. Variation of conditions 2 and 10 to list the revised plans**
- 2. Any other conditions attached to planning permission 20/00463/FUL that remain relevant at this time.**
- 3. Details of private pedestrian links**

Reason for Recommendation

The proposed amendments to the layout and elevations would be acceptable in terms of impact on the form and character of the area. There would be no adverse impact on highway safety or residential amenity and it is expected that an appropriate layout of affordable units can be agreed.

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

Amendments and additional information have been sought where necessary to progress the determination of the application and this is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

This application seeks to vary conditions 2 and 10 of planning permission 20/00463/FUL (67 dwellings) to include changes to the application site boundary, access, layout and house types. Condition 2 lists the approved drawings and condition 10 requires the provision of visibility splays in accordance with an approved plan.

In considering an application to vary a condition, the Authority has to consider only the question of the conditions subject to which planning permission may be granted. 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 it should refuse the application.

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one. Although the original permission was granted following the completion of a Section 106 agreement, there is a clause within it which states that in the event that the Council grants a planning permission for a variation of a condition attached to the original planning permission, then references in the S106 to the planning permission shall be deemed to include any such subsequent permissions for variations. On this basis, no planning obligation is now required.

The proposed changes would have no adverse impact on residential amenity and on the basis that the Highway Authority has no objections to the scheme subject to conditions, it is not considered that there would be any issues of impact on highway safety.

The issues for consideration are:-

- Is the revised proposal acceptable in terms of its design and impact on the form and character of the area?
- Is the impact on trees acceptable?
- Is the amount, type and location of the affordable housing acceptable?

Is the revised proposal acceptable in terms of its design and impact on the form and character of the area?

Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 126 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. At paragraph 130 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy CSP1 of the 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 NPPF.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

The number of dwellings would be unchanged from the approved scheme and the proposed layout of the site would be very similar. The proposals would provide a mix of 2 and 3-bed dwellings comprising detached, semi-detached and townhouses, which is the same as previously approved. All the dwellings would be 2-storey. For the approved scheme, the materials were to comprise render, timber larch cladding and cement board cladding. The design now proposed would be more traditional, comprising red brick and tiled pitched roofs.

The site is separated from Audley Road by a substantial landscaped bund but the dwellings on the north eastern side of Audley Road are the closest reference and they are predominantly semi-detached or terraced and are traditional in design. Therefore, it is considered that the proposed amendments would respect local character in terms of housing layout and design.

Is the proposed landscaping and open space within the site acceptable?

The Landscape Development Section (LDS) is concerned that the linear woodland walkway and the village green space which they believe had made important contributions to previous applications are no longer provided. While the original outline scheme for this site indicated a woodland walkway and a village green, the previously permitted detailed application did not and the amount of open space now proposed is similar to that approved. Given this, it would not be reasonable to object to the amount of open space now proposed within the site.

The S106 for the site requires a financial contribution towards off-site Public Open Space in the area.

Is the amount, type and location of the affordable housing acceptable?

Policy CSP6 of the CSS states that for new residential development within the urban area, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

In terms of design and layout requirements, the SPD states that to ensure the creation of mixed and integrated communities the affordable housing should be seamlessly integrated and distributed throughout the development scheme consisting of only small groups. It should not be distinguishable from market housing in terms of location, appearance, levels of amenity space, privacy and build quality and materials. It states that there should generally be no more than 10 affordable units in one cluster but states that there will be a certain degree of flexibility and that the Council will negotiate the distribution of the affordable dwellings across the site to ensure the creation of balanced and sustainable communities whilst also taking into account housing management and overall site development issues.

The applicant has not yet provided details of the location of the affordable units on the site. Details have been sought and comments on whether they are sufficiently distributed across the site to achieve an acceptable level of integration will be given in a supplementary report.

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 SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP6: Affordable Housing

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

Policy T16: Development - General Parking Requirements
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

[National Planning Policy](#)

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

[Planning Practice Guidance](#) (2018)

[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](#)

20/00463/FUL	Residential development of 67 dwellings including means of access - Approved
18/00017/REM	Reserved matters application for the scale, layout, appearance and landscaping for 60 dwellings (Amended description and plans) – Refused and dismissed at appeal July 2019
13/00974/OUT	Residential development of up to 65 dwellings including means of access – Allowed at appeal January 2015

[Views of Consultees](#)

The **Highway Authority** has no objections subject to conditions regarding provision of private pedestrian links, visibility splays, provision of the access, internal roads and private drives, provision of allocated parking spaces, boundary treatments, provision of bin collection areas, surfacing and drainage for the private drives, parking and turning areas and a Construction Environmental Management Plan.

The **Environmental Health Division** has no objections to this application subject to the conditions requested in connection with 20/00463/FUL being carried across to any subsequent permission.

The **Education Authority** states that as there is no change to the number of dwellings, their response remains the same as for the previous application which was that no education contribution is required as 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.

The **Crime Prevention Design Advisor** states that natural surveillance throughout the development and out from the dwellings over the road network should be at a good level generally. The revised plans include a number of rear access paths that were not a feature of the approved plans. While it would be preferable to avoid such paths, at least these are shown as gated at the entrance to the path. A number of recommendations are made regarding security measures to reduce vulnerabilities.

The **Landscape Development Section** is concerned that the linear woodland walkway and the village green space which had made important contributions to previous applications are no longer provided. Retaining walls will be large and potentially visually prominent. Large expanses of paved surfaces need to be avoided and all opportunities for provision of semi mature replacement tree planting be utilised. Construction and material detail should be provided by way of a landscaping condition and a native hedgerow should be planted around the perimeter to soften and blend the development with the rural setting beyond.

No comments have been received from the **Newcastle South Local Area Partnership** and the Council's **Waste Section** and given that the period for comment has passed, it must be assumed that they have no comments to make.

Representations

None

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/22/01018/FUL>

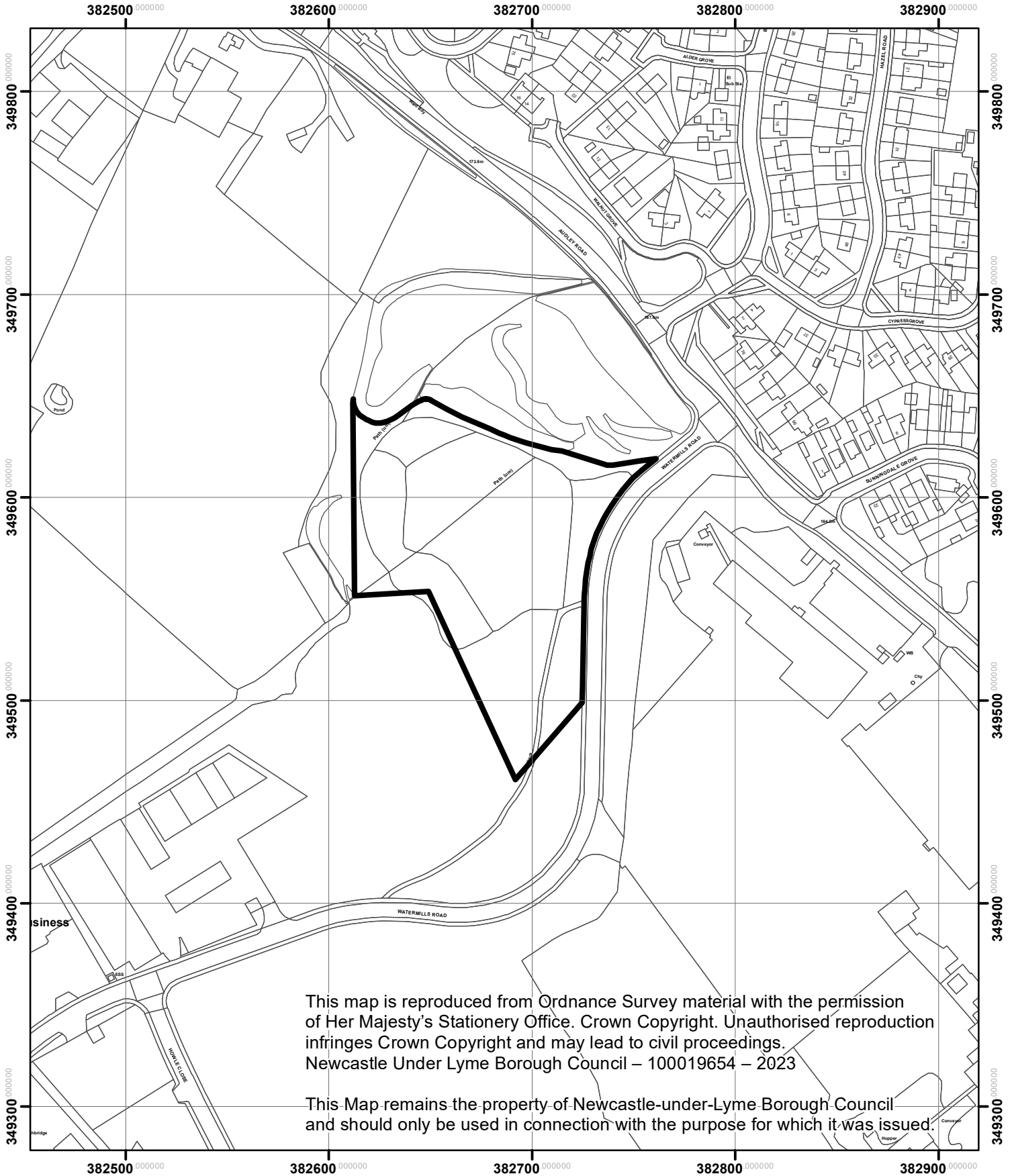
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

12 June 2023

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ONE LONDON ROAD, NEWCASTLE-UNDER-LYME
ABODE RESIDENCIES

23/00104/FUL

Full planning permission is sought to vary condition 7 of planning application 16/01106/FUL (Redevelopment of the site for 499 apartments comprising of student accommodation) to allow for the use of approved student apartments by both students and hospital staff. Condition 7 restricts occupation of the development to students only. Permission has been granted on two occasions for the temporary variation of the condition to allow occupation of the accommodation by any person (student or non-student). The most recent temporary consent ends on 31st August 2023.

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

The 13 week period for the determination of this application expires on 11th May but an extension of time has been agreed to 23rd June 2023.

RECOMMENDATION

PERMIT subject to:

- 1. Variation of condition 7 so that it reads as follows:**

The occupation of the development shall be limited to full time students and a maximum of 200 essential workers employed at the Royal Stoke University Hospital only.

- 2. Any other conditions attached to planning permission 16/01106/FUL that remain relevant at this time.**

Reason for Recommendation

Subject to restrictions on the number and nature of non-students allowed to occupy the site, and given the sustainable location of the site, it is not considered that the highway safety impacts of the proposal would be so severe to justify a refusal. It is also not considered reasonable to request affordable housing provision or to request an additional financial contribution towards public open space.

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

The application is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought to vary condition 7 of planning application 16/01106/FUL (Redevelopment of the site for 499 apartments comprising of student accommodation) to allow for the use of approved student apartments by both students and hospital staff. Condition 7 restricts occupation of the development to students only. Permission has been granted on two occasions for the temporary variation of the condition to allow occupation of the accommodation by any person (student or non-student). The most recent temporary consent ends on 31st August 2023.

The previous applications to vary condition 7 on a temporary basis were submitted because the COVID-19 pandemic had major implications for the student accommodation sector, with significantly reduced occupancy levels being observed. Following the grant of the temporary consents, there has been significant demand for the accommodation from hospital workers. Given its proximity, the accommodation has proven very popular with staff from Royal Stoke University Hospital. A letter from the University Hospitals of North Midlands International Nurse Lead has been submitted which sets out their support for this proposal. It states as follows:

UHNM have worked with One London Road since June 2022 and as of this date 217 nurses have been accommodated at the property. The One London Road property has been vital for our international nurse recruitment and we anticipate further international recruitment in the coming years, whether that be for nurses or other healthcare professionals. Due to the close proximity to the Royal Stoke hospital, One London Road is an ideal base for our nurses and the accommodation offers excellent facilities.

UHNM would gladly support One London Road in its application...as having sufficient accommodation availability is essential to our international recruitment project.

Although consent is now sought on a permanent basis, it is no longer to be extended to all non-students. The applicant has confirmed that they would accept restrictions on occupancy by non-students to essential workers employed at the Royal Stoke University Hospital only and they also suggest a restriction on the number of rooms where occupation by hospital workers is allowed to no more than 200. This would leave the remaining 299 rooms exclusively for occupancy by students as per the terms of the original permission.

In considering an application to vary a condition, the Authority has to consider only the question of the conditions subject to which planning permission may be granted. 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 it should refuse the application.

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one. Although the original permission was granted following the completion of a Section 106 agreement, there is a clause within a deed of variation relating to a subsequent application which states that in the event that the Council grants a planning permission for a variation of a condition attached to the original planning permission, then references in the S106 to the planning permission shall be deemed to include any such subsequent permissions for variations. On this basis, no planning obligation is now required.

The reason given for the imposition of Condition 7 is as follows:

Because affordable housing requirements would otherwise be triggered and to ensure there is no adverse impact upon highway safety in accordance in accordance with the requirements of Saved Policies T16, IM1, IM2 of the Newcastle-under-Lyme Local Plan 2011, Policies CSP1, CSP5 and CSP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, and the aims and objectives of the National Planning Policy Framework.

On this basis, the main issues in the consideration of the application are as follows:

- Is the amount of car parking acceptable?
- Is affordable housing required?
- Is an additional contribution to public open space required?

Is the amount of car parking acceptable?

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.

The NPPF, at 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 states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and second to facilitating access to high quality public transport. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the

government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

There are 139 parking spaces at the site. In approving the applications for the temporary variations of the condition, the Council accepted that although the occupation of the building by non-students is likely to lead to more residents owning a car, there are parking spaces at the site and given the sustainable location of the site, the highway safety impacts of the development would not be severe.

The site is in close proximity to the hospital where the non-students would be employed and it is located within easy walking and cycling distance of the shops and services on offer within the town centre, as well as public transport connections from the bus station. The approved development also makes provision for some 124 cycle spaces, thereby offering further opportunities for sustainable modes of transport to be adopted. As a consequence, no severe residual impacts to highway safety would accrue as a consequence of the proposed development.

Is affordable housing required?

Section 122 of the Community Infrastructure Levy 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.

In relation to 16/01106/FUL, no affordable housing provision (either on-site or an off-site contribution) was required on the basis that the development was for purpose built student accommodation.

In approving the previous applications, the Council accepted that given the particular circumstances and the temporary nature of the application, it was not considered reasonable to request affordable housing provision. For this application, given that occupancy would be restricted specifically to students and workers from one particular, clearly defined hospital, it is again not considered reasonable to require affordable housing provision.

Is an additional contribution to public open space required?

In relation to 16/01106/FUL, the financial contribution towards public open space was reduced in recognition that all of the units would be single person accommodation. The standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and includes a play element on the basis that children are likely to be among the occupants. The adjustment that was made was to request 2/5ths of the total and to remove the play element of the contribution.

Given that the rooms would remain single person accommodation, it is very unlikely that there would be children among the occupants. Therefore it is considered appropriate to maintain the adjusted contribution.

On the basis of the above, it is not considered reasonable to request an additional financial contribution towards public open space.

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 SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
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 T16: Development – General Parking Requirements
Policy C4: Open Space in new housing areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy](#)

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

16/01106/FUL	Redevelopment of the site for 499 apartments (comprising of student accommodation) – Approved
20/00557/FUL	Variation of condition 2 of planning ref 16/01106/FUL (to be changed to approve minor amendments to the planning drawings) – Approved
20/01002/FUL	Variation of condition 7 of planning permission 16/01106/FUL to allow temporary occupancy of the approved student apartments by both students and non-students – Approved
21/01070/FUL	Application for temporary variation of condition 7 of planning permission 16/01106/FUL to allow occupancy for both students and non-students until 2023 – Approved
22/00548/FUL	Application for variation of condition 1 of planning permission 20/00557/FUL to make amendments to the floor plans, roof plan and elevations of Block 5 – Approved
23/00164/FUL	Application for variation of condition 1 of planning permission 20/00557/FUL to make amendments to the floor plans, roof plan, site plan and elevations of Block 4 – Pending Consideration

Views of Consultees

The **Environmental Health Officer** has no objections.

The **Housing Strategy Section** states that ordinarily planning permission for a development of this scale would have given rise to a requirement for 25% affordable housing provision of financial contributions towards off-site provision. If the application is looking to allow occupation by non-students (albeit hospital workers) then the affordable housing provision should be activated.

Representations

None

Applicant's/Agent's submission

The application is accompanied by a Planning Statement. All of the application documents can be viewed on the Council's website using the following link:

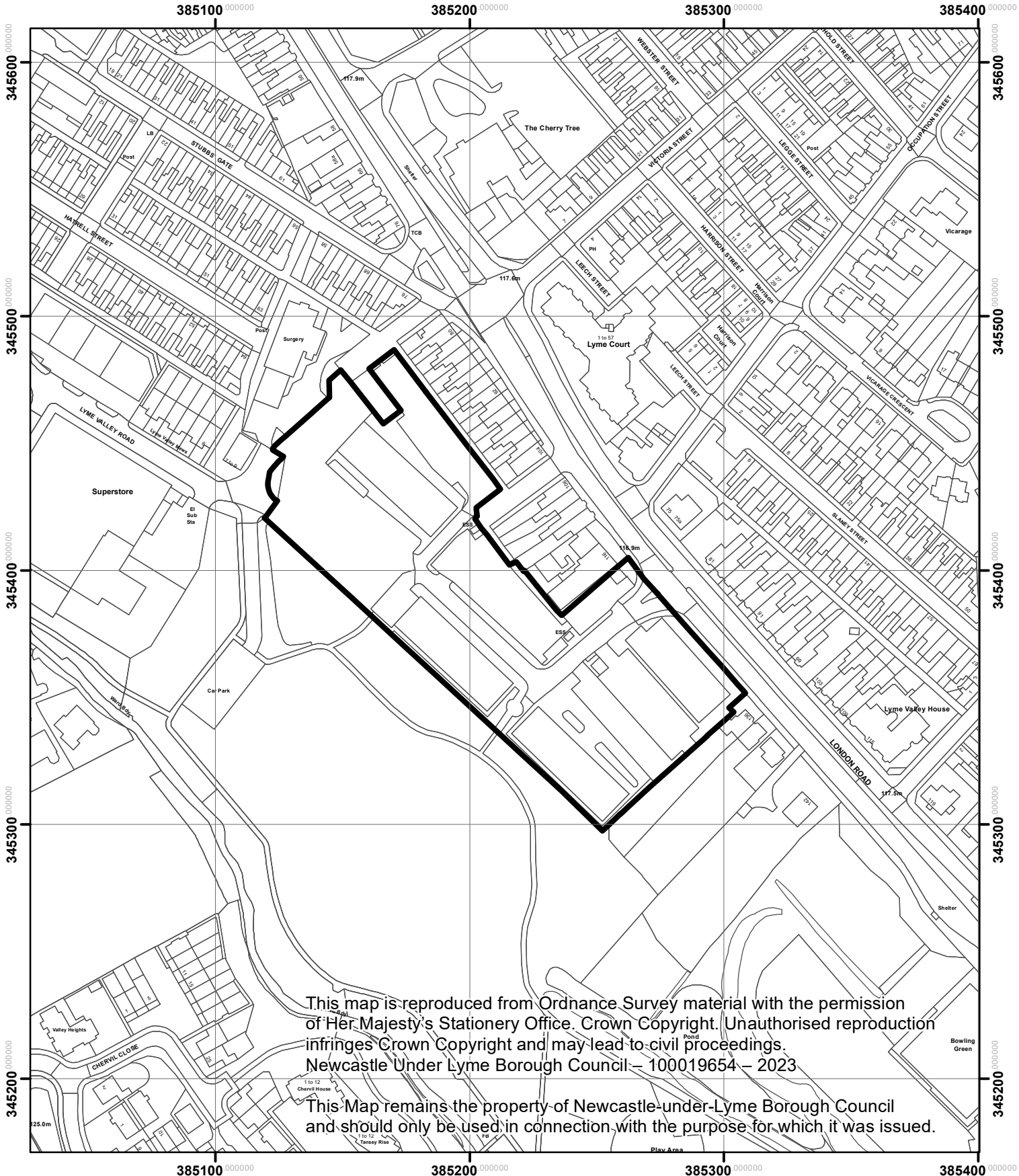
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/23/00104/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

12 June 2023



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ONE LONDON ROAD, NEWCASTLE UNDER LYME
ABODE MANCHESTER LIMITED

23/00164/FUL

This application seeks full permission for the variation of condition 1 of planning permission 22/00548/FUL to make amendments to the floor plans, roof plan and elevations of Block 4. There are also changes proposed to the previously approved layout of the site, which affects car parking provision.

The site formerly operated as a Ford Bristol Motors car sales dealership and servicing provider, with access directly onto London Road, as well as rear access from Lyme Valley Road. Planning permission was granted for the redevelopment of the site for student accommodation under planning application reference 16/01106/FUL.

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

The redevelopment of the site for 499 studio apartments arranged into a series of 5 individual blocks has commenced with Blocks 1, 2, 3 and 5 complete. Block 4, the subject of this application, is at an advanced stage of construction.

The 13 week period for the determination of this application expires on 6th June 2023, however the applicant has agreed to an extension of time to this determination date until the 23rd June.

RECOMMENDATION

PERMIT, subject to conditions relating to:

- 1. Variation of condition 1 to list the revised plans,**
- 2. Any other conditions attached to planning permission 22/00548/FUL that remain relevant at this time.**

Reason for Recommendation

The proposed changes would maintain the design and appearance of the scheme and the development represents a sustainable form of development that accords with the development plan for the area and the guidance and requirements of the NPPF.

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

This is considered to be a sustainable form of development and complies with the provisions of the development plan for the area and National Planning Policy Framework.

Key Issues

This application seeks to vary condition 1 of planning permission 22/00548/FUL to make amendments to the floor plans, roof plan and elevations of Block 4 which along with other planning permissions, granted the construction of 499 studio apartments. There are also changes proposed to the previously approved layout of the site, which affects car parking provision.

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

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.

This application is seeking changes to the external appearance of the building referred to as Block 4 which includes alterations to the size and position of a number of windows and doors, changes to the extent of timber cladding detail surrounding the proposed windows and updating drawings, including additions to the roof plan. Changes are also sought to the overall site plan for the development and include alterations to the parking layout and siting of cycle parking associated with Blocks 2 and 4; alterations to the number of disabled parking spaces; along with minor amendments to the layout of the car park adjacent to Block 5.

While there are some internal changes to the layout of the building, this does not result in any changes to the number of units or the size of the bedrooms or shared living spaces. Therefore these alterations are considered to be non-material and would not raise any implications in relation to amenity or design.

The principle of the development remains unaltered and so is not for re-consideration within this application. Furthermore, a clause within a previous deed of variation for this development, secured under planning application reference 20/00557/FUL, protects the Council's interests in terms of S106 Obligations, should any further variation of condition applications be permitted. Therefore, a further deed of variation is not required for this application.

Therefore the key issues to consider in the determination of this application are;

- The design of the proposal and impact on the wider landscape and
- Issues relating to parking and highway safety.

Design of the proposal and impact on the wider landscape

Paragraph 126 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 130 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

Block 4 sits at the western edge of the site, adjacent to Lyme Valley Road.

The amendments to the fenestration and extent of timber cladding are considered to be minor and would have no discernible impact on the design and appearance of the building or the character of the wider area. Such changes would also reflect those agreed in alterations to the other blocks within the development site and so would ensure that the design throughout the site is cohesive.

The overall changes to the site layout are also considered to be minimal, and would not disrupt the overall character or appearance of the site. The positioning of the cycle storage remains appropriate and the addition of the condenser fan units on the external wall of all of the building is not considered to visually harm the character or appearance of the building or the site when viewed as a whole.

Revisions to the approved drawings also include changes to the roof layout. The roof plan drawing now includes details of the lift overrun, roof access hatch and extraction equipment to be installed on the roof. While elements would be visible above the main roof, this is not considered to be out of character with the area and such paraphernalia is expected to a certain extent with high rise

development. The scale of the extraction and lift infrastructure is considered to be appropriate and does not disrupt the overall appearance of the building.

As such, the changes to the proposed development are considered to be acceptable and would be in accordance with local and national planning policy.

Parking and Highway Safety.

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.

The application seeks to change the site layout which will result in a reduction in car parking spaces for the accommodation.

The original planning permission for the scheme, reference 16/01106/FUL, included 173 student parking spaces. A variation to the approved plans which was granted under planning application reference 20/00557/FUL reduced the number of parking spaces for students to 148. That was considered acceptable on the basis that in accordance with the Local Plan car parking standards, a maximum of 125 car parking spaces should be provided for the students on the basis of 1 space per every 4 units.

Changes to the site layout that are now proposed under this application would result in a further reduction in student parking spaces to a total of 139 spaces. While this is a notable reduction, it has already been established that the policy compliant level of parking for the scheme is 125 spaces, and so despite the loss of parking spaces, the scheme would still be compliant with local plan parking standards.

The proposal would also result in the number of disabled bays halving from 16 to 8. Although an unfortunate loss, there is nothing within the Local Plan parking standards that dictates that a specific number of accessible/disabled spaces must be provided. Further advice was sought by your Officers from the Highway Authority on this matter, and they have advised that in the absence of specific local policies, Manual for Streets guidance recommends a 5% provision of parking for disabled spaces. On that basis, the reduction proposed would still accord with the recommended standards and so would remain acceptable.

The number of spaces for cycle parking would be unaffected by the proposed changes.

Therefore in light of the above the proposed development would still present a policy compliant level of parking for the development and existing dwellings and as such would comply with the relevant policies of the development plan as well as the aims and objectives of the Framework.

Reducing Inequalities

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

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

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

- Age
- Disability
- Gender reassignment

- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

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

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

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

APPENDIX

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

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

Policy CSP1: Design Quality
Policy CSP10: Planning Obligations

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

None Relevant

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

- 16/01106/FUL Redevelopment of the site for 499 apartments (comprising of student Accommodation) – Permitted
- 20/00557/FUL Variation of condition 2 of planning ref 16/01106/FUL (to be changed to approve minor amendments to the planning drawings) – Permitted
- 20/01002/FUL Variation of condition 7 of planning permission 16/01106/FUL to allow temporary occupancy of the approved student apartments by both students and non-students – Permitted
- 21/01070/FUL Application for temporary variation of condition 7 of planning permission 16/01106/FUL to allow occupancy for both students and non-students until 2023 – Permitted
- 22/00548/FUL Application for variation of condition 1 of planning permission 20/00557/FUL to make amendments to the floor plans, roof plan and elevations of Block 5 - Permitted
- 23/00104/FUL Application to vary condition 7 of planning application 16/01106/FUL (Redevelopment of the site for 499 apartments comprising of student accommodation) to allow for use of approved student apartments by both students and hospital staff – Pending Consideration

Views of Consultees

None Received

Representations

None Received

Applicant's/Agent's submission

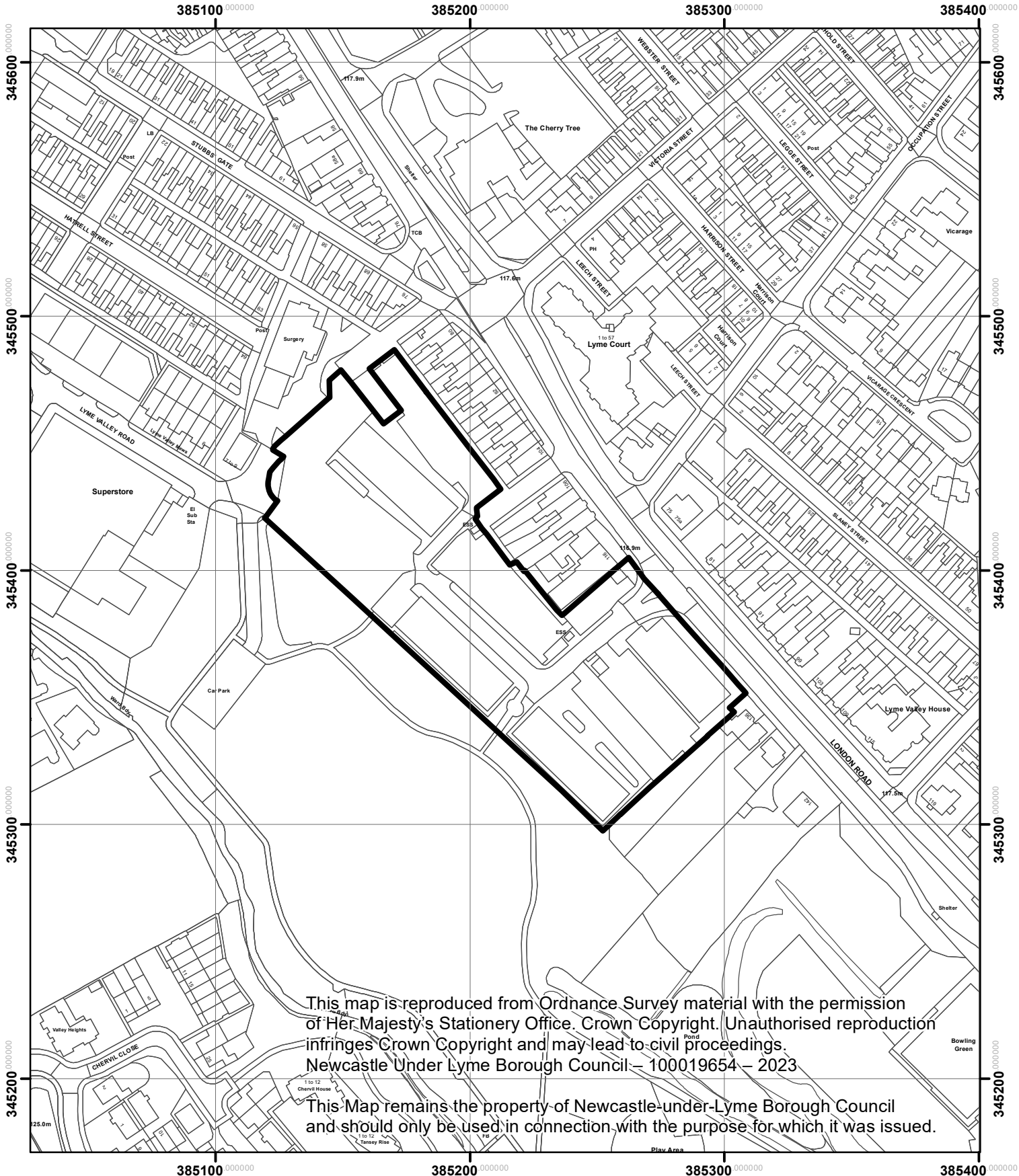
All of the application documents can be viewed on the Council's website using the following link:
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00164/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

8th June 2023.



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THE WAMMY, LOWER MILEHOUSE LANE
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

23/00142/DEEM3

The application is for the construction of a new sports pavilion in association with the adjacent playing fields at The Wammy, Lower Milehouse Lane.

The application site is situated within the urban area of Newcastle as defined on the Local Development Framework Proposals Map.

The statutory 8-week period for the determination expired on the 3rd May 2023. The applicant has agreed to an extension of time until the 23rd June.

RECOMMENDATION

Permit, subject to conditions relating to;

- i. Time limit condition**
- ii. Approved plans**
- iii. Materials**
- iv. Restrictions to deliveries and construction vehicles**
- v. CEMP**
- vi. Opening hours**
- vii. External Lighting**
- viii. Extraction/Ventilation Equipment for kitchen/ catering area**
- ix. Full and precise details of security shutters**
- x. Tree Protection Plans**
- xi. Landscaping Scheme**
- xii. Full accordance with recommendations FRA**
- xiii. Drainage Maintenance and Management Scheme**

Reason for Recommendation

The proposed development would support an existing, established use of the site as a community football pitch and would not raise any adverse impacts in relation to the character and appearance of the area, residential amenity or parking and highway safety. It would therefore accord with the policies of the development plan and the aims and objectives of the NPPF.

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

Amended plans and additional information have been submitted in support of the application at the request of the LPA. Following the submission of these additional details 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 construction of a new sports pavilion to be used in association with the existing playing fields at The Wammy.

The site is located within the urban area of Newcastle under Lyme as defined on the Local Development Framework Proposals Map. The site also sits within Flood Zone 2.

The key issues to consider in the determination of this application are;

- The principle of the development,
- Design and the impact on the character and appearance of the area,

- Residential amenity,
- The impact on parking and highway safety,
- Any impact on visually significant trees and
- Flood Risk.

Principle of the Development

Paragraph 92 of the NPPF states that planning policies and decision should aim to achieve healthy, inclusive and safe places which it expands, at criteria c) should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible sports facilities.

Paragraph 93 of the Framework goes on to state that to provide social, recreational and cultural facilities and services the community needs, planning policies and decision should, amongst other points, plan positively for the provision and use of community facilities such as sports venues and other local services to enhance the sustainability of communities and residential environments.

The application site is located within the defined urban area of Newcastle-under-Lyme and is currently host to playing fields and an associated car park that is used by local sports clubs as well as for general recreation.

The application proposes the construction of a new sports pavilion which includes changing rooms, offices and a social and catering space to be used by local sports teams in association with the adjacent playing fields.

The application documents detail that there are currently no facilities for changing or toilets on site, and that the proposals will provide a much needed community space for the players and spectators to come together and allow for a more effective use of the site.

Sports England have been consulted on the proposals and do not wish to raise any objections to the scheme. They advise that the proposed development meets exception 2 of the Sports England Playing Fields Policy in that; “The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.”.

The proposed development is considered to be appropriately located to serve the established sports pitches at the Wammy and would serve to provide enhanced facilities to support this established community sports use. The site is also identified within the Council’s Playing Pitch Strategy 2020 as requiring improvement in terms of the ancillary facilities available to users.

The site is within a highly sustainable location that can be accessed by users via a variety of alternative transport options including good bus and cycle routes. The development would support and enhance an existing community sports use on the site and so would be considered to comply with the aims and objectives of the NPPF and on this basis the development is considered to be acceptable.

Design and impact on the character and appearance of the area

Paragraph 127 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

Policy CSP1 of the Council’s Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

The application site comprises a large expanse of open green space that is used as community football pitches. The site is bounded to the south by the rear gardens of residential properties of St Bernard's Road and to the north is a further residential development, separated from the site by a formal cycle path and landscaping. The application site also benefits from an existing car park that is accessed directly from Lower Milehouse Lane.

The application proposes to construct a new single storey sports pavilion to the south east of the existing car park. The building would have a footprint of 480 square meters and would be constructed using a lean-to roof that would have an eaves height of 3.3m at its lowest point, adjacent to the southern boundary, and then increasing to 5.2m on the north elevation of the building. It is proposed to construct the building from a combination of facing brickwork and vertical metal cladding on the walls with a standing seam metal roof. Solar panels are also proposed to be installed on the roof.

While the development would introduce a large building into an area of the site that is open and undeveloped, its scale and overall design are considered to be appropriate and commensurate with the community use that it proposed. The building would be seen against the backdrop of existing development from the dwellings along St Bernard's Way and would also sit against existing trees and hedgerow vegetation that would help to soften its appearance within the wider landscape.

While large in its footprint, the application documents detail that this has been largely driven by the functional requirements for the building and the need for space to accommodate four teams and associated visitors as well as respecting guidelines set out by the Football Foundation.

The materials proposed are also considered to be acceptable, with the metal cladding and standing seam metal roof appearing as a more modern and contemporary design solution which will help to achieve a development that is of a good design standard. A condition to request specific details for the materials of the development should be attached to any permission granted.

The submitted drawings do make reference to security shutters that are to be installed on all window and door openings, however no specific details on the specification of the shutters has been included. It is accepted that security shutters can notably alter the appearance of a building and so it is considered reasonable to attach a condition requiring the submission of full and precise details for the shutters prior to the first use of the development.

Therefore in conclusion the proposed development is considered to comprise a well-designed building that would maintain the character and appearance of the wider area. As such the proposal would comply with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Residential Amenity

Criterion (f) within paragraph 130 of the Framework states that planning decision should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, for not undermine the quality of life or community cohesion and resilience.

The proposed building would be sited adjacent to the rear boundary of a number of residential properties from St Bernards Road and the building itself would expand across the entirety of the length of the rear boundaries of Numbers 144 to 134 inclusively.

Whilst it is accepted that the development would introduce a built form within very close proximity to these rear boundaries, it should be noted that the building has been designed with a lean to roof, and the lowest point of this roof (which measures 3.3m) has been designed to sit adjacent to the rear boundary of these residential properties. This design feature will ensure that the development does not appear overbearing or oppressive to the occupants of these properties, particularly when they are using their private rear garden space.

There would also be no breach of the Council's Space Around Dwellings SPG when considering the separation distance between any rear facing principle windows of the neighbouring buildings and the rear elevation of the proposed pavilion.

With regards to noise and disturbance, the site is already used as a sports pitch and so it is not considered that the pavilion would intensify noise from this element of the scheme and it is only seeking to serve the established use of the site.

The building would also include a kitchen and social area to be used by the football teams and visitors. The Environmental Health Division (EHD) has raised no objections to the incorporation of the kitchen and social area, but has noted that the use of the proposed roller shutters could cause noise and disturbance to the nearby residential properties. Whilst it is accepted that this may create some level of disturbance, it would only be for a short period of time and is not considered to be to the extent that would result in severe harm to the amenity of neighbouring properties.

In their comments officers from the EHD also request a number of conditions including controls to hours of construction, control over the installation of external lighting and the submission of a Construction Environmental Management Plan (CEMP). Given the proximity of development to residential properties and potential for disturbance during the construction process, these conditions are considered to be reasonable and necessary.

The applicant has confirmed that the opening hours of the building would be 08:00 – 21:00 hours Monday to Sunday. The Environmental Health Officer has been contacted regarding these hours and raised no objections. A condition should be attached to any condition granted to secure the proposed opening hours given the proximity of residential properties to the application site.

Concerns in relation to the use of the building and its susceptibility to antisocial behaviour have been raised by both the EHD and the Staffordshire Police Crime Prevention Advisor. These concerns include inappropriate use of the building leading to noise and disturbance, litter and potential for misuse. It is considered that issues such as litter and graffiti would be beyond the control of the Local Planning Authority.

Comments from the Police in particular draw attention to the lowest point of the roof slope of the building sitting adjacent to the boundary with neighbouring properties which could attract misuse, particular in terms of unlawful access to the roof and proposed solar panels and this is something that should be considered and proactively designed out through this application process.

The applicant was approached in relation to the concerns raised and has now incorporated security fencing adjacent to both the south east and south west corners of the building to deter access to the rear of the building. This comprises 2.4m high mesh security fencing which is considered to be of sufficient height and design to prevent unauthorised access to the rear of the building. The applicant has also indicated that the roof has been designed with large overhangs of at least 600mm on every side, with larger overhangs on the front and rear, to prevent people from being able to climb up and access the roof. These design features, together with the use of security shutters and location of the building in close proximity to the car park is sufficient to deter any unauthorised use of the building.

It is therefore considered that in light of the amended plans and subject to suitably worded conditions, the proposed development would not raise any significant issues in relation to residential amenity and so would comply with the relevant policies of the development plan as well as the provisions of the NPPF.

Parking and Highway Safety

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.

The proposed pavilion building would use the existing vehicle access point off Lower Milehouse Road and the existing 51 space car park would continue to be used in association with the proposed development.

The Highway Authority (HA) have been consulted as part of the application and raise no objections to the scheme. In their comments they note that there is adequate on-site parking for the proposal and

that the existing highway access affords sufficient visibility in both directions and can therefore provide a safe and suitable access to the development. They have requested that conditions should be attached to ensure that any deliveries and site operatives utilise the existing off highway car park during the construction phase of the scheme to ensure that there are no implications on highway safety for road users. Given that Lower Milehouse Lane is heavily trafficked and that the site is within close proximity to the junction with St Bernard's Road and Cotswold Avenue, this condition is considered to be reasonable.

Concerns have been reported to officers during the course of the application in relation to the extent of parking and highway/pedestrian safety issues on Lower Milehouse Lane when football matches are taking place, and whether the application should consider enhancing parking provision or provide appropriate pedestrian crossing facilities. The HA maintains that the proposed development would serve an existing use and so would not introduce additional traffic over and above the current situation. The officer also confirms that the existing 51 spaces on the car park associated with the site would comply with Local Plan Parking Standards and on that basis it is not considered to be reasonable to request additional parking provision or pedestrian facilities.

Therefore, subject to appropriately worded conditions, the proposed development is not considered to raise any adverse highway safety or parking implications and so accords with the policies of the development plan as well as the aims and objectives of the NPPF.

The impact on trees

Saved 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 through appropriate siting or design. It goes on to state that where appropriate, developers will be expected to set out what measures will be taken during the development to protect trees from damage.

There is an expanse of mature hedgerow directly south of the proposed building and a further cluster of trees to the east. An Arboricultural Report has been submitted in support of the application following a request from officers.

The report identifies that two category C trees (T24 and T25) and a section of the existing hazel hedge (H3) would have to be removed in order to accommodate the proposed development. The rest of the trees would be retained and protected with appropriate protective fencing to British Standard. The protective fencing around T28 to the south-eastern corner of the building would have to be offset, leaving the Root Protection Area of this tree exposed. In this case the report suggests the use of protective ground measures.

Comments from the Landscape Development Section (LDS) are still outstanding at the time of compiling this report, and any comments received will be reported to the committee through a supplementary update. However, from the contents of the accompanying tree report it is considered that the proposed development would sufficiently safeguard the existing trees on site. Suitably worded conditions can be attached to any permission granted to ensure that the development is carried out in accordance with the submitted tree protection measures.

Therefore in light of the above the proposed development is considered to comply with Policy N12 of the local plan as well as the aims and objectives of the NPPF.

Flood Risk

The site is situated within Flood Zone 2 and the application is accompanied by a Flood Risk Assessment (FRA) and proposed drainage scheme. The Lead Local Flood Authority (LLFA) have made informal recommendations on the scheme, advising that the proposed building may be at risk of fluvial flooding via the Lyme Brook and that access to the pavilion via the existing car park is affected by surface water flooding during the 100 year event. As such they recommend that the applicant should demonstrate that safe access and egress is available and that appropriate mitigation measures are in place. They also recommend that a management and maintenance plan for the proposed drainage system are in place to ensure that this is maintained for the lifetime of the development.

The Flood Risk Mitigation within the submitted FRA indicates that floor levels of the building would be constructed 150mm higher than the anticipated flood level and has recommended the production of a Flood Emergency Access Plan as well as provision for suitable evacuation points. It is therefore considered that the consideration of mitigation measures within the FRA are appropriate and have identified suitable measures to implement to ensure the development is not adversely affected by flooding. In addition, a condition can be attached to any permission granted to ensure that all recommendations within the FRA are implemented prior to the occupation of the development.

Whilst the LLFA have recommended consultation with the Environment Agency (EA), based on the scale of the development and its location within Flood Zone 2, the EA are not required to be consulted and would revert to their standing advice. This standing advice has been covered by the applicant through the production of the FRA and consideration of the resilience and mitigation measures referred to.

It is considered necessary to attach conditions to ensure that the works are carried out in accordance with the recommendations of the FRA and that appropriate management of the drainage system is in place prior to the first use of the scheme. Subject to these conditions, the proposed development is not considered to give rise to any adverse implications in relation to flooding and so would comply with the relevant policies of the development plan as well as the aims and objectives 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 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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation
Policy SP3: Spatial Principles of Movement and Access

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

Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees

Other material considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

[Newcastle-under-Lyme Borough Council Playing Pitch Strategy \(2020\)](#)

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

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

[Relevant Planning History](#)

10/00074/DEEM3 - Erection of ball fence to the rear of 72 to 130 St Bernards Road – Withdrawn

11/00071/DEEM3 - Provision of car park to service existing football pitches – Withdrawn

11/00097/DEEM3 - Provision of car park to service existing football pitches – Permitted

[Views of Consultees](#)

Sports England raises no objections to the application.

The **Environmental Health Division** raise no objections subject to conditions to secure a Construction Environmental Management Plan, hours of construction and external lighting.

The **Staffordshire Police Crime Prevention Design Advisor** raises a number of points to consider as part of the planning application process including;

- Rear of the building could be well screened and attract some misuse as well as providing opportunities for access to the roof and targeted theft of solar pv panels and equipment
- Consider the introduction of well positioned security fencing to prevent unauthorised access
- Design standards and security measures in relation to solar panels and security shutters
- Use of anti-graffiti coatings

Staffordshire Lead Local Flood Authority make a number of recommendations for the application in relation to surface water flooding, appropriate mitigation measures and management/maintenance of any proposed drainage system.

Initial comments from the **Landscape Development Section** requested the submission of an Arboricultural Impact Assessment and that any permission should include a condition to secure a landscaping scheme. Updated comments from the LDS based on the updated information have not yet been received at the time of compiling this report.

The **County Highway Authority** raise no objections to the development subject to conditions to secure appropriate deliveries to the site.

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 23/00142/DEEM3 on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00142/DEEM3>

Background Papers

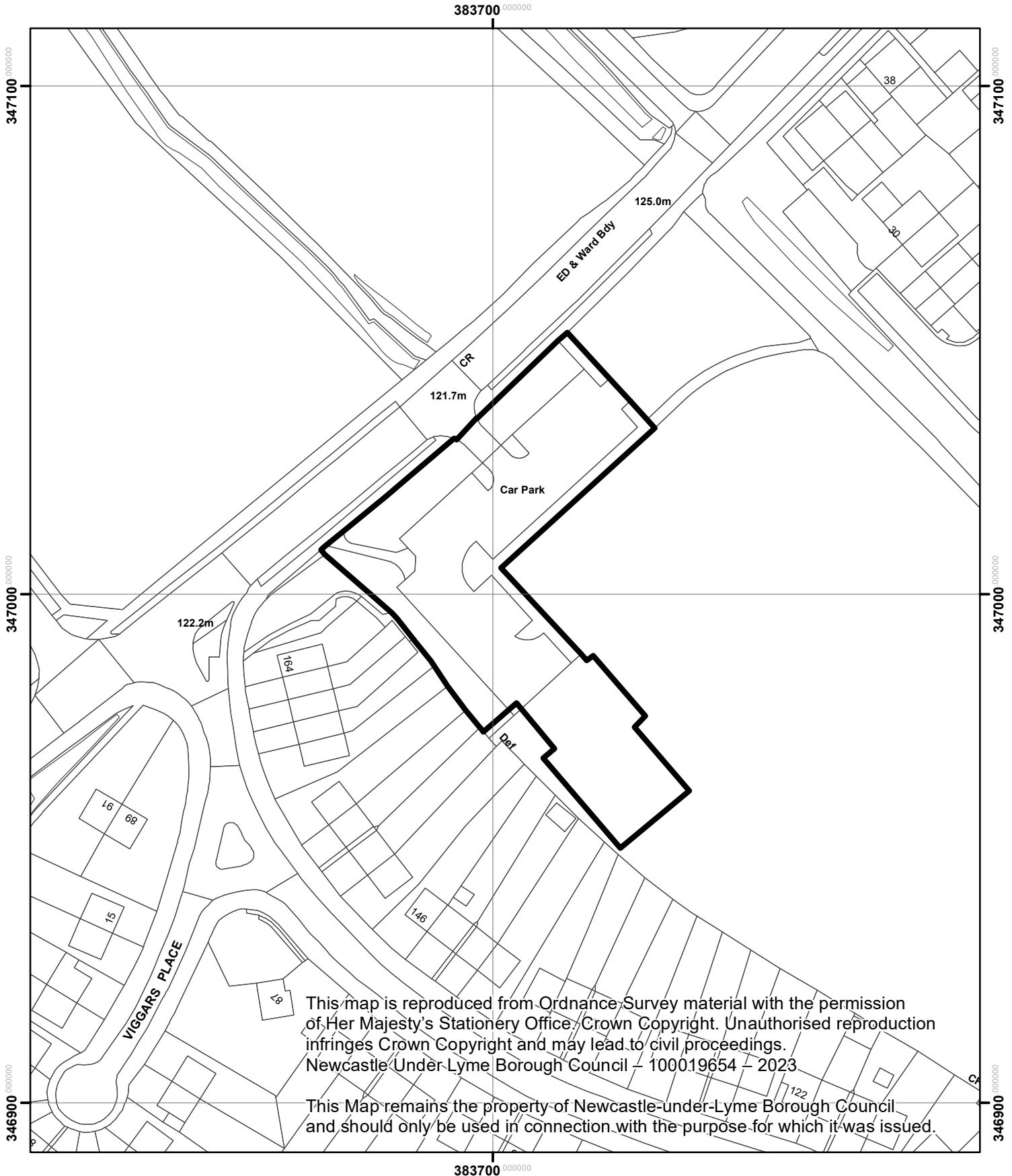
Planning File
Development Plan

Date report prepared

7th June 2023.

The Wammy, Lower Milehouse Lane, Newcastle Under Lyme

□
23/00142/DEEM3



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

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

RECOMMENDATION

That the information be received.

As was reported in the last update report on the 28th March, the Planning Inspectorate has allowed the appeal and the enforcement notice has been quashed. Therefore, planning permission has been granted for the use of a mobile home on the land as a dwelling, subject to a number of conditions that now need to be complied with. In particular conditions 3 & 4 are outstanding.

Conditions 3 & 4 of the appeal decision required information to be submitted to the Local Planning Authority for approval within three months of the date of the decision i.e. by the 20th March 2023. This information relates to drainage details, 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.

The information has been submitted and discussions are ongoing with Severn Trent Water about all aspects of drainage for the site. A further update will be provided prior to the planning committee meeting.

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

Date report prepared – 7th June 2023

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