

# Public Document Pack

**Date of meeting** Tuesday, 18th July, 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 - 10)  
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD, NEWCASTLE UNDER LYME. ABODE MANCHESTER LIMITED. 23/00164/FUL** (Pages 11 - 18)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF ECCLESHALL ROAD, LOGGERHEADS. MR EHTSHAM UL-HAQ. 21/00677/FUL** (Pages 19 - 32)  
This item includes a supplementary report
- 6 APPLICATION FOR MAJOR DEVELOPMENT - NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE. MR GAVIN DONLON - WISH DEVELOPMENTS. 22/00959/FUL** (Pages 33 - 40)  
This item includes a supplementary report
- 7 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF CROSS STREET, CHESTERTON. DURATA DEVELOPMENT LTD. 23/00353/FUL** (Pages 41 - 48)
- 8 APPLICATION FOR MINOR DEVELOPMENT - KIDSGROVE PENTECOSTAL CHURCH, THE AVENUE, KIDSGROVE. STORM ADF DEVELOPMENTS LTD. 22/00883/FUL** (Pages 49 - 66)

This item includes two supplementary reports.

- 9 APPLICATION FOR OTHER DEVELOPMENT - LAND IN THE VICINITY OF WHITMORE WOOD. HIGH SPEED TWO (HS2) LIMITED. 23/00474/SCH17 (Pages 67 - 76)**

This item includes a supplementary report

- 10 APPLICATION FOR OTHER DEVELOPMENT - LAND NORTH WEST OF BOWER END FARM, MADELEY. HIGH SPEED TWO (HS2) LIMITED. 23/00518/SCH17 (Pages 77 - 86)**

This item includes a supplementary report

- 11 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2 (Pages 87 - 88)**

- 12 LOCAL PLANNING ENFORCEMENT PLAN (Pages 89 - 116)**

- 13 SITE VISIT DATES 2023-24 (Pages 117 - 118)**

- 14 DISCLOSURE OF EXEMPT INFORMATION**

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

- 15 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	

*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 - 20/06/23*

## PLANNING COMMITTEE

Tuesday, 20th June, 2023  
Time of Commencement: 7.00 pm

[View the agenda here](#)

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

<b>Councillors:</b>	Crisp	Hutchison	G Williams
	Fear	Burnett-Faulkner	J Williams
	Holland	D Jones	
	Bryan	Gorton	

**Apologies:** Councillor(s) Moffat

**Substitutes:** Councillor Sylvia Dymond (In place of Councillor Sue Moffat)

<b>Officers:</b>	Rachel Killeen	Development Management Manager
	Nick Bromley	Senior Planning Officer
	Geoff Durham	Civic & Member Support Officer
	Daniel Dickinson	Service Director - Legal & Governance /Monitoring Officer
	Craig Jordan	Head of Planning

Also in attendance:

### 1. **APOLOGIES**

Apologies were received from Councillor Moffat.

### 2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

**Resolved:** That the minutes of the meeting held on 23 May, 2023 be agreed as a correct record.

### 4. **APPLICATION FOR MAJOR DEVELOPMENT - SHOPPING MALL, YORK PLACE, NEWCASTLE-UNDER-LYME, NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 22/01079/DEEM3**

**Resolved:** (A) That, subject to the applicant first entering into a Section 106 obligation by the 28<sup>th</sup> July 2023 to secure the following financial contributions:

- i. £50,000 towards improvement of pedestrian/cycle

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

The application be permitted subject to the undermentioned conditions:

- (i) Standard time limit for commencement of development
  - (ii) Approved plans
  - (iii) Provision of cycle parking facilities
  - (iv) Implementation of the Travel Plan
  - (v) Details of a replacement temporary and permanent road lighting scheme
  - (vi) Submission and approval of a Demolition and Construction Environmental Management Plan
  - (vii) Detailed design information for off-site highway works
  - (viii) Removal and replacement of highway tree on Merrial Street
  - (ix) Submission of unit-specific Delivery and Servicing Management Plan
  - (x) Details of temporary and permanent structural design Solution for the highway retaining feature adjacent Fogg Street West
  - (xi) Any external doors abutting the highway to open inwardly only
  - (xii) Submission of a tree protection plan including an arboricultural method statement if required
  - (xiii) Detailed drainage design
  - (xiv) Material samples
  - (xv) Details of window reveals
  - (xvi) Construction and demolition hours
  - (xvii) Provision of security measures
  - (xviii) Waste collection arrangements
- (B) That, 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.

A note would be sent to the applicant requesting that, should works still be ongoing on Remembrance Sunday, the hoardings around the development site, fronting the Cenotaph should be appropriate to preserve the dignity and solemnity of the occasion.

[Watch the debate here](#)

**5. APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE SOUTH OF LIVERPOOL ROAD, NEWCASTLE-UNDER-LYME. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 23/00192/DEEM3**

**Resolved:** (A) That, 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,

The application be permitted subject to the undermentioned conditions:

- (i) Standard time limit for commencement of development
  - (ii) Approved plans
  - (iii) Automatic Number Plate Recognition (ANPR)/Barrierless system access
  - (iv) Pedestrian visibility splays
  - (v) Parking and circulation routes
  - (vi) Off-site highway works
  - (vii) Signage scheme
  - (viii) Boundary treatments
  - (ix) Piled foundations
  - (x) Construction Environmental Management Plan
  - (xi) Works exclusion zone adjacent the pedestrian underpass
  - (xii) Construction environmental management plan
  - (xiii) Details of piling
  - (xiv) Noise from plant and machinery
  - (xv) Scheme to deter anti-social behaviour
  - (xvi) Lighting
  - (xvii) Landscaping scheme
  - (xviii) Implementation of approved drainage scheme
  - (xix) Drainage maintenance
  - (xx) Control of surface water as part of any temporary works
  - (xxi) Material samples
  - (xxii) Construction hours
- (B) That, 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.

[Watch the debate here](#)

6. **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH WEST OF CHATTERLEY VALLEY, PEACOCK HAY ROAD, TALKE. HARWORTH ESTATES INVESTMENTS LTD. 23/00220/REM**

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

- (i) Link to outline planning permission and conditions;

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- (ii) Approved plans;
- (iii) Facing and roofing materials;
- (iv) Boundary treatments;
- (v) Hardstandings;
- (vi) Soft landscaping;
- (vii) No external storage;
- (viii) Provision of an acceptable surface water drainage scheme;
- (ix) 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;
- (x) Provision of secure, covered and safe cycle parking facilities;
- (xi) Implementation of ecology and habitat mitigation and enhancement measures;
- (xii) 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

[Watch the debate here](#)

**7. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF WATERMILLS ROAD, CHESTERTON. HODGKINSON BUILDERS LTD. 22/01018/FUL**

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

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

[Watch the debate here](#)

**8. APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD, NEWCASTLE-UNDER-LYME. ABODE RESIDENCIES. 23/00104/FUL**

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

- (i) 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.
- (ii) Any other conditions attached to planning permission 16/01106/FUL that remain relevant at this time.

[Watch the debate here](#)

**9. APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD, NEWCASTLE UNDER LYME. ABODE MANCHESTER LIMITED. 23/00164/FUL**



**Amended recommendation moved by Councillor Jones and seconded by Councillor Dymond**

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

A reduction in the number of parking spaces would be likely to result in an increase in on-street parking on surrounding streets that would have an adverse impact on highway safety and residential amenity.

[Watch the debate here](#)

10. **APPLICATION FOR MINOR DEVELOPMENT - THE WAMMY, LOWER MILEHOUSE LANE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL . 23/00142/DEEM3**

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

- (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 and Arboricultural Method Statement for all building works, hard landscaping and drainage
- (xi) Landscaping Scheme which shall include replacement tree planting.
- (xii) Full accordance with recommendations FRA
- (xiii) Drainage Maintenance and Management Scheme
- (xiv) Fencing to be mesh and green in colour
- (xv) Submission of details of waste collection.

Advisory Note: That the applicant be requested to undertake a traffic survey once the building was built and in use.

[Watch the debate here](#)

11. **5 BOGGS COTTAGE, KEELE. 14/00036/207C3**

Councillor Jones asked if a site visit could be set up with Severn Trent Water, officers and residents to raise their concerns directly with the Water Authority.

Officers had been trying to arrange this but assured Members that it would be very unlikely for any drainage scheme to be passed by the Local Planning Authority without a full understanding of what they were being asked to approve.

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

[Watch the debate here](#)

**12. DISCLOSURE OF EXEMPT INFORMATION**

There were no confidential items to consider.

**13. URGENT BUSINESS**

Nick Bromley

The Chair thanked Nick Bromley who was leaving the Authority after 16 years and wished him well for the future.

[Watch here](#)

**Councillor Paul Northcott  
Chair**

Meeting concluded at 9.31 pm

**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.

At the meeting of the Planning Committee on 20<sup>th</sup> June, the agenda report set out that a reduction in the number of parking spaces was proposed and Members resolved to refuse the application on the grounds that such a reduction would be likely to result in an increase in on-street parking on surrounding streets that would have an adverse impact on highway safety and residential amenity. Information was received following the meeting that demonstrates that the report was incorrect in stating that parking spaces were to be lost and therefore this report seeks to correct the advice given to Members.

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 6<sup>th</sup> June 2023, however the applicant has agreed to an extension of time to this determination date until the 21<sup>st</sup> July.**

**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 there would be no reduction in the number of parking spaces. 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.

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 original planning permission for the scheme, reference 16/01106/FUL, had a total of 203 parking spaces which comprised 30 for London Road residents, 20 for visitors/deliveries and the remaining 173 spaces for student parking.

A variation to the approved plans granted under application reference 20/00557/FUL reduced the overall number of parking spaces to 193 which comprised 27 spaces for London Road residents, 20 spaces for visitors/deliveries and the remaining 146 spaces for students. 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.

At the meeting of the Planning Committee on 20<sup>th</sup> June, the agenda report set out that a reduction in the number of parking spaces was proposed and Members resolved to refuse the application on the grounds that such a reduction would be likely to result in an increase in on-street parking on surrounding streets that would have an adverse impact on highway safety and residential amenity. However, information was received following the meeting that demonstrates that the report was incorrect in stating that parking spaces were to be lost.

During the consideration of the application, your officers sought confirmation from the applicant's agent of the number of parking spaces, and were advised that the total number of spaces would be 166. Your officers incorrectly assumed that the figure included spaces that would be allocated to existing London Road residents and that this left only 139 spaces remaining for students, rather than the 146 student spaces previously approved. It was on this basis that Members were advised that there would be a reduction in spaces available for students.

Following the resolution of the Committee, the applicant's agent queried the content of the report presented to Members and provided information to demonstrate that there would be no reduction in parking spaces as a result of the development. This information has been verified and it the case that a total number of 195 parking spaces would be provided which would include 148 spaces for students. On that basis that would be no reduction in the number of parking spaces when compared to the figures approved by virtue of varied planning permission 20/00557/FUL and the development would continue to provide an above policy compliant level of parking.

The proposal would 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>

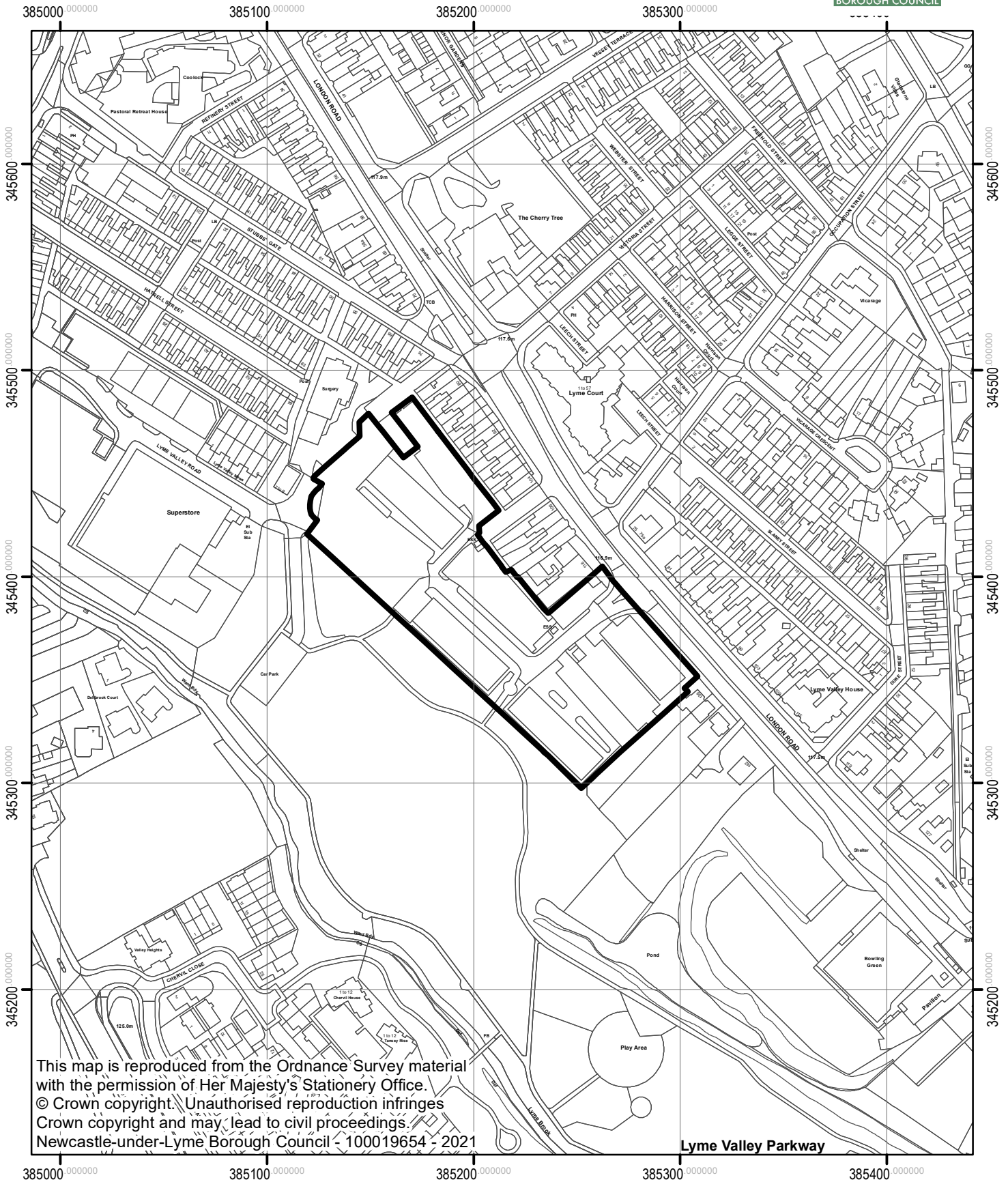
**Background papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

10 July 2023





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**LAND OFF ECCLESHALL ROAD, LOGGERHEADS**  
**MR EHTSHAM UL-HAQ**

**21/00677/FUL**

The application seeks full planning permission for the redevelopment of a former petrol station to form 12 apartments.

The application site lies within the village envelope of Loggerheads as indicated on the Local Development Framework Proposals Map.

**The statutory 13 week determination period for this application expired on 7<sup>th</sup> October 2021 and an extension of time has been agreed to 21<sup>st</sup> July 2023.**

**RECOMMENDATION**

**A. Subject to the applicant first entering into a Section 106 obligation by 1<sup>st</sup> September 2023 to secure a financial contribution of £46,124 towards secondary education provision and £64,364 towards off-site public open space,**

**PERMIT subject to conditions relating to the following:**

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Materials**
- 4. Landscaping scheme**
- 5. Surfacing of the car park and circulation areas**
- 6. Cycle parking provision**
- 7. Construction hours**
- 8. Electric Vehicle Charging Points**
- 9. Contaminated land**
- 10. Contamination of controlled waters**
- 11. Ventilation**

**B. Failing completion of the above planning obligation by the date referred to, that the Head of Planning either refuse the application on the grounds that without the obligation being secured, the development would fail to secure an appropriate contribution for secondary education and off-site public open space; 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 site within a sustainable urban location, accords with local and national planning policy. The scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety concerns or impact residential amenity. Subject to conditions, the development represents a sustainable form of development and should be supported.

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

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 redevelopment of a former petrol station to form 12 apartments; 8 no. 2-bed and 4 no 1-bed. The application site lies within the village envelope of Loggerheads as indicated on the Local Development Framework Proposals Map.

Although concerns have been expressed regarding rights of access over part of the site, this is a civil matter that is not relevant to the determination of the planning application.

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

- Principle of the proposed development
- Design of the development and its impact on the surrounding area
- Highway safety
- Residential amenity
- Planning obligations

#### Principle of the proposed residential development

The site comprises brownfield land located within the village envelope of Loggerheads.

Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

Policy SP3 of the CSS seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

Policy LNPG1 of the Loggerheads Neighbourhood Plan states that new housing development will be supported within the village envelope of Loggerheads village as defined in this Neighbourhood Plan.

Paragraph 11 of the NPPF states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

Footnote 7 which relates to paragraph 11(d) states that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Although the Council's current published position is that it is able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 1<sup>st</sup> April 2021, work as part of the emerging Local Plan and a recent appeal has resulted in the Council identifying that its current position as at 1<sup>st</sup> April 2022 is 4.84 years.

On this basis, the test in paragraph 11(d) of the NPPF has to be applied and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

In sustainability terms, the site is centrally located within the village envelope of Loggerheads, close to shops and services. There is a bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury. It is considered therefore that in terms of access to some facilities and a choice of mode of transport, the site can be described as being in a sustainable location.

The proposed development is considered an acceptable and sustainable form of development, in terms of its location and proposed use.

#### The design of the residential development and its impact on the surrounding area

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

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. In particular, Policy R3 states that new housing must relate well to its surroundings.

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.

Policy LNPP1 of the Loggerheads Neighbourhood Plan states that to be supported, new development must demonstrate high standards of design. In particular it states that development should complement the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces. It also includes the following:

- Designing buildings, streets, spaces, landscaping and planting to create attractive, safe and well-functioning environments, with a sense of place.
- Comprising site-specific design solutions to complement, but not necessarily imitate, the surrounding context.
- Include high quality materials, to complement those used in the surrounding context.

The scheme as originally submitted comprised a 3-storey building but further to your officer's concerns regarding the bulk and massing of the building and the potential for it to be overly dominant and out of keeping with the area, amended plans were submitted. The revised scheme comprises a 2-storey building sited facing west towards Market Drayton Road with parking to the rear. The building would have a pitched roof and the materials would comprise facing bricks with projecting gables in a contrasting cladding material. The scale and massing of the building is considered appropriate in this location and there would be sufficient articulation in the elevations and variation in the materials to ensure interest in the design.

To conclude, the proposal would remove what is currently an eyesore in a prominent location in the centre of Loggerheads and replace it with a development which would integrate well with its surroundings. It is therefore considered that the design of the proposed development would be acceptable and subject to conditions, it would comply with policies of the development plan and the guidance and requirements of the NPPF.

#### Highway safety

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

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

Currently the site operates as a car wash with access only from Newcastle Road and egress onto Eccleshall Road. The sole access to the proposed development would be from Newcastle Road with the closure of the Eccleshall Road access. 18 no. car parking spaces would be provided to the rear of the building.

Further to a request from the Highway Authority (HA), a Stage 1 Road Safety Audit of the proposed access has been submitted. A topographical survey has also been provided to demonstrate that appropriate visibility splays can be achieved. A layby initially proposed on the site's frontage onto Newcastle Road for use by refuse vehicles has been omitted.

On the basis of the information provided, the HA has no objections to the proposal. They consider that the layby would have created highway safety issues with a large vehicle manoeuvring into and out of it and that it would be difficult to prevent the use of the layby by other vehicles. Given that refuse collection from the site would be for a short period of time just once a week, the HA is content that collection could be carried out satisfactorily from the highway.

It is considered that a safe and suitable access to the site would be achieved and that given the sustainable location of the site in the centre of the village, the number of parking spaces proposed would be sufficient.

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

#### Acceptable standards of residential amenity

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

The Council's Supplementary Planning Guidance (SPG) - Space Around Dwellings provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

Sufficient distance exists between the proposed building and existing properties to ensure that there would be no potential impact on privacy. Some small areas of private amenity space are proposed within the site.

A Noise Impact Assessment and an Odour Assessment have been submitted. No comments have been received from the Environmental Health Division regarding noise or odour, but given the conclusions of the submitted reports, it is considered that subject to conditions requiring appropriate odour mitigation, there would be no adverse impact on the future occupiers of the development.

The proposed development is unlikely to result in significant impacts on the living conditions of neighbouring properties or the future occupiers and on this basis it accords with the guidance and requirements of the NPPF.

### Planning obligations

The Landscape Development Section (LDS) has requested a financial contribution of £5,579 per dwelling for improvements to off-site public open space. To be consistent with other schemes, it is considered that for the single bedroom units, the figure should be reduced to omit the play area element of the total. In accordance with the Open Space Strategy, that would give a reduced amount of £4,933 per 1-bed unit. The total for 8 no. 2-bed units and 4 no. 1-bed units would be £64,364.

The Education Authority advises that a financial contribution of £46,124 is required to mitigate the impact of the development at secondary phase of education.

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

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

The financial contributions sought are considered to meet the tests and to comply with relevant policies.

### Conclusions

In conclusion, subject to the imposition of suitable conditions, it is not considered that there would be any adverse impacts that would significantly and demonstrably outweigh the benefits of this scheme which comprise the contribution of housing on a previously developed land within a sustainable location and the removal of what is currently an eyesore in a prominent location.

### 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 SP3	Spatial Principles of Movement and Access
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy CSP10	Planning Obligations

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

Policy H1	Residential Development - Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

#### [Loggerheads Neighbourhood Plan \(LNP\) 2013-2033](#)

Policy LNPG1	New Housing Growth
Policy LNPG2	Housing Mix
Policy LNPP1	Urban Design and Environment
Policy LNPP2	Local Character & Heritage
Policy LNPT1	Sustainable Transport

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

[National Planning Policy](#)

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

[Planning Practice Guidance](#)

[Supplementary Planning Guidance/Documents](#)

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

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

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

[Waste Management and Recycling Planning Practice Guidance Note](#) (2011)

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

[Relevant Planning History](#)

07/00663/FUL Retention of use of part of site as car wash for temporary period – Approved

08/00940/FUL Retention of use of site as car wash for temporary period – Approved

15/00141/COU Retention of change of use to hand car wash – Approved

[Views of Consultees](#)

**Loggerheads Parish Council** objects to the proposal on the grounds that the proposed access onto the A53 is considered to be unsafe at this point so close to the roundabout and pedestrian crossing point. The use of Eccleshall Road is preferred. The Parish Council supports the requirement for a financial contribution towards open space provision in Loggerheads but would seek to have this extended from Tadgedale Brook to other sites in Loggerheads.

The **Highway Authority** has no objections subject to a condition regarding surfacing of the car park and circulation areas.

The **Environmental Health Division** has no objections subject to contaminated land conditions.

The **Landscape Development Section (LDS)** has no objections subject to the approval of a landscaping scheme and a Public Open Space contribution of £5,579 per dwelling to be used for improvements to Tadgedale Brook open space which is approximately 400m away.

The **Education Authority** advises that a financial contribution of £46,124 is required to mitigate the impact of the development at secondary phase of education.

The Council's **Waste Management Section** has concerns regarding the provision of a location where collection vehicles can safely pull off the highway to make their collections. The location is on the mini roundabout junction and both the roads are busy and have high traffic volumes, and given that this mini roundabout is one of a pair, the risk to staff and vehicles is further elevated. Practically, there are few alternatives but a condition is recommended requiring confirmation that the layby will be adopted and is of sufficient size both to accommodate the collection vehicles and provides sufficient length for the vehicles to safely enter and exit the layby in traffic conditions. Visibility for the vehicles as regards vegetation management, especially to the rear of the vehicle is also key. Also required is confirmation that the surface between the bin store and the layby at highway level does not involve any kerbs, and is a smooth surface, or at least that if there are any kerbed sections between the two, that there are drop kerbs of sufficient width for the 1000ltr euros to be transitted by crews without manual handling risks.

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

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

The **Environment Agency** is satisfied that any risks to controlled waters posed by contamination at this site can be addressed through appropriate measures and has no objections subject to conditions regarding a remediation strategy, validation report, unsuspected contamination, drainage systems for the infiltration of surface water and piling or other foundation designs using penetrative methods.

#### Representations

Letters have been received from 11 properties raising objections on the following grounds;

- Insufficient infrastructure
- Impact on privacy and light
- 3-storey building not in keeping with the character of the village
- Right of way across part of the site
- Highway safety
- Contrary to development plan
- Already been significant number of properties granted permission in recent years
- Inappropriate design

Classification: NULBC **UNCLASSIFIED**

Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00677/FUL>

Background Papers

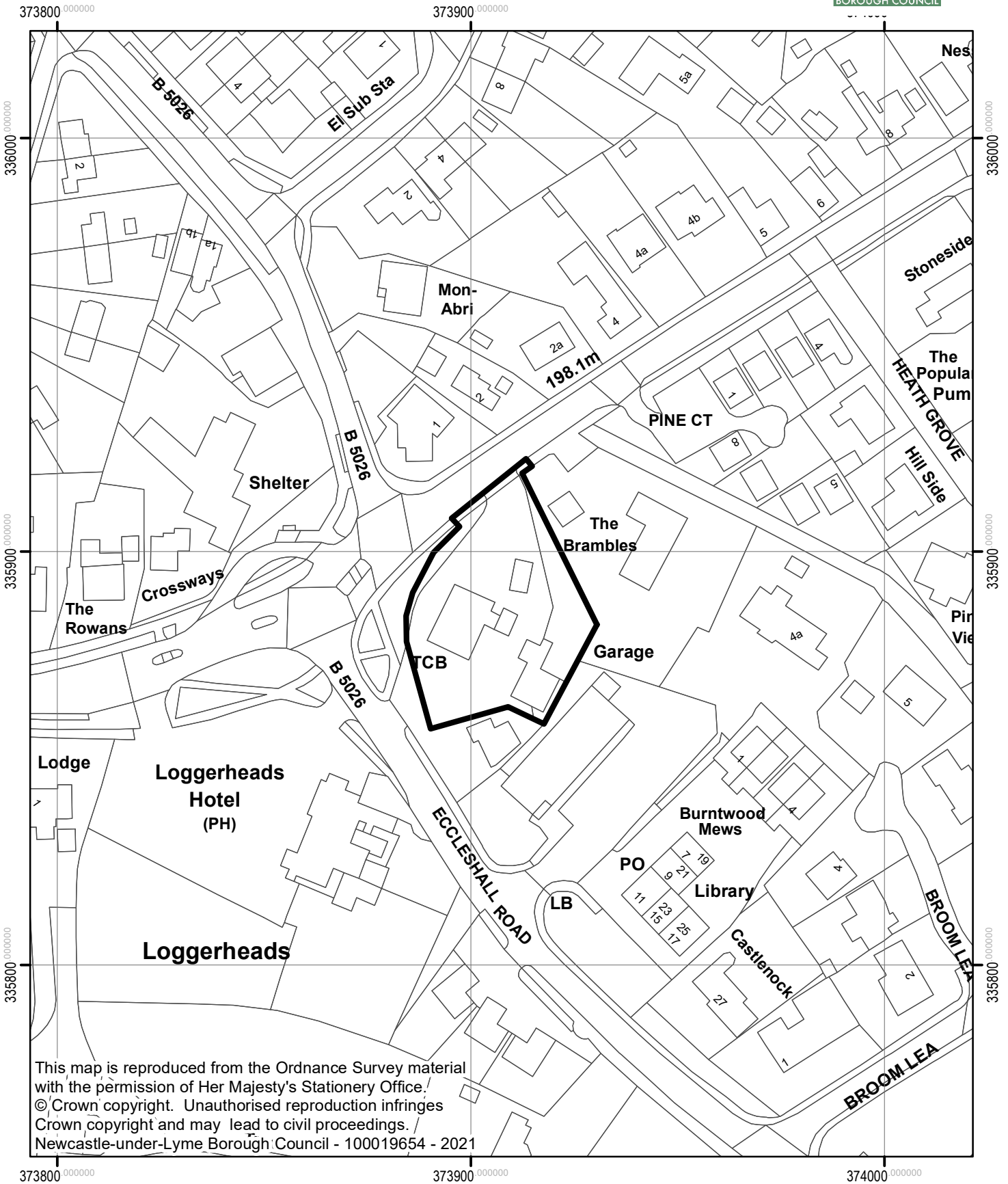
Planning File  
Development Plan

Date report prepared

10 July 2023

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21/00677/FUL  
Land Off Eccleshall Road  
Loggerheads, TF9 4NX



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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> July 2023**

**Agenda Item 5**

**Application Ref. 21/00677/FUL**

**Land off Eccleshall Road, Loggerheads**

Since the publication of the main agenda report two further letters of representation have been received. One letter of **objection** has been received stating that no further housing is required and that the site should be safeguarded for retail and employment.

One letter of **support** has been received stating as follows:

- The amended two-storey proposal appears much better suited to and in keeping with the village.
- Loggerheads has been and is still being subjected to an excessive amount of development and is lacking all the necessary facilities to support this increase in housing and population, but this does seem a sensible and appropriate development - it is of small scale and on a brownfield site and can therefore relatively easily be accommodated.
- It should also ease some of the traffic problems around the double roundabout, replacing the constant and very often high volume of traffic in and out of the car wash, with a much lower volume associated with the new properties.
- Most importantly, it will replace the derelict petrol station site, a grim and unsightly eyesore in the middle of the village, with a new building, appropriate to its surroundings, which should help transform the centre of Loggerheads into somewhere that the residents can be proud, rather than ashamed of.

No new issues are raised and therefore the **RECOMMENDATION** remains as set out in the main agenda report.

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**NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE**  
**MR GAVIN DONLON - WISH DEVELOPMENTS**

**22/00959/FUL**

Permission is sought to vary condition 1 of permission 20/00336/FUL which was an application for the variation of condition 2 of 14/00477/FUL, the original planning permission granted for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development. Condition 1 lists the approved drawings and the variations are principally to allow for a reduction in the height of the building, a change to the split of 1-bed and 2-bed units and a reduction in the number of parking spaces.

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

**The 13 week period for the determination of this application expired on the 19<sup>th</sup> April 2023 but the agent has agreed to an extension of time to 21<sup>st</sup> July.**

**RECOMMENDATION**

**PERMIT subject to:**

- 1. Variation of condition 1 to refer to the revised plans**
- 2. Any other conditions attached to planning permission 20/00336/FUL that remain relevant at this time**

**Reason for Recommendation**

The proposed changes would have no adverse impact on the character and appearance of the area. The reduction in the number of car parking spaces to be provided is not likely to give rise to severe highway safety impacts given that the number of two bedroom apartments would be substantially reduced and occupiers of the flats would, in this location, have a choice of modes of travel.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

**Key Issues**

Permission is sought to vary condition 1 of permission 20/00959/FUL which was an application for the variation of condition 2 of 14/00477/FUL, the original planning permission granted for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development. Condition 1 lists the approved drawings and the variations are principally to allow for a reduction in the height of the building, a change to the split of 1-bed and 2-bed units and a reduction in the number of parking spaces.

The Baptist Church has been demolished and the Local Planning Authority is satisfied that a material commencement was made within the required time period and the planning permission is extant.

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

The proposed variation looks to reduce the height of the building and to change the number of one and two bedroom apartments at the site from the approved 15 no. 2-bed/7 no. 1-bed units to 18 no. 1 bed/4 no. 2 bed units. A reduction in the number of parking spaces is proposed from 17 to 15 spaces.

The issues for consideration are therefore as follows:

- Are the proposed changes to the design acceptable in terms of the impact on the character and appearance of the area?
- Is the proposed level of car parking acceptable?

**Are the proposed changes to the design acceptable in terms of the impact on the character and appearance of the area?**

The principal change to the scheme would be to the height of the building which would be reduced from 4 to 3-storeys. The footprint of the building and the elevational treatment would remain very similar to the approved scheme and subject to appropriate facing bricks and fenestration details being secured, the revised scheme would enhance the appearance of the area and comply with policies of the development plan, national policy and the urban design guidance.

**Is the proposed level 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 109, 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. 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.

A reduction in the number of car parking spaces is proposed from 17 to 15. The parking spaces in the Local Plan recommend a maximum of 2 spaces per 2-bed dwelling and 1 space per 1-bed dwelling and given that the number of two bedroom apartments would be reduced from 15 to 4, the reduction of 2 spaces is considered acceptable.

The Highway Authority states that following the previously accepted approach to parking provision on the site, the proposed parking spaces serving the site are considered acceptable. They go on to state that the means of pedestrian and vehicular access to the site has not materially changed and that the proposed relocation of the cycle store is acceptable.

It is the case that parking on the local roads surrounding the application site is already controlled via a mixture of residents' parking zones and traffic regulations. Account needs to be taken of the edge of centre location of this development and the opportunities available for occupiers to use modes of travel other than the private motor car – the site being within easy walking distance of the town centre, on a main bus route, and close to the bus station. The Highway Authority does not object to the on-site parking provision and it is not considered that a refusal on the grounds of insufficient parking could be sustained.

## 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

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

Policy T16: Development – general parking requirements

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

[National Planning Policy](#)

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

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

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

### **Relevant Planning History**

- 14/00477/FUL Demolition of former Newcastle Baptist Church and erection of residential apartment development comprising 14 two bedroom units and 8 one bedroom units, formation of new access and associated car parking – Approved
- 17/00162/FUL Application for the variation of condition 2 of 14/00477/FUL (Demolition of former Newcastle Baptist Church and erection of residential apartment development containing 14 no. 2 bed units and 8 no. 1 bed units, formation of new access and associated car parking) to allow for the enclosure of the open air corridors and subsequent changes to the elevations – Approved
- 19/00825/FUL Application for the variation of condition 2 of 14/00477/FUL (Demolition of former Newcastle Baptist Church and erection of residential apartment development containing 14 no. 2 bed units and 8 no. 1 bed units, formation of new access and associated car parking) to allow for the enclosure of the open air corridors and subsequent changes to the elevations – Refused
- 20/00336/FUL Application for the variation of condition 2 of 14/00477/FUL (Demolition of former Newcastle Baptist Church and erection of residential apartment development containing 14 no. 2 bed units and 8 no. 1 bed units, formation of new access and associated car parking) to allow for the enclosure of the open air corridors and subsequent changes to the elevations and car parking – Approved

### **Views of Consultees**

The **Highway Authority** has no objections subject to conditions regarding the provision and retention of the parking and turning areas, provision of revised access details showing tactile pedestrian crossing, submission and approval of a car park management scheme, submission of details of secure weatherproof cycle parking for 24 cycles, details of gates to refuse and cycle store, closure of redundant site access on Vessey Terrace, provision of surface water drainage interceptor and submission of Construction Management Plan.

The **Landscape Development Section** has no objections subject to conditions regarding detailed landscaping proposals which should include tree planting to the rear of the building to act as a visual screen between the development and the adjacent properties.

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

#### Representations

One letter of objection has been received stating that the size of the plot is too small to allow for adequate provision of parking spaces and there will be inevitable overflow into the surrounding streets.

#### Applicant's/Agent's submission

The application documents are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00959/FUL>

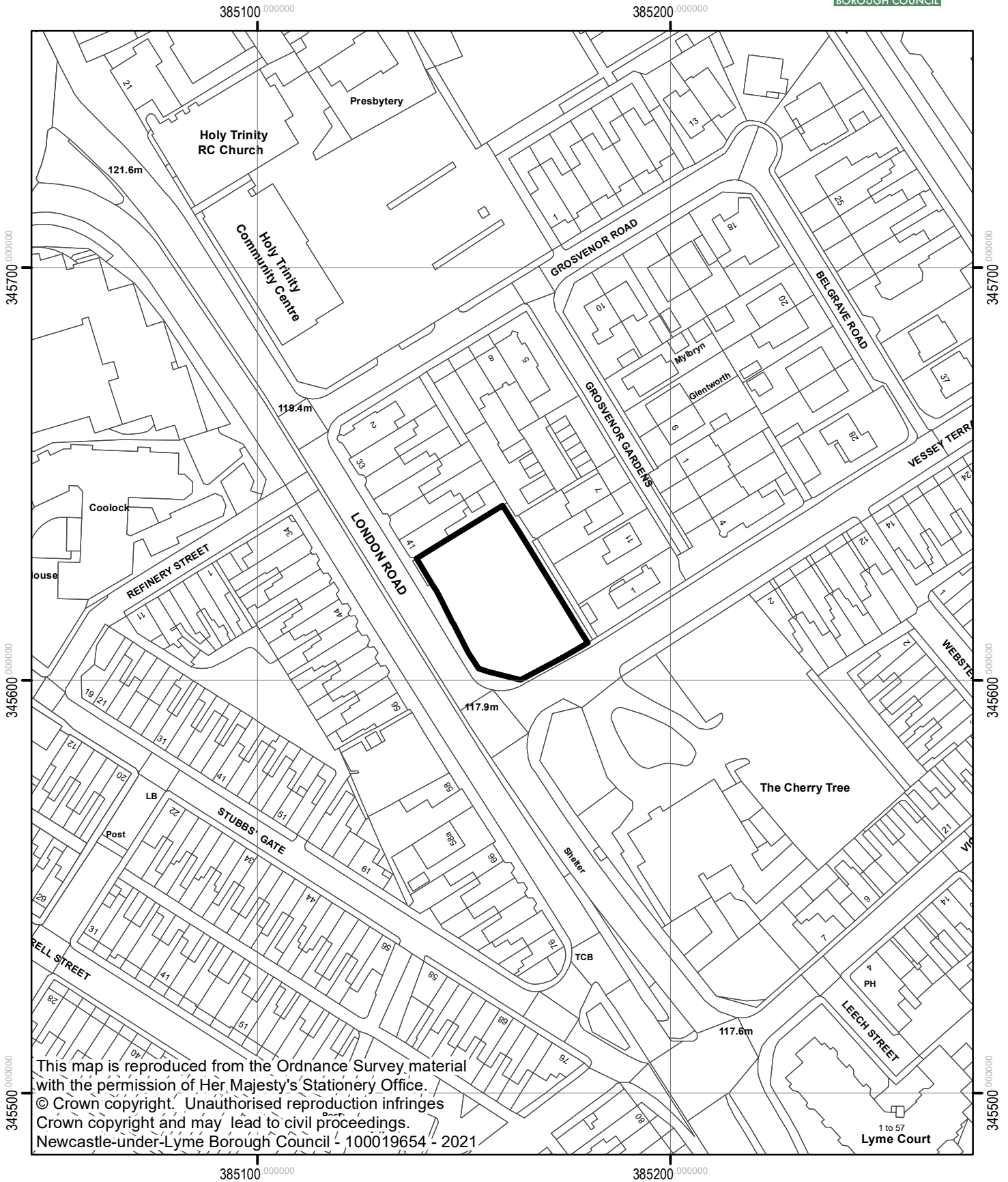
#### **Background papers**

Planning files referred to  
Planning Documents referred to

#### **Date report prepared**

4 July 2023

22/00959/FUL  
Newcastle Baptist Church  
London Road, ST5 1LN



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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> July 2023**

**Agenda Item 6**

**Application Ref. 22/00959/FUL**

**Newcastle Baptist Church, London Road, Newcastle**

Since the publication of the main agenda report a further letter of representation has been received stating that the writer withdraws their previous objection regarding inadequate car parking.

The **RECOMMENDATION** remains as set out in the main agenda report.

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**LAND OFF CROSS STREET, CHESTERTON**  
**DURATA DEVELOPMENT LTD**

**23/00353/FUL**

The application is for a variation to conditions A.1 (Approved Plans) and A.8 (Road Safety Audit) of planning permission 22/00521/FUL, which agreed a variation of conditions A2 (to alter the design and layout) & C9 (electric vehicle charging points) of planning permission 20/00369/FUL, granted in February 2021 as part of a hybrid application for;

- Full planning permission for the construction of 9 bungalows, with associated car parking, landscaping and amenity space (Phase 1) on land off Gibson Grove, adjoining Cross Street and Audley Road,
- Outline planning permission, with all matters reserved except access, for (iii) 43 dwellings,
- 73 supported living apartments for the over 55's and associated communal facilities along with additional car parking, landscaping and amenity space.

**The statutory 13 week determination period for this application expires on the 8<sup>th</sup> August 2023.**

**RECOMMENDATIONS**

**PERMIT the variation of Conditions A1 and A8 of planning permission 22/00521/FUL to substitute approved plans with revised plans to secure amendments to the site layout to incorporate revised highway works on Gibson Grove, along with the rewording of condition A8 to read as follows;**

***“The development shall be carried out in accordance with the recommendations of the submitted Stage 2 Road Safety Audit, including the revised site General Arrangement Plan [Ref: 210908-C2C-P-00-M2-C-701-Rev P07], showing highway improvement works on Gibson Grove.”***

**and subject to the imposition of all other conditions attached to planning permission 22/00521/FUL that remain relevant at this time, amended as necessary.**

**Reason for recommendations**

The revised details are acceptable and will address the concerns of the road safety audit and the occupiers of neighbouring residential properties. The proposed development is still considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

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

The LPA and applicant have engaged in extensive discussions and the proposed development is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

**KEY ISSUES**

The application is for a variation to conditions A.1 (Approved Plans) and A.8 (Road Safety Audit) of planning permission 22/00521/FUL, which agreed a variation of conditions A2 (to alter the design and layout) & C9 (electric vehicle charging points) of planning permission 20/00369/FUL, granted in February 2021 as part of a hybrid application for;

- Full planning permission for the construction of 9 bungalows, with associated car parking, landscaping and amenity space (Phase 1) on land off Gibson Grove, adjoining Cross Street and Audley Road,
- Outline planning permission, with all matters reserved except access, for (iii) 43 dwellings,

- 73 supported living apartments for the over 55's and associated communal facilities along with additional car parking, landscaping and amenity space.

The site lies within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map.

Condition A1 listed the approved plans and the variation will substitute approved plans with revised plans to show the following;

- a) The provision of a safe crossing point for pedestrians at the junction of Gibson Grove and Cross Street;
- b) The provision of 8 parking bays on the eastern side of Gibson Grove for the use of the occupiers of the existing residential properties; and,
- c) A 1.8m wide footway on the western side of Gibson Grove.

Condition A8 secured the recommendations of the submitted Stage 1 Road Safety Audit (RSA) and revised highway works on Gibson Grove and the variation will substitute this document and its recommendations with a Stage 2 RSA.

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

In deciding an application under section 73 the local planning authority must only consider the condition/s that are the subject of the application, it is not a complete re-consideration of the application.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

The application is submitted following complaints from existing residents on Gibson Grove about the loss of on-street parking that would arise in the event that the approved highway improvement scheme for Gibson Grove were to be implemented in accordance with planning permission 22/00521/FUL. This resulted in meetings between the applicant, the Highway Authority and your officers and it was accepted that the most appropriate way of addressing the issue (of the loss of on-street parking on Gibson Grove) would be for the central crossing point to be removed from the approved highway improvement scheme, which would then enable an additional parking space to be introduced on to the eastern side of Gibson Grove.

The Stage 2 RSA covers these matters and the revised site layout now removes the central crossing point and includes its replacement with a safe crossing point for pedestrians at the junction of Gibson Grove and Cross Street. The provision of 8 parking bays on the eastern side of Gibson Grove for the use of the occupiers of the existing residential properties is also achieved along with a 1.8m wide footway on the western side of Gibson Grove.

The Highways Authority has raised no objections to the application and the conditions can be varied to reflect the revised and approved information.

Subject to the imposition of conditions, it is considered that the proposed amendments are acceptable and in accordance with the requirements 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

The development 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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy T16: Development – General Parking Requirements

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

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

#### [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

20/00369/FUL	Demolition of all existing buildings and a) full planning permission for the development of 9 bungalows (C3 Use Class) along with car parking, landscaping and associated amenity space; and b) outline planning permission with all matters reserved except access for (i) the development of 43 dwellings (C3 Use Class) and (ii) an older persons scheme comprising 73 supported living apartments for the over 55's and associated communal facilities, along with additional car parking, landscaping and amenity space	Permitted
22/00011/FUL	Full planning permission for the development of 8no. dwellings, with associated car parking, landscaping and amenity space	Permitted
22/00012/REM	Approval of Reserved Matters (scale, layout, landscaping and external appearance) for the development of 35 dwellings, pursuant to planning permission 20/00369/FUL	Permitted
22/00521/FUL	Application to vary conditions A2 (to alter the design and layout) & C9 (electric vehicle charging points) of planning permission 20/00369/FUL	Permitted

#### Views of Consultees

The **Highway Authority** have no objections subject to the conditions being revised to include and reference the amended site layout and road safety audit documents.

#### Representations

None received.

#### Applicant/agent's submission

The application is supported by the following documents:

- Covering letter
- Stage 2 Safety Audit

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/23/00353/FUL>

**Background Papers**

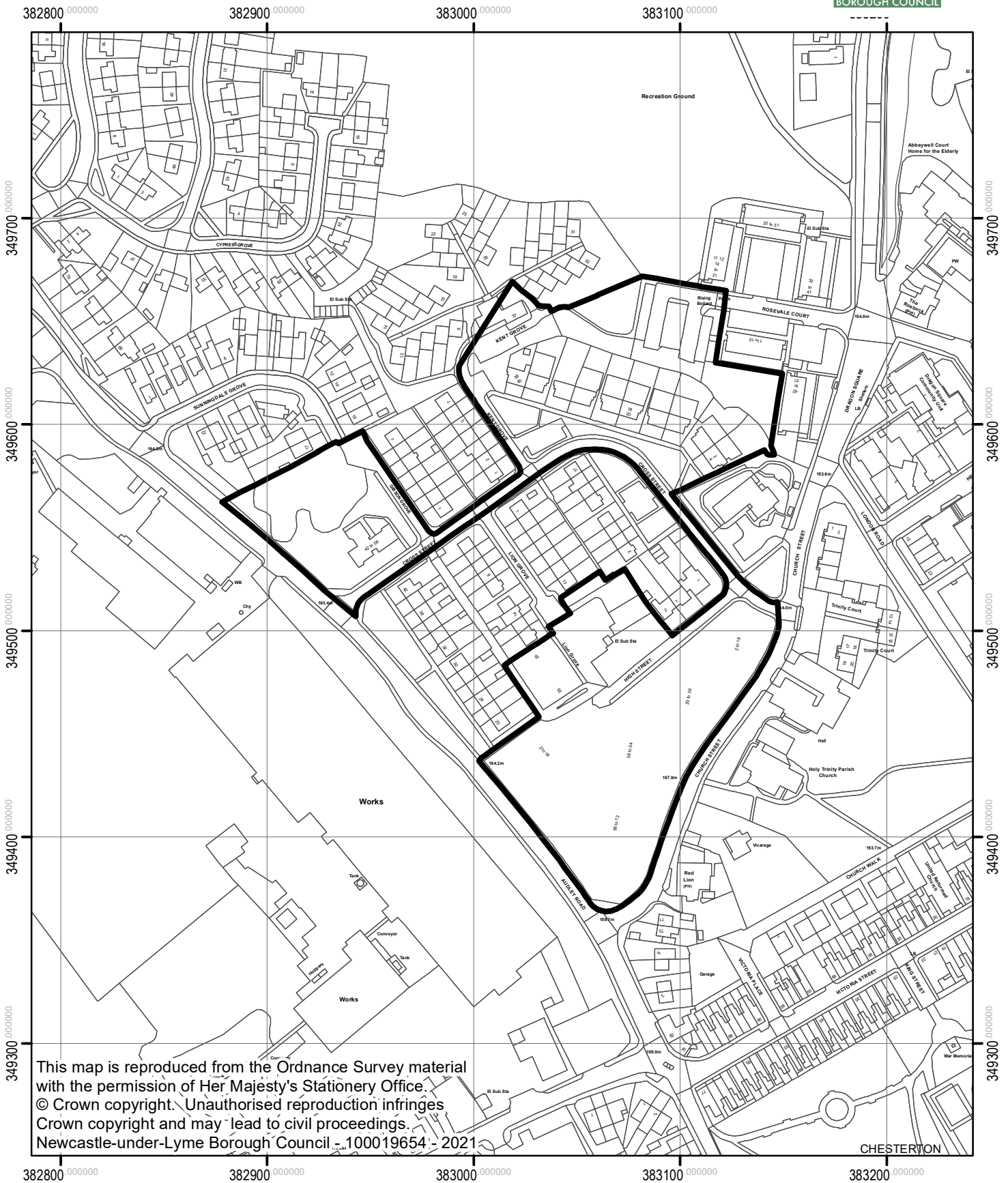
Planning files referred to  
Planning Documents referred to

**Date report prepared**

5 July 2023

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23/00353/FUL  
Land off Cross Street  
Chesterton, ST5 7HF



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**KIDSGROVE PENTECOSTAL CHURCH, THE AVENUE, KIDSGROVE**  
**STORM ADF DEVELOPMENTS LTD**

**22/00883/FUL**

The application is for full planning permission for the change of use and conversion of the church to form 12 no. supported housing apartments (Use Class C3b).

The building is on the Council's Register of Locally Important Buildings and Structures and is located on the edge of but beyond the urban area, on land designated as Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

Access to the site is via a new vehicular access point off The Avenue.

Trees beyond the rear and western boundary are protected by Tree Preservation Order number 1.

The application has been called in to Committee by two Councillors on the grounds of access and highways issues.

**The statutory 8 week determination period for this application expired on the 12<sup>th</sup> December but the applicant has agreed to an extension of time to the statutory determination period to the 24<sup>th</sup> July.**

## **RECOMMENDATION**

**A. Subject to the receipt and consideration of independent advice as to what financial contributions this development could support, and a supplementary report to the Committee on this aspect, and, in the absence of a demonstrated viability case, the applicant entering into a Section 106 agreement by 15<sup>th</sup> September 2023 to require a contribution of £59,196 towards off site public open space,**

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

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Materials**
- 4. Conservation style roof lights**
- 5. Window details**
- 6. Boundary treatments**
- 7. Soft landscaping scheme**
- 8. Prior approval of a construction phase Tree Protection Plan and Arboricultural**
- 9. Method Statement to BS5837:2012**
- 10. A detailed schedule of works for retained trees**
- 11. Permanent closure of existing access and provision of pedestrian access only**
- 12. Provision of new vehicle access, parking and turning**
- 13. Vehicle access to remain ungated**
- 14. Prior approval of bin collection area**
- 15. Cycle parking provision**
- 16. Design measures to secure noise levels**
- 17. Construction hours**
- 18. Electric Vehicle Charging Points**
- 19. Prior approval of detailed security measures for the building**

**B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning either refuse the application on the grounds that without the obligation being secured, the development would fail to secure an appropriate contribution for off-site public open space which would reflect the infrastructure needs of the development; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

### **Reason for recommendation**

The proposed development would bring back into use a vacant building in a highly sustainable area and the conversion represents appropriate development within the Green Belt. The design of the scheme would result in less than substantial harm to the locally important building and the limited harm identified is outweighed by the public benefits. Parking and highway safety matters are considered acceptable subject to conditions.

The applicant has submitted financial information to substantiate their claim that a policy compliant scheme would be financially unviable. A report of an independent valuer is expected and a further report will be brought to members on this issue.

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

The LPA and the applicant have engaged in extensive discussions. The proposed development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

## **KEY ISSUES**

The application is for full planning permission for the change of use and conversion of Kidsgrove Pentecostal Church to form 12 no. supported housing apartments (Use Class C3b).

Access to the site is via a new vehicle access point off The Avenue.

The application site is located on the edge of but beyond the urban area, on land designated as Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

Trees beyond the rear and western boundary are protected by Tree Preservation Order number 1.

The application has been called in to Committee by two Councillors on the grounds of access and highways issues.

The building is on the Council's Register of Locally Important Buildings and Structures and the neighbouring property, Bourne Cottage, is a Grade II Listed Building. The conversion of the church would not raise any issues of impact on the setting of Bourne Cottage. It is also not considered that the proposal will result in a significant impact on protected trees, subject to suitably worded conditions, and on this basis the key issues in the consideration of the application are;

- The appropriateness or inappropriateness of this development in Green Belt terms;
- The principle of residential development in this location;
- The impact of the conversion on this Locally Important Building;
- The impact upon residential amenity levels of neighbouring occupiers;
- The impact on highway safety;
- What financial contributions, if any, are required?
- Planning Balance.

Is the development an appropriate form of development within the Green Belt? If not, do very special circumstances exist to justify the inappropriate development?

Paragraph 138 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

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

Paragraphs 149 and 150 of the NPPF state that other than in the case of a number of specified exceptions the construction of new buildings and other forms of development should be regarded as inappropriate. Exceptions include, amongst other things, the re-use of buildings provided that the buildings are of permanent and substantial construction.

The proposal is to convert a former church which is of a facing brick and tile roof construction. Structurally it appears in a good state of repair.

No extensions to the building are proposed but the conversion of the building will result in a cycle storage structure and an off street car parking area. However, these would have no greater impact on the openness of the Green Belt than the existing uses of the site.

On the basis of the above it is accepted that the proposal represents appropriate development in the Green Belt and there is no requirement to demonstrate very special circumstances.

Does the proposal comply with policies on the location of new housing?

The application site lies on the edge but outside of the urban area. The building is within easy walking distance of Kidsgrove town centre and other services and amenities, including local schools and public transport.

The proposal is to convert the existing building and bring it back into use. It will provide 12 apartments for individuals who need supported housing accommodation. Care staff will need to visit the accommodation but will not live on site.

Saved Newcastle Local Plan (NLP) policy H1 supports new housing within village envelopes. Policy ASP5 of the Core Spatial Strategy (CSS) setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

Saved Policy H13 of the local plan states that “Development for supported and special needs housing in accordance with the Council's Housing Strategy will be encouraged. When considering any applications for such development, the positive contribution that it would make towards the Council's Housing Strategy would be weighed against any concerns raised in the context of other policies of the Plan.”

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

Paragraph 119 of the Framework states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The Council's published position is that it has a five year housing land supply (5YHLS) of 7.3 years. However, work as part of the emerging Local Plan and a recent appeal has resulted in the Council identifying that its current position is 4.84 years.

Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

Local Plan Policy H9 sets out the criteria for the conversion of rural buildings for living accommodation. It indicates that before the conversion of rural buildings for living accommodation can be considered, evidence must be provided to show that the applicant has made every reasonable attempt to secure a suitable business use for the premises, subject to Policy E12. However, the policy pre-dates the NPPF which sets out at paragraph 79 that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of circumstances apply, including the re-use of redundant or disused buildings that enhance the immediate setting.

The reuse of an existing building is a form of sustainable development and is located immediately adjacent to the urban area, within easy walking distance of Kidsgrove town centre and other services and amenities, including local schools and public transport. The proposed development is also appropriate development in the Green Belt and so does not conflict with specific policies of the NPPF.

The proposed development is considered an acceptable and sustainable form of development, in terms of its location and proposed use.

#### The impact of the conversion on this Locally Important Building

The building is on the Council's Register of locally important buildings and structures on the basis that it is considered to have heritage value and contribute to the character of the area.

A Heritage Asset Statement (HAS) supports the application and sets out that Kildgrove Pentecostal Church was built as a Primitive Methodist Church in 1930. The HAS concludes that the historical and aesthetic value of the building is low and moderate respectively.

It is advised that the proposal seeks to have minimal impact on the aesthetic value of the building. Externally, the existing brick plinths, stone detailing, buttresses, parapets, and arches over the windows, which form the key aesthetic features in the neo-Gothic style, are to be retained.

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.

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

Saved policy B8 of the local plan states that the Council will ensure the conservation of locally important buildings and structures by encouraging their retention, maintenance, appropriate use and restoration. Where permission is granted for demolition or alteration of locally important buildings which would result in the loss of historic fabric, the Council will ensure that provision is made for an appropriate level of archaeological building recording to take place prior to the commencement of works.

The scheme for 12 apartments and communal areas would alter the character and appearance of the building and following concerns raised by the Council's Conservation Officer regarding the number of apartments proposed and the windows and rooflights, the scheme has been amended. 12 apartments are still proposed.

The HAS enables an assessment of the proposed development on the impact of the building. It is accepted that previous changes have already resulted in the significance of the building being diminished and the conservation officer advises that the scheme directly impacts what significance is left. In particular, a new use and the division of the space into apartments will have an impact on the significance of the former use as a church, which was its original purpose when it was built in 1930 by F C Crimes, a local architect for the Primitive Methodists.

The main structure of the building is still apparent and readable and whilst a reduction in the number of apartments would have provided more improvements in terms of the impact on windows and the number of roof lights, the reordering of the apartments now allows the full height of the sanctuary to be retained and experienced by the residents. Therefore, the impact of the use and proposed conversion works are considered to be at the lower end of less than substantial harm and the conservation officer advises that overall the scheme now presented is a positive outcome for the building that will bring it back into a viable use.

It is considered that the previous concerns raised by CAWP have also been suitably addressed.

The Police Designing Out Crime Officer has made a number of security measures that will further impact the building and these will need to be controlled carefully, particularly because the Highway

Authority are requesting the vehicle access to remain open. A suitably worded condition will secure security measures, as well as boundary treatments.

The less than substantial harm that has been identified is outweighed by the public benefits that would be achieved by bringing this vacant and important building back into use. The external changes are limited and the applicant has provided the necessary level of information to support the application. On this basis the proposed development is considered to accord with the NPPF and the local planning policies and guidance set out above.

#### Impact upon residential amenity levels

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

SPG (Space Around Dwellings) provides guidance on privacy, daylight standards and environmental considerations.

The eastern gable of the building faces towards the nearest residential property, Bourne Cottage which has windows in its side elevation. The eastern gable of the church also has windows at ground floor which will be utilised as a bedroom and a lounge area and staff room. These would be principal rooms.

The church is elevated above Bourne Cottage but a 3-4 metre high conifer hedge is located between the two which will provide a suitable screen between corresponding windows.

There is very limited private amenity space for the occupants but the site is within easy walking distance of Bathpool Park, Clough Hall Park and the canal towpath which offers access to good quality public open space for future residents to enjoy.

The Environmental Health Division has raised no objections to the proposals subject to conditions which provide appropriate design measures to minimise noise impact on future occupiers and a restriction on constructions hours.

Some concerns have been raised about air quality in this area and an air quality assessment has been requested. An assessment has been submitted which raises no significant concerns and it is concluded that the site is suitable for residential purposes.

The proposed development is unlikely to result in significant impacts on the living conditions of neighbouring properties or the future occupiers and on this basis it accords with the guidance and requirements of the NPPF.

#### Car parking and any highway safety implications

The application has been called in to Committee by two councillors on the grounds of access and highways issues. A number of objections have also been received on the grounds of parking and highway safety concerns regarding the access arrangements.

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.

Policy T16 of the Local Plan states that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2. The policy goes on to specify that development which provides significantly less parking than the maximum specified standards will not be permitted if this would create or aggravate a local on street parking or traffic problem. Such a policy is however of limited weight as it not in accordance with the NPPF. The NPPF indicates at paragraph 108 that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for

managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

The building is a former church with an existing vehicle access onto The Avenue, close to the junction with Boathouse Road. The site has limited space available for car parking.

The proposal is for the change of use of the building to form 12no.supported housing apartments (Use Class C3b). The use of the site will require staff to support occupiers of the units.

The proposed development, following the submission of amended plans, proposes to close off the existing access to the east of the site frontage and a new access is proposed to the west. Parking provision on the site frontage is proposed for 4 cars which has had to be reduced from 6 spaces, as originally submitted.

There is a Traffic Regulation order on The Avenue which prevents on street car parking.

Objectors raise significant concerns about the proposed car parking levels and the number of people visiting the site on a daily basis. They believe that parking demand will cause highway safety implications from cars parking on the highway.

Policy T16 requires a maximum of 1 space per 3 units which equates to 4 spaces for this development.

The Highways Authority has raised no objections to the application following the revised access, parking and turning areas, subject to conditions which secure the permanent closure of the existing access, the provision of the new access, parking and turning areas, the access being ungated, details of bin collection arrangements and the provision for 10 cycle parking spaces.

It is acknowledged that car parking spaces have been reduced for the site but Policy T16 only requires a maximum of 4 spaces. Therefore, the level of parking proposed is acceptable and the highly sustainable location, within easy walking distance of Kidsgrove town centre and the railway station, provides alternative modes of travel. There are bus stops adjacent to the site with parks and other local amenities and employment opportunities within easy walking and cycling distance also.

On the basis of the above, the applicant has suitably addressed concerns raised and it is now accepted that the proposed development would not lead to significant highway or car parking implications and accords with policy T16 of the local plan and the requirements of the NPPF.

#### What financial contributions, if any, are required?

The Landscape Development Section (LDS) has indicated that the proposed development would require a contribution of £59,196 (£4,933 per one bedroom unit x 12) towards off site public open space (POS). The contribution would be used for improvements to Clough Hall Park which is approximately 210m away.

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

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

The financial contribution sought is considered to meet the tests and to comply with relevant policies.

However, the applicant has stated that the scheme cannot support the requested policy compliant contribution towards POS.

The NPPF sets out the approach to be adopted to viability in planning decisions. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to

demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. In the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until a Local Plan is finalised.

The applicant has submitted financial information to substantiate their claim that the Council's requirements would render a policy compliant scheme unviable. The information has been sent to an independent valuer who will assess the information and provide advice. The report will be considered once received and a further report will be brought to members on this issue.

### Planning Balance

In conclusion, subject to the imposition of suitable conditions, it is not considered that there would be any adverse impacts that would significantly and demonstrably outweigh the benefits which comprise the contribution of additional supported housing within this sustainable area and bringing back into viable use a non-designated heritage asset through appropriate conversion.

### 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:

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- 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

The development will not have a differential impact on those with protected characteristics.



## **APPENDIX**

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

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets

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

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy H9:	Conversion of Rural Buildings for living Accommodation
Policy H13:	Supported Housing
Policy S3:	Development in the Green Belt
Policy T16:	Development – General Parking Requirements
Policy B5:	Control of Development Affecting the Setting of a Listed Building
Policy B8:	Other Buildings of historic or Architectural Interest
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N12:	Development and the Protection of Trees
Policy N17:	Landscape Character - General Considerations
Policy N21:	Area of Landscape Restoration

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

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

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

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

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

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

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

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

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

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

The building has been the subject of two recent full planning applications. The first, reference 21/00212/FUL, was in February 2021 for the conversion of the former church into 12 residential units and the demolition of existing single storey rear extensions. This application was subsequently withdrawn.

The second application, reference 21/00803/FUL, for the conversion of the former church to a single residential dwelling, was permitted in November 2021.

## Views of Consultees

The Council's **Urban Design and Conservation Officer** has raised concerns about the number of apartments proposed and the impact that this has on the character of the building both in relation to impact on windows and addition of large number of rooflights. The lack of information originally submitted made it hard to make an assessment. However, following the submission of a Heritage Asset Statement, along with amended and additional plans, the scheme has reordered the same number of apartments to allow for the full height of the sanctuary to be retained and experienced by the residents. This is a positive outcome for the building and the experience of the full height space, as a former chapel. The significance of the building has already been diminished by the incremental changes but it still retains value, as stated in the heritage statement. The scheme directly impacts what significance is left but the main structure of the building is still apparent and readable. Any new use and division of the space will have an impact on the previous use and significance of the church probably at the lower end of less than substantial harm. The NPPF states that a balanced judgement is needed having regard to the scale of harm. Taking into account the alterations which have already been undertaken to the building and the previous permission, the scheme will bring a vitality and new use into the building. The survey and heritage statement also provide an archive.

The **Conservation Advisor Working Party (CAWP)** expressed their concerns about the over intensification of the use that they felt did not respect the character and nature of the former chapel and the area. It lies adjacent to a Grade II listed building on the edge of the former Clough Hall estate and the church makes an important contribution to the townscape. They felt that even as a non-designated heritage asset the building should have a scheme which was informed by a statement of significance. The roof lights were considered an unacceptable addition and there were clear issues with the external appearance of the windows by the introduction of a floor and partitions. The loss of the interior features was poorly thought out given the fittings were originally oak. The gothic aesthetic may enable well designed dormers as a better addition, particularly on the road side elevation and the group would like consideration to be given to the stained glass.

The **Environmental Health Division** raises no objections subject to conditions regarding construction hours and design measures to minimise noise impact on future occupiers. They have also requested that an air quality assessment is submitted on the basis that the site is within a designated Air Quality Management Area and monitoring in the area has identified Nitrogen Dioxide to be present.

The **Highways Authority** has previously raised concerns with the access, parking and turning arrangements for the site but following the submission of amended plans they now raise no objections subject to conditions which secure the permanent closure of the existing access, the provision of the new access, parking and turning areas, the access being ungated, details of bin collection arrangements and the provision for 10 cycle parking spaces.

The **Landscape and Development Section** raise no objections following the submission of a tree report and revised tree protection plan. Permission should be subject to provision of a construction phase Tree Protection Plan and Arboricultural Method Statement to BS5837:2012 in addition to a detailed schedule of works for retained trees. A revised landscaping scheme should be submitted to switch the locations of the birch tree and apple tree so that the larger growing birch is a greater distance from the building.

A S106 contribution is requested for capital development/improvement of offsite open space. This will be used for improvements to Clough Hall Park which is approximately 210m away. For the single bedroom units the OSS details that £512 of the total £4,427 capital element is for play areas and the required sum should be reduced by that amount (£3915) as well as a proportionate amount for the maintenance element (£134). The reduced amount would therefore be £4,933 per unit.

The **Crime Prevention Design Advisor** advises, amongst other things, that external lighting around the front and entrance area of the building will need to be such that it provides a safe environment for residents, staff or legitimate visitors coming and going during the hours of darkness, as well as contributing towards to deterring the site attracting unwanted attention. There may be merit in the applicant blocking of unauthorised access down the side of the building closest to the building entrance to deny easy casual intrusion to the rear at that point. A number of other crime prevention

design measures are also advised, including lighting, contained within the Secured by Design Homes 2019 design guide document.

Comments were also invited from **Kidsgrove Town Council** but in the absence of any comments from them by the due date of the 16<sup>th</sup> November 2022 it must be assumed that they have no observations to make upon the application.

### Representations

10 objections have been received from 7 addresses raising the following issues with the proposed development;

- A previous application was refused and this application is similar to that proposal;
- The site is on a busy road and vehicular access is a potential hazard;
- The site is on a dangerous bend that already has double yellow lines and speed restrictions in place also a turning spot on a junction;
- Existing on street car parking is a problem;
- Highway danger due to proximity to a school;
- 30 people could be on site at the same time and 6 parking spaces would be inadequate;
- A lack of disabled spaces;
- The church moved to an alternative location due to lack of safe parking;
- The site is in very close proximity of The Kings School and the proposed facility is not a suitable location;
- Inappropriate proposal for that size of development;
- There is a property opposite that is unused;

### Applicant/agent's submission

All of the application documents can be viewed via the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00883/FUL>

### Background Papers

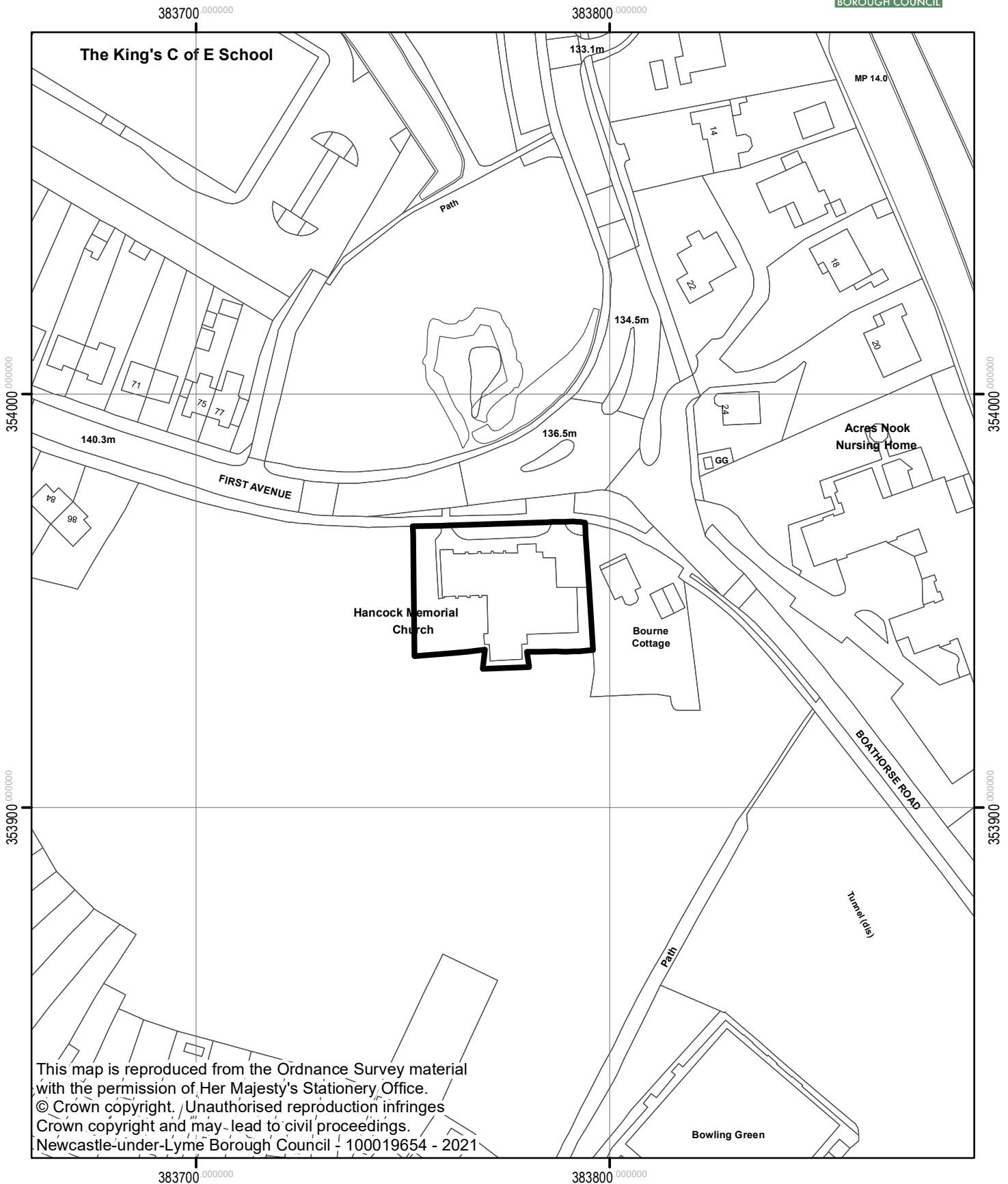
Planning File  
Development Plan

### Date report prepared

6 July 2023

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22/00883/FUL  
Kidsgrove Pentecostal Church,  
The Avenue, Kidsgrove, ST7 1AL



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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> July 2023.**

**Agenda Item 8**

**Application Ref. 22/00883/FUL**

**Kidsgrove Pentecostal Church, The Avenue, Kidsgrove**

Since the publication of the main agenda report, there have been 3 further objections raising the following issues with the proposed development;

- Increased pressure and possibility for on street car parking in the area that will lead to conflict and highway danger;
- The proposed waste water and foul sewage disposal arrangements need to be clarified;
- A previous application was refused and this application is similar to that proposal; and
- There is a property opposite that is unused;

Officers Comments

The further objections received raise similar concerns to those previously received, which have been considered in the main agenda report.

The **RECOMMENDATION** remains as set out in the main agenda report.

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**SECOND SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> July 2023.**

**Agenda Item 8**

**Application Ref. 22/00883/FUL**

**Kidsgrove Pentecostal Church, The Avenue, Kidsgrove**

The applicant has submitted financial information to substantiate their claim that the Council's Section 106 requirements would render a policy compliant scheme unviable. The information has been sent to an independent valuer to assess the information and provide advice and it was anticipated that the advice would be received in advance of the Committee meeting. Unfortunately, although the valuer's report is expected in the next few days, the advice has not yet been received.

**Amended Recommendation**

**That a decision on the application be deferred until the 15<sup>th</sup> August meeting to allow the views of the independent valuer to be obtained and for such views to be taken into consideration by the Planning Committee in its decision.**

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**LAND IN THE VICINITY OF WHITMORE WOOD**  
**HIGH SPEED TWO (HS2) LIMITED**

**23/00474/SCH17**

This application seeks approval of the plans and specifications under Schedule 17 of the High Speed Rail (West Midlands – Crewe) Act 2021 for the construction of permanent fencing, pedestrian and vehicular access gates and building and earthworks required for the creation of a permanent watercourse crossing.

The sites lie within the open countryside, which are designated as an Area of Landscape Restoration and a Landscape Maintenance Area, as well as within the Green Belt, as indicated on the Local Development Framework Proposals Map.

**The 8 week determination period for this application ends on 28<sup>th</sup> July 2023.**

**RECOMMENDATIONS**

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

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

**Reason for Recommendation**

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

**KEY ISSUES**

**Consideration of Schedule 17 Applications**

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

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

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

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

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

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

The works proposed within the application are split across three sites, referred to within the supporting documents as sites 314, 315 and 53.

Site 315 is accessed from Manor Road, Madeley and the works to be undertaken within the confines of this area consist of the construction of new permanent fencing and access gates. One permanent pedestrian access gate would also be installed in the fencing at the southern corner of the site, and would be set back from Manor Road. There would be three runs of new fencing installed, one on either side of the cemetery that sits in the middle of the site and then one along the western boundary, directly adjacent to Manor Road.

The applicant has confirmed that the existing hedgerow in this location would be retained and the fencing will be placed alongside the existing hedgerow, which, given the limited height of the fencing, would have a minimal impact on the visual amenities of the area. Scattered broad leaved trees and woodland are proposed to be planted alongside the new fencing to either side of the cemetery which would assist in softening the appearance and visual impact of this expanse of fencing on the wider area.

Site 314 would be accessed from Netherset Hey Lane and sits approximately 670m south east of site 315. Beyond the eastern edge of the application site boundary sits Netherset Hey Farm, a Grade II listed building. The works proposed in this location consist of the installation of two new permanent access gates; one to be installed to the south west of an existing pond that sits in the far north eastern edge of the application boundary, and the second at the far end of the access track, to the east of the main railway line. These additions are considered to be minor and would have no implications on the character or appearance of the locality. The area immediately surrounding the existing water pond would also be enhanced by new neutral grassland landscaping, to enhance the ecological and landscape value of this area.

A new permanent watercourse crossing would also be constructed midway along the access route to the site. The crossing will be located across a tributary of the River Lea and is required to facilitate access from the south. The existing ditch slope would be re-profiled and a new precast concrete culvert opening added to facilitate the crossing. Following construction, the land would be backfilled with topsoil and topped with a grass paving system and new field grass planting to soften the appearance of the scheme. While the design is functional, its relatively minor scale would result in minimal impact on wider vantage points.

Finally, site 53 comprises two parcels of land that sit on opposite sides of Heath Lane and for context is positioned 2.2km south-east of Site 314. Within the land on the western side of Heath Lane there would be a two new vehicular access gates installed as well as a small length of new fencing. The land on the eastern side of Heath Lane would have two new lengths of fencing installed centrally to act as a corridor to traffic which would then lead to three new access gates. A further stretch of new fencing would also be installed along the entirety of the eastern edge of the application site. Extensive landscaping would also be carried out within the parcels of land subject to the application site, including neutral grasslands, broadleaved woodland planting and a mix woodland plantation.

### *Impact on the local environment and local amenity*

All of the sites consist of agricultural land within the rural area of the Borough and are considered to be of good landscape quality.

While the introduction of fencing could harm the rural character of the area, the specifications for the fencing indicate that the fencing would have a maximum height of 1.2m and would feature timber posts with either horizontal or stock proof wire infills. Therefore despite there being a large amount of fencing introduced at each of the sites, most notably site 315 off Manor Road, the type of fencing would be characteristic of the sites' rural location and is not untypical of that used in agricultural environments.

The soft landscaping works proposed throughout the sites are extensive and when completed would enhance the quality of the landscape as well as the offering to biodiversity and ecology.

On that basis, it is considered that the proposed works would not harm the character and quality of the landscape or the local environment and local amenity.

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

The access points from Heath Lane to serve the development of site 53 comprise existing field access gates, and so there are no concerns in relation to highway safety.

Access to site 314 would be from Netherset Hey Lane, and then access would be across a series of fields which would not create any highway safety implications.

Measures to control road safety and traffic impacts arising from the construction of the works are separately covered and do not fall to be considered with this application. As such, the works would not have any detrimental impact on road safety or the free flow of traffic in the local area.

### *Impact on archaeological or historic interest or nature conservation value*

There are no designated heritage assets located within the application site boundaries for any of the sites being discussed.

However, as identified previously, the Grade II listed building of Netherset Hey Farmhouse is positioned 230m from the edge of Site 315. The works here would only comprise landscaping surrounding the pond and the installation of new gates, both of which are considered to be appropriate in their appearance and design and so would not have any implications on the setting of this listed building.

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

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

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

### Reducing Inequalities

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

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

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

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

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

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

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

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

## **APPENDIX**

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

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

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N12: Development and the Protection of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N19: Landscape Maintenance Areas  
Policy N21: Area of Landscape Restoration  
Policy S3: Development in the Green Belt

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

Policy DES1: Design  
Policy NE1: Natural Environment

#### [Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan](#)

Policy NE1: Natural Environment  
Policy DC1: Local Heritage  
Policy DC2: Sustainable Design

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

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

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

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

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

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

#### [Equality Act 2010](#)

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

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

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

None.

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

The **County Minerals Authority** has no comments to make regarding the application.

At the time of preparing this report, no representations have been received from **Whitmore Parish Council**, **Madeley Parish Council**, the **County Council Ecologist**, the **Environment Agency**, the **Landscape Development Section** or the **Environmental Health Division**. Should comments be

received prior to the application going before the planning committee, these will be reported in a supplementary report.

#### Representations

None received.

#### Applicant/agent's submission

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

- Submission Letter
- Written Statement

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00474/SCH17>

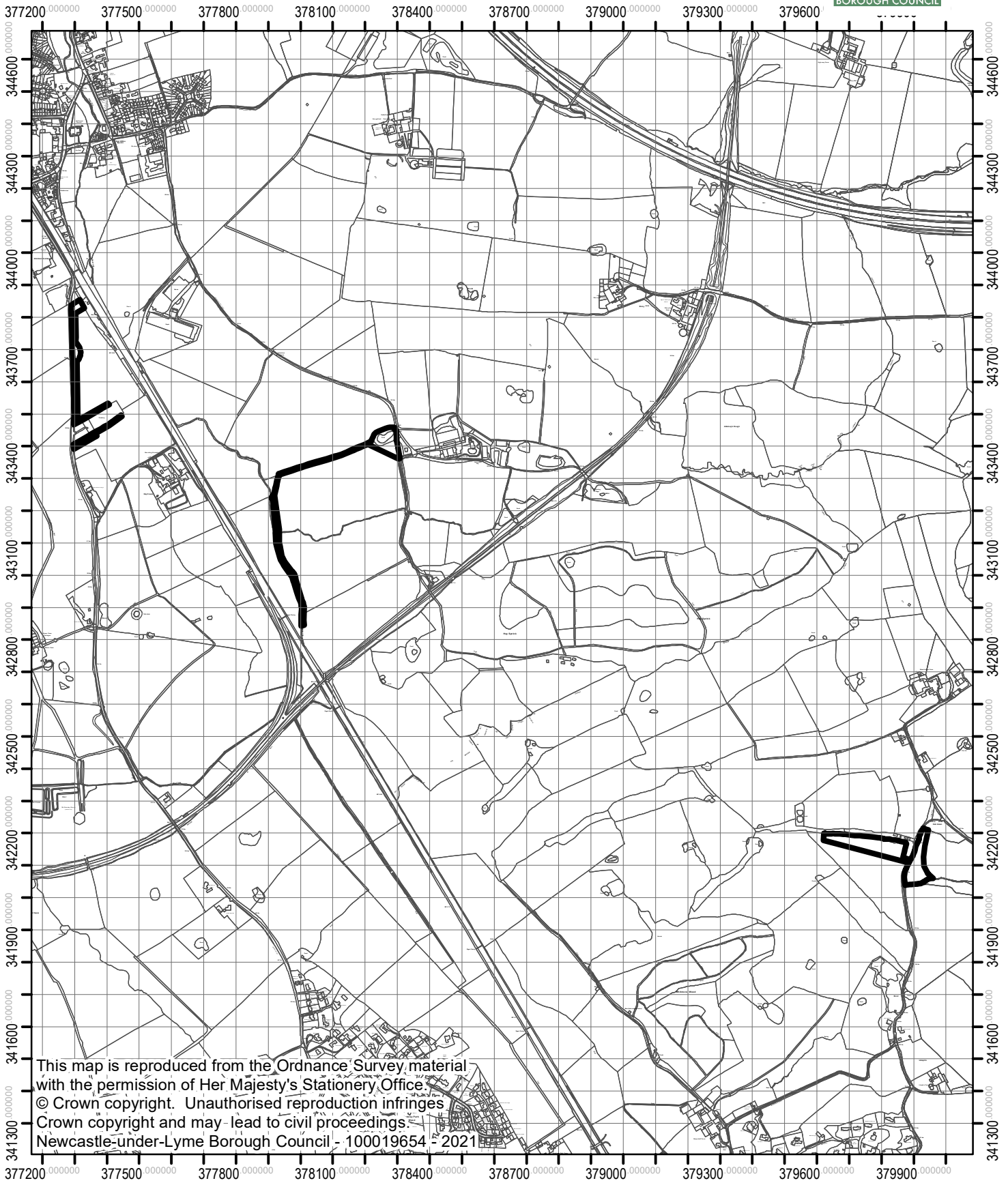
#### Background Papers

Planning File referred to  
Planning Documents referred to

#### Date report prepared

4<sup>th</sup> July 2023





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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> July 2023**

**Agenda Item 9**

**Application Ref. 23/00474/SCH17**

**Land in the vicinity of Whitmore Wood**

Since the publication of the main agenda report, the comments of **Maer and Aston Parish Council** have been received. These comments are summarised as follows;

- Surprise at applications being received in light of HS2 being paused for 2 years
- Staffordshire County Council are not approving any plans during this pause
- The information was difficult to read and interpret.

Officers Comments

The timescales involved in the overall HS2 project are not relevant to consideration of the submitted application and Officers are satisfied that sufficient information has been received to enable the proposals to be fully considered.

No new issues are raised and therefore the **RECOMMENDATION** remains as set out in the main agenda report.

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**LAND NORTH WEST OF BOWER END FARM, MADELEY**  
**HIGH SPEED TWO (HS2) LIMITED**

**23/00518/SCH17**

This application seeks approval of the plans and specifications under Schedule 17 of the High Speed Rail (West Midlands – Crewe) Act 2021 for the construction of permanent fencing, pedestrian and vehicular access gates and landscape improvements.

The sites lie within the open countryside and an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map.

**The 8 week determination period for this application ends on 16<sup>th</sup> August 2023.**

**RECOMMENDATIONS**

**Subject to the receipt of no objections from consultees that cannot be suitably addressed through conditions, the Head of Planning be given the delegated authority to grant the Schedule 17 application subject to conditions relating to the following:**

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

**Reason for Recommendation**

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

**KEY ISSUES**

**Consideration of Schedule 17 Applications**

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

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

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

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

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

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

(a) Consideration of the Design and External Appearance of the Proposal

The proposed works are split across two sites which are referred to within the supporting information as Site 328 and Site 340. Both sites are located within the vicinity of Bower End Farm; Site 328 sits directly north west of Bower End Farm and Site 340 is positioned approximately 550m north-west of site 328 adjacent to an area of Ancient Woodland known as Wrinehill Wood.

There are also two Public Rights of Way (PROW) that cross through both of the development sites, Madeley 5 and Madeley 28. The application documents however stipulate that the development would be carried out to ensure that the access to the relevant PROW would be maintained.

Throughout both of the sites the works would comprise the installation of new permanent fencing, four pedestrian gates and four permanent access gates. The development is required to provide security and access for maintenance purposes to sites that will provide early environmental works.

Details of the fencing to be installed show that it would have a maximum height of 1.2m and would comprise timber posts with either horizontal wire or mesh inserts. The gates to be installed would also be constructed from a combination of wire and timber and would have a height of 2.1m.

Extensive landscaping would also be carried out within both of the parcels of land which would include neutral grasslands, broadleaved woodland semi-natural planting and scattered scrubland.

*Impact on the local environment and local amenity*

The sites consist of agricultural land within the rural area of the Borough and are considered to be of good landscape quality.

While the introduction of fencing could harm the rural character of the area the specification for the fencing shows that it would only be 1.2m in height, and its appearance would be typical of that in and around rural agricultural land. While it would be readily visible from the adjacent public footpaths, the development is not considered to result in harm to the character or appearance of the wider area.

The soft landscaping works proposed throughout the sites are extensive and when completed would enhance the quality of the landscape, soften the appearance of the development and also enhance the offering to biodiversity and ecology.

On that basis, it is considered that the proposed works would not harm the character and quality of the landscape or the local environment and local amenity.

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

Access to Site 328 would be via Bower Hill Lane, whilst access for Site 340 would be through private land. Given that the proposed development would use an existing access road and vehicle access across private land, there would be no concerns in relation to highway safety.

Measures to control road safety and traffic impacts arising from the construction of the works are separately covered and do not fall to be considered with this application. As such the works would not have any detrimental impact on road safety or the free flow of traffic in the local area.

*Impact on archaeological or historic interest or nature conservation value*

There are no designated heritage assets located within the application site boundaries. Site 340 is positioned adjacent to an area of ancient woodland referred to as Whitmore Wood which is also flagged on Staffordshire County Councils Historic Environment record, and so could be of archaeological or nature conservation value. As part of the development a Location Specific Written Scheme of Investigation has been drawn up in consultation with the County Archaeologist which details the methodology for archaeological surveys and investigations to be implemented prior to construction. Should any heritage assets of such significance be identified during construction that warrant preservation in situ there is a commitment to redesign the submission to avoid impacting the assets leading to a revised Schedule 17 approval request.

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

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

Reducing Inequalities

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

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

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

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

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

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

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

## **APPENDIX**

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

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

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N12: Development and the Protection of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N20: Areas of Landscape Enhancement

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

Policy DES1: Design  
Policy NE1: Natural Environment

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

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

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

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

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

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

#### [Equality Act 2010](#)

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

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

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

None.

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

The **County Mineral Authority** have no comments to make on the application.

At the time of preparing this report, no comments have been received from **Madeley Parish Council**, the **Landscape Development Section**, the **Public Rights of Way Officer** or the **County Ecologist**. Any comments received prior to the meeting of the Planning Committee will be reported through a supplementary report.

#### [Representations](#)

None received.

#### [Applicant/agent's submission](#)

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



- Submission Letter
- Written Statement

All of the application documents can be viewed on the Council's website using the following link:  
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00518/SCH17>

Background Papers

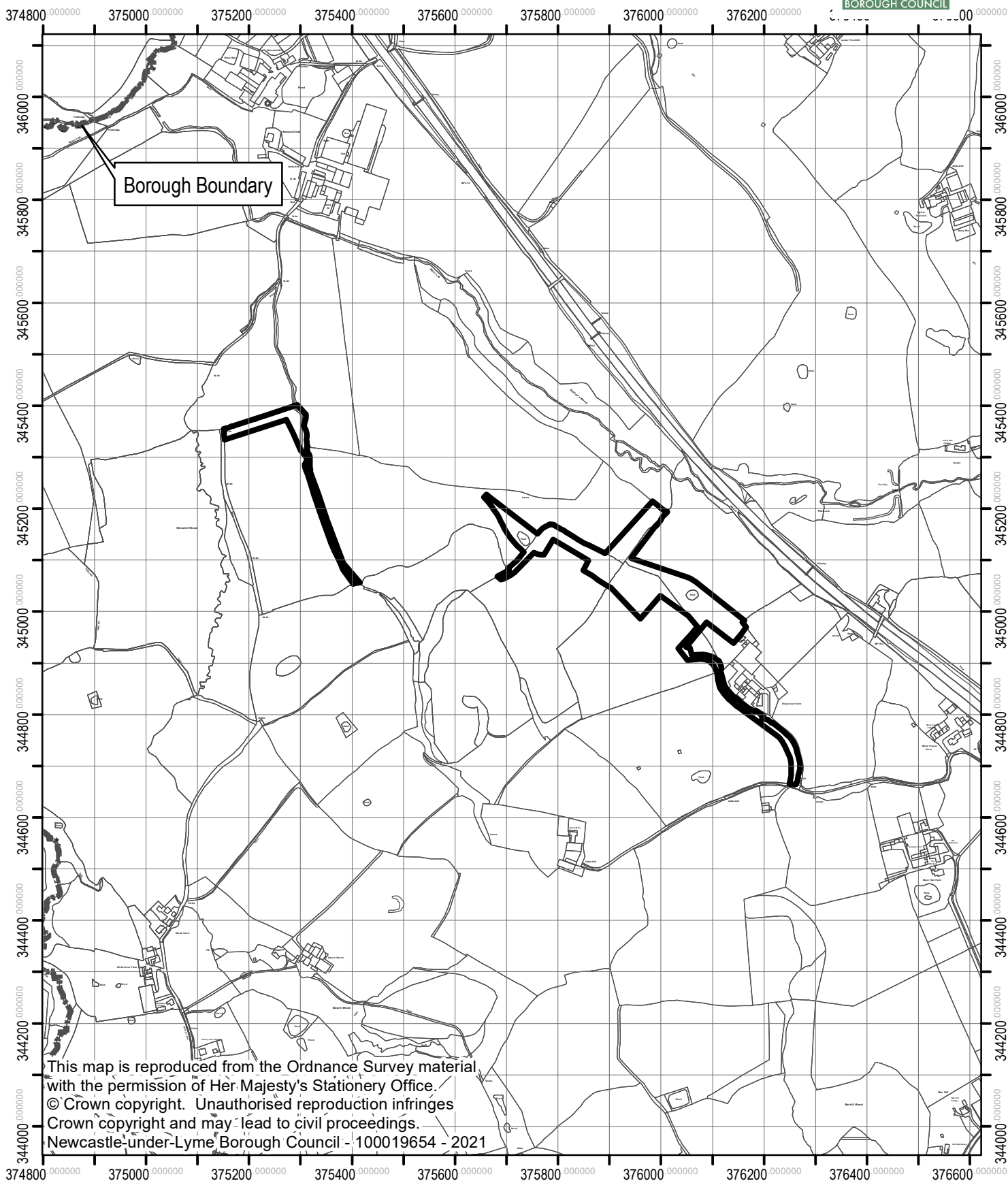
Planning File referred to  
Planning Documents referred to

Date report prepared

4<sup>th</sup> July 2023

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**23/00518/SCH17**  
**Land North West Of Bower End Farm**  
**Bower End Lane, Madeley**



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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> July 2023.**

**Agenda Item 10**

**Application Ref. 23/00518/SCH17**

**Land North West of Bower End Farm**

Since the publication of the main agenda report, the comments of Staffordshire County Council **Public Rights of Way Officer** (PROW) have been received. The following comments are made:

- The granting of planning permission does not constitute authority for interference with the PROW including items such as gates or stiles, and if these are not required for stock control, they are unlikely to be authorised by the County Council.
- As the PROW that runs through the site is a Bridleway, access also needs to be provided to horse riders and cyclists.

Officers Comments

While the Officer's comments are noted, Schedule 17 of the Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 for HS2 Phase 2a and associated works ("the Works") between West Midlands and Crewe. The Schedule sets out that the Council can only refuse to approve the application, or impose conditions in relation to the local environment and amenity; road safety and traffic and archaeological/historic and nature conservation value.

Implications in terms of access to the PROW that run adjacent to the application sites are not considered to involve any of the aforementioned issues and so it would not be reasonable to refuse the application on this basis.

Notwithstanding this, the applicant was approached to address some of the comments raised by the PROW officer. They have confirmed that the proposed permanent gates to be used are suitable for placement on bridleways, and that Schedule 4 of Part 2 of the Act allows PROWs to be temporarily diverted or suspended. Following the determination of this application, the applicant will be applying through the County Council to secure permission for the permanent structures along the public footpaths and bridleways, which is a separate process to this application.

No new issues are raised and therefore the **RECOMMENDATION** remains as set out in the main agenda report.

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

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

**RECOMMENDATION**

**That the information be received.**

Latest Information

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

Your officers are now progressing the appropriate enforcement action against the landowner to ensure that the landscaping works, as required by condition 4 of planning permission 21/00286/FUL, are carried out in accordance with the approved plans at the earliest opportunity.

Date Report Prepared – 5<sup>th</sup> July

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**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**Report Title:** Local Planning Enforcement Plan

**Purpose of the Report**

To seek any comments from Committee on an updated Local Planning Enforcement Plan before consideration for approval and adoption by Cabinet

**Recommendation**

For Committee to endorse the updated Local Enforcement Plan.

**Background**

The Council's Planning service regulates development within the Borough. Development can constitute physical building works ranging from the construction of small extensions and other minor works through to major schemes such as the construction of new factories and housing estates. In addition, development can comprise the change of use of land or buildings, for example the conversion of an office building to a block of flats.

A large proportion of development work in the Borough requires approval through the granting of planning permission, although some smaller works can be undertaken without need to apply for consent from the Local Planning Authority (LPA) if they fall within the parameters of that which is deemed 'permitted development' pursuant to the Town and Country Planning (General Permitted Development) Order 2015. The legislation on permitted development is complex, in part because it addresses nearly all forms of development from household extensions through to infrastructure projects including highway and railway works and has been amended over the years.

Despite these opportunities existing for developers to secure approval through the appropriate legislation, there has historically been a low level of development in the Borough that does not benefit from consent either through an application to the Council or through permitted development. This work is unauthorised and therefore the LPA can consider whether enforcement action is necessary to remedy any breach that has occurred.

Whilst the Council has a range of powers to enforce against unauthorised development, the Government, in National Planning Policy Framework (NPPF) and the supplementary Planning Practice Guide, states that enforcement action is discretionary and LPAs should act proportionately in responding to suspected breaches of planning control.

The NPPF also recommends that Local Planning Authorities prepare and publish a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their

area. This should set out how they will investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

It is important that Enforcement Plans are reviewed and kept up to date. The existing Council Local Enforcement Plan has been reviewed and revised to ensure that it is in accordance with current national guidance and has been consulted on.

The updated Enforcement Plan is clear that at the heart of the consideration of an enforcement case is the amount of harm a breach of planning control may cause and whether taking enforcement action would be expedient. This harm may manifest itself in detriment to the amenity or privacy of neighbours, environmental harm such as to protected trees, habitats or species, damage to the character and appearance of the surrounding area or conflict with established national and local planning policies.

In instances where it is considered the breach is minimal, the option exists for the LPA not to take action. Part of this assessment is consideration of whether planning permission would be likely to be granted should a retrospective planning application be submitted to regularise the unauthorised works.

In instances where it is considered the breach is more significant and creates a planning harm, the Plan sets out the steps the Local Planning Authority will take to investigate a matter and seek to resolve the planning breach. There are sometimes several actions that could be taken, and each case will look at the best method for the situation. In some cases, other statutory bodies may be able to deal with the matter where they have relevant powers.

The updated Plan sets out to manage the expectations of complainants with regards to the scope of the Council planning enforcement powers as well as advising perpetrators that the Council will follow through complaints and deal with any deviation from approved planning consents.

The proposal to adopt the Local Planning Enforcement Plan would comply with national guidance and in doing so assist in ensuring any future action taken by the Local Planning Authority would be carried out in accordance with established best practice.

### **Reasons for Proposed Solution**

The proposed update to the Plan will help ensure that the Council has a robust set of measures in place to effectively undertake planning enforcement action across the Borough in a timely and expedient manner.

Failure to undertake appropriate investigation and assessment of potential breaches of planning control can result in complaints against the Council escalating to the Local Government and Social Care Ombudsman. Notable or repeat failures to deliver an efficient enforcement service may result in criticism by the Ombudsman about the operation of the service and therefore subsequent reputational harm.

Whilst there are staffing costs associated with the resourcing of the enforcement service and the processing of any action taken including prosecution and if necessary direct action, the procedures set out in the Local Planning Enforcement Plan do not expose the Council to any additional costs.

Through setting out clear steps for undertaking enforcement action, the risks of abortive action should be minimised hence reducing the potential for unnecessary costs to be incurred by the Council.

**Other Options Considered**

Not having an up-to-date Plan however this would leave the Council in a weaker position with regard to any future enforcement action

**List of Appendices**

Appendix 1 – Proposed Local Planning Enforcement Plan.

**Background Papers**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

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# Local Planning Enforcement Plan 2023



**How Newcastle - under – Lyme Borough Council will manage planning enforcement**

## Summary

Development can directly and indirectly impact everyone, be that they live, work, or visit the Borough. While most development is carried out in accordance with planning rules, there are instances where it is not, such as buildings being constructed beyond the original planning permission, or the use of land or buildings changing.

The Council as the Local Planning Authority has a role to play to ensure these rules are followed and take appropriate action when they are not. This document is Newcastle Council's Local Planning Enforcement Plan and sets out the powers available to it to ensure all developments comply with the rules.

Newcastle Under Lyme Borough Council is the Local Planning Authority (LPA) responsible for the enforcement of planning control within the borough although certain works will be the responsibility of Staffordshire County Council such as waste and minerals. The planning system ensures that development takes place in accordance with national and local planning policy. It also ensures that development is planned and managed to achieve social, economic, and environmental objectives. There are other powers that a council may have which are not planning related which can often deal with issues that arise such as noise, air quality and litter. These are not covered by this 'enforcement plan'.

The Council's enforcement team has wide ranging powers that can be exercised in the public interest where a breach of planning control is under consideration. This responsibility is very important and is essential to ensure confidence in the planning system.

This document sets out the Borough Council's approach toward dealing with planning enforcement issues.

Undertaking work without the relevant permissions and consents or in breach of conditions can lead to serious consequences so it is advisable to seek professional advice from the Council or from a Planning Agent if you are proposing to undertake works. Likewise, if you have been approached by the Council in respect of a potential enforcement matter you should also seek appropriate advice.

The information is provided in accordance with government guidance at the time of adoption and therefore the reader should check for any up-to-date guidance and case law.

This Enforcement Plan upholds our core objectives as a Council.

We will investigate impartially and assess each case on its merits, our decisions will be based upon the principles of proportionality, legality, and necessity. We will endeavour to investigate

matters in a timely manner and maintain contact with interested parties throughout.

## Introduction

The Council has set out a plan to deliver its strategic priorities between 2022 and 2026 which is shaped around our four key priorities:

- One Council Delivering for Local People
- A Successful and Sustainable Growing Borough
- Healthy, Active, and Safe Communities
- Town Centres for All

For the purpose of clarity, the term Local Planning Authority also refers to the council and is interchangeable throughout this document. This plan sets out how we will work to make Newcastle-under-Lyme a better place for everyone who lives here or comes here to work, to study or for leisure. Our aims can only be achieved by taking advantage of every opportunity available and developing further opportunities through innovation and collaborate working.

The Enforcement Plan fits in with these objectives and the Council will use available statutory powers and follow national guidance in a proportionate way to ensure there is effective planning enforcement on the Borough.

Development Plans include adopted local plans and the core strategy, together with Supplementary Planning Guidance and any 'made' Neighbourhood Plans set out the planning policies against which breaches of planning control will be assessed. Any emerging planning documents may also be considered in making formal decision.

A **breach of planning control** is where a person carries out development (as defined by section 55 (1) of the Town and Country Planning Act (TCPA) 1990) to land or buildings without the required planning permission, i.e., it does not have express permission, it is not permitted development, or fails to comply with a condition or limitation of a planning approval.

Planning enforcement also investigates complaints about untidy land which adversely affect amenity and where consent is required for works to listed buildings, works to protected trees and for the display of advertisements.

As the planning system is concerned with works which physically alter the land or change it promotes the best use of land and to safeguard individuals, business, and the environment from harmful development. Planning decisions are taken within a legislative and regulatory framework and in accordance with national and local planning policies. Investigation powers are entrusted to Councils by Parliament to protect the Borough from the adverse effects of undesirable developments and neglect of open land.

The Government refers to Enforcement in the National Planning Policy Framework (NPPF). It states the following:

‘Effective enforcement is important as a means of maintaining public confidence in the planning system.’ ‘Enforcement action is discretionary, and Local Planning Authorities should act proportionately in responding to suspected breaches of planning control.’

Guidance to support this is given in the National Planning Practice Guidance (NPPG). The discretionary and proportionate nature of enforcement is referred to, and it is suggested that local planning authorities should consider publishing an Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how we will investigate alleged cases of unauthorised development and act where it is appropriate to do so and, in a proportionate manner.

Planning is about regulating the use and development of land, regarding the development plan and considering other material considerations. The Local Planning Authority has a duty to investigate allegations of breaches of planning control and it takes this responsibility seriously. In response to enquiries, our aim is for developers to carry out their development in accordance with planning permission and comply with the conditions placed upon the consent.

The Council’s powers to investigate and act to remedy breaches is set out in legislation and Regulations including the Town and Country Planning Act 1990 (as amended), the Planning (Listed Building and Conservation Areas) Act 1990, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the Localism Act 2011 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

More recently, the Localism Act 2011 inserted into the Town and Country Planning Act 1990 powers to restrict tactics that were seen as abuses of the planning system, such as twin tracking an appeal against an enforcement notice, limiting applications for retrospective approval where an Enforcement Notice has been issued, the power to apply to remove time limits for deliberately concealed breaches as well as penalties and increased powers in relation to fly-posting and graffiti. The Council can consider the use of powers under the Proceeds of Crime Act 2002 (POCA) to appropriate all assets gained by owners and occupiers through the non-compliance of an



enforcement notice should it be in the public interest to do so.

The primary role of enforcement is to investigate alleged breaches of planning control and bring about reasonable and proportionate remedial action where appropriate. Development requiring planning permission includes:

- Most types of building works
- Engineering works, and
- Material changes of use to land or buildings

In most cases, a **planning breach is not, by itself, unlawful and therefore does not constitute a criminal offence**. However, there are some cases which are unlawful such as:

- unauthorised works to a listed building including partial demolition
- non-compliance with a Stop or Temporary Stop Notice
- most unauthorised works to protected trees subject to a preservation Order or within a designated Conservation Area, and
- the display of unauthorised advertisements.
- failure to comply with a statutory notice is issued, which requires steps to be taken and the time for compliance has expired.

Planning enforcement powers cannot be used in matters where there is no breach of planning control. Examples include:

- a dispute concerning a boundary matter
- covenants, deeds, or civil matters
- development permitted by Development Orders issued by Central Government, that is development that benefits from permission by virtue of the General Permitted Development Order (GPDO) or changes of use by the Use Classes Order (UCO) provided that the limits and conditions stated in the Order are met
- the display of advertisements that comply with specific conditions and limitations within the relevant class of the Advertisement Regulations may not require advertisement consent from the Local Authority.

In certain cases, developments may become established over a period of 4 or 10 years in planning law and therefore are potentially 'immune' from enforcement action. This is a particularly complex area of planning law and particular advice should be sought.

An investigating officer must consider the impact of the unauthorised development, the options available and the time for compliance before reaching a final judgement. When considering the proportionately of taking formal action we will target our resources at the most harmful breaches

of planning control. The expediency of enforcement action will be made in the context of local and national planning policies and what formal powers and options are available to seek to remedy breaches of planning control set out in **Appendix 1**.

The Enforcement Plan sets out the areas of priority to ensure effective, consistent, and transparent decision making. The Planning Enforcement team aims to deal with complaints in a clear and consistent manner based on a set of agreed objectives. As the National Practice Guidance is clear that planning enforcement action should be proportionate, the Enforcement Plan sets out clearly and transparently what is a priority for investigation and the action taken to be proportionate. Each investigation will be considered on its individual merits, the facts, and the degree of harm. In reaching this decision sometimes account will be made of any recent and relevant case law and decisions which may have a bearing on the route taken.

Decisions made by the Council on enforcement matters are recorded and published as soon as practicable after the decision. The record must contain, the title of the decision-making officer and the date the decision was taken and why. Councils must maintain a statutory register of enforcement and stop notices retained for inspection by the public for a period of at least 6 years. The record does not authorise the publication of confidential or exempt information.

The Enforcement Plan also includes appendices providing information on trees, advertisements, untidy land (Section 215 of the Town and Country Planning Act 1990) and High Hedge complaints.

Some enquiries received by the Planning Enforcement Team are not covered by planning and/or there may be more effective measures to resolve the enquiry using other legislation. Examples include land disputes, boundaries, covenants (civil matters) dangerous structures (building control), noise, smells (environmental health) and issues on the highway (Staffordshire County Council).

Further information about the Council's planning enforcement polices and how to report planning breaches is available [online](#).

## Our Approach

The starting point to an investigation is to establish all the facts reported. It is then processed to decide if it is firstly development, then if it requires planning approval or consent. A desk top analysis is then undertaken and then a site visit (if required) then an officer's view will be made and then a decision. An investigation can be a time consuming, complex, and lengthy process. Many aspects of a case may need to be fully investigated before reaching a conclusion. The time taken to determine each case can vary depending on the site and type of breach that has been reported. The time taken may depend on many factors to which is outlined below:

- Evidence gathering
- Site visit if considered necessary
- Establishing a breach
- Awaiting the compliance of an Enforcement Notice or enforcement appeal
- Any complex legal matters or multiple enforcement considerations on the site

If you are contacted by the Council about an alleged breach of planning control you are entitled to know what the allegation is, you will also be given the opportunity to respond to the alleged breach. Your co-operation will be sought to remedy the breach of planning control and a reasonable time will be given for you to respond depending on the seriousness of the matter.

We will discuss cases with all parties with an interest in a case, although there are instances where matters of privacy prevent disclosure. Private and confidential information cannot be released to the public as it is protected under the Data Protection Act 2018. The only time an enquirers information can be made public is if that person would be willing to be witness to the offence and attends court.

### Priorities

The Council receives a high number of complaints regarding allegations of breaches of planning control every year. It would be impossible to investigate and pursue all these allegations with equal priority. It is essential to use Council resources to maximum effect. Therefore, each case is prioritised according to the seriousness of the alleged breach and the degree of harm being caused. The aim is that the Council's response is fair and proportionate having regards to both the context and the nature of the breach.

Complaints will be prioritised on receipt based on what appears to be their significance and initial background checking in accordance with the enforcement priorities set out in this Plan. (see **Appendix 1**). Priority will be reassessed and kept under review when a site has been visited and as and when further information becomes available.

All decisions and use of investigatory powers will be recorded. The Council will look for and consider any alternative solution to formal action if it achieves a satisfactory conclusion to a reported breach of planning control.

Enforcement cases may require repeat site visits, negotiation, and formal action before the breach is resolved. When these occur, Enforcement Officers will keep original complainants informed of progress and indicate arrangements for this in the initial response letter. Complainants will also be provided with the details of the officer assigned to deal with their complaint should they require further updates or have new information pertinent to the investigation. There may be occasions where we will require more information and may ask a complainant to keep a diary of activity to substantiate a complaint.

### **Proportionality**

We will deal with each case on a priority basis following an initial investigation to establish the facts and will refer to records and relevant policies. Depending on the seriousness of the situation, we will generally seek to afford an opportunity of remedying the breach of planning control without formal action but may choose to prosecute if an offence has occurred. In considering whether formal action is expedient in planning terms, we will generally pay regard to any personal circumstances or undertakings given, the history of the site or use and whether time limits are approaching which would confer immunity on unlawful development. Planning enforcement action should be sensitive to the intent and context of the owner and the development. For example, a householder making a genuine mistake out of ignorance will be treated proportionately, compared to a clear and flagrant breach of a planning decision or a serious case of harm.

We will rigorously pursue any outstanding Section 106 planning obligation payments and if applicable other forms of developer contribution which are due and have not been paid at the appropriate trigger point.

### **Reporting an alleged 'breach' of planning control**

To report an alleged breach of planning control, a complainant is required to complete an online form. The online form can be found [here](#).

The complaint will be recorded and acknowledged, so long as the minimum required information of address and location is provided. Complaints made based on sound planning issues will be investigated, while non-planning related matters where there is a potential breach of other legislation will need to be referred onto relevant regulatory authorities by the complainant. The complainant will be advised accordingly.

Civil matters between individuals or landowners will not be dealt with e.g., boundary disputes, competition with other businesses or breaches of covenant.

The planning history of a site will always be investigated to establish any planning permissions or whether the works are permitted development.

An assessment will be made by the council regarding the nature and degree of harm of any breach in relation to relevant planning policy, legal context, and the need for remedial action. The Council will consider how best to proceed with the investigation and what actions may be taken. Sometimes there are several options which could potentially be taken and there may be cases where other agencies will need to be involved where a breach cuts across different regulatory bodies.

**Anonymous complaints about a third party will not be investigated.** The identity of persons reporting suspected breaches will be treated as confidential by Councillors and officers of the Council.

Planning enforcement operates to protect the public interest. It is not the purpose of the planning system to protect the private interests of one person against the activities of another. Action must be based on sound planning grounds and be proportionate to the harm caused by the breach. Local opposition to, or support for, an unauthorised development will not be given weight unless that opposition or support is founded upon valid planning reasons.

The Council will only take formal enforcement action when expedient to do so. Formal enforcement action will not be instigated solely to regularise trivial breaches of planning control. In taking formal enforcement action, the Council will be prepared to use all the enforcement powers available, but the action taken will be commensurate with the seriousness of the breach. More information about the planning enforcement powers available to the LPA are set out in the Planning Enforcement Toolkit (see **Appendix 2**). In some cases, several of the available powers available may be used.

### **Seek Advice**

The Council will follow through any complaint that is valid and take appropriate action where a breach or a criminal offence is found. You may wish to seek advice from a specialist in this field such as a Chartered Town Planner. The Royal Town Planning Institute web site has links to a directory of planning professionals.

If a matter does proceed to formal enforcement action the 'Notice' will be available to the public and this will also appear as a 'charge' on the relevant property for land charges purposes. This may make it difficult to buy or sell a property affected in the future.

If you are contacted by the Council in respect of an enforcement matter, then please do not delay in responding.

## Appendix 1: Prioritisation of Enforcement Cases

Priority	Description	Response time
<b>High</b>	<ul style="list-style-type: none"> <li>• Unauthorised demolition, partial demolition or significant alteration of a building that is listed, buildings in a conservation area Conservation Area and any public house</li> <li>• Unauthorised works to a Listed Building</li> <li>• Potential irreversible harm to the amenity of a Conservation Area</li> <li>• Unauthorised works to trees covered by a Tree Preservation Order or within a Conservation Area</li> <li>• Non-Compliance with pre - commencement planning conditions where work has substantially commenced on site which are significant e.g., remediation of contaminated land</li> </ul>	Within 1-2 working days
<b>Medium</b>	<ul style="list-style-type: none"> <li>• A breach which may result in serious demonstrable harm to the amenity of the neighbourhood</li> <li>• Unauthorised development in a designated area e.g., conservation area or green belt</li> <li>• Non-Compliance of planning conditions (other than pre- commencement conditions referred to above)</li> </ul>	Within 10 Working Days
<b>Low</b>	<ul style="list-style-type: none"> <li>• Unauthorised development which is not the source of significant public complaint</li> <li>• Erection/display of Advertisements</li> <li>• Untidy Land or Buildings</li> <li>• Non-compliance with Section 106 Planning Obligations</li> </ul>	Within 20 working days

<b>No Action</b>	<ul style="list-style-type: none"><li>• If more appropriate to be investigated by another department, agency, or organisation</li><li>• Matters not subject to planning control</li></ul>	N/A
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## Appendix 2: The Planning Enforcement Toolkit

The main options to tackle possible breaches of planning control are:

### No formal action

Early engagement is important, and the property/landowner is advised to take immediate action when advised by the Council of an issue.

The Planning Policy Guidance (PPG) states that local planning authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development
- in their assessment, the local planning authority considers that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed

An outstanding breach of control may affect the sale and marketing of a property. The Council will not be able to expedite any subsequent retrospective application to rectify a breach which may put the sale/purchase at risk.

### Retrospective planning applications

The PPG advises that where the LPA considers that a retrospective application is the appropriate way forward to regularise the situation, the owner and occupier may be invited to apply under Section 73A of the Town and Country Planning Act 1990 without delay. **It should not be assumed that permission will be granted** – the application will be considered in the usual way after consultation, and an enforcement notice may be issued in relation to other elements of the development. The PPG advises that a person who has undertaken unauthorised development has only one opportunity to obtain planning permission after the event – either by an application under Section 73A or by means of an appeal. The LPA may decline to determine a retrospective planning application if an enforcement notice has previously been issued.

### Lawful Development Certificates

There are two types of certificates.

**Existing development:** If it is considered that a breach has become immune from enforcement action, the owner/occupier may be able to apply for a Lawful Development Certificate. The certificate, if granted would confirm that the breach is lawful for planning purposes.

**Proposed development:** This is used where a view is formal decision is sought from the local planning authority as to whether a specified development is lawful and therefore is 'permitted development' under the current regulations and therefore does not require planning consent, such as an extension to a dwelling. This is a widely used approach as, if granted the development becomes immune from any future enforcement action. It is popular when selling/buying a property as it avoids any ambiguity and delay as to whether an extension for example, was permitted development when it was built and can therefore lead to a smooth property transaction.

### Planning Contravention Notice

This can often be the first formal step in resolving a breach of planning control. It is a discretionary procedure to gather further information regarding breaches of planning control. The notice may advise of a date, time, and place at which any offer made by the recipient of the notice to apply for planning permission, refrain from carrying out operations or activities or undertake remedial works will be considered by the local authority. An opportunity to make such representations must be made. This is not available for breaches of listed building control or protected trees. It is an offence to fail to complete or return a notice within 21 days or provide false or misleading information referring to these rights.

### Requirement to provide information.

There are powers under legislation (Section 330 of the Town and Country Planning Act 1990) that can also be used to obtain information but usually in cases where the Council has sufficient details about the activities being carried out but requires further information concerning ownership. It involves serving a formal notice on occupiers and/or persons with other interests in the premises or land. It is an offence to fail to comply with the requirements of the notice within the period set for its return or to make false or misleading statements in reply. Convictions currently carry a fine.

### Rights of Entry

The Town and Country Planning Act specifies the purposes for which entry to land including buildings may be authorised, to ascertain or determine:

- whether there is or has been any breach of planning control
- whether any of the LPA's powers should be exercised

- how such power should be exercised
- whether there has been compliance with any requirement arising from earlier enforcement action

A record will be made of the inspection with appropriate photographs. Entry to a dwelling house cannot be demanded as a right unless 24 hours' advance notice has been given to the occupier. Where entry is refused or obstructed it is possible to apply to the Magistrates' Court for a warrant to allow entry. The PPG refers to these rights. There are complementary provisions in the Planning (Listed Buildings and Conservation Areas) Act relating to heritage assets.

### **Breach of Condition Notice**

This notice can be used where conditions imposed on a planning permission have not been complied with. It is mainly intended as an alternative to an enforcement notice for remedying a breach of condition but may be served in addition to an enforcement notice, perhaps as an alternative to a Stop Notice. It can only be challenged by judicial review. Following the end of the period for compliance, any conditions and any specified steps will be in breach of the notice and guilty of an offence.

### **Enforcement Notice**

The notice may be served up to four years after substantial completion of building operations or ten years after a change of use or breach of condition. These time limits do not prevent enforcement after the relevant dates in particular circumstances. An enforcement notice should enable every person who receives a copy to know exactly what (in the LPA's view), constitutes the breach of planning control and what steps the LPA requires to be taken to remedy the breach. Once an enforcement notice has been issued it will appear as 'a charge' on the land. It will be served on any person that has an interest in the land which may typically include any bank or institution where there is for example a mortgage on the property.

The Enforcement Notice will set out a timetable for compliance, the steps needed to be taken, and the date that the Notice takes effect, which is a date at least 28 days after the notice is served. Any person served with the Notice can use the period between the service of the Notice and the date it comes into effect to appeal to the Planning Inspectorate against the Notice. If an appeal is lodged, the Notice has no effect until the appeal has been determined.

There are 7 grounds on which an Enforcement Notice can be appealed:

- That Planning Permission ought to be granted for the works enforced against or if it relates to a breach of a condition that condition should be discharged.
- That the breach claimed has not occurred
- That the matters being enforced against do not constitute a breach of planning control

- That when the notice was served no enforcement action could be taken
- That the Enforcement Notice was not served on all parties with an interest in the land.
- The steps required exceed what is required to remedy the breach or to remedy any injury caused by the unauthorised development.
- The period for compliance falls short of what is reasonably required to be allowed.

An enforcement notice may “under enforce”, by stipulating lesser requirements than full compliance. The recipient must take the specified steps set out in the notice within a set time. Failure to comply with the notice is a criminal offence. There is a right of appeal, which suspends the notice from coming into effect. However, a Stop Notice may be issued. The LPA can prosecute for failure to comply with an enforcement notice as well as using direct action powers.

### Planning Enforcement Order

Where there has been deliberate concealment of a breach of planning control, the LPA may apply to the Magistrates’ Court for a Planning Enforcement Order (PEO). Where a PEO is granted, the LPA will have a year to serve an enforcement notice, beginning on the day that the order is granted, irrespective of how long ago the breach first occurred. The 4 year and 10-year periods for immunity will not apply in cases of a concealed breach. An application for a PEO must be made within 6 months of the LPA becoming sufficiently aware of the breach to justify enforcement action being taken. A Court may only make a PEO if it is satisfied that the breach has been deliberately concealed. There is no definition of what deliberate concealment means in practice. This is a recent addition to the enforcement powers that a council may have and there have been several significant and high-profile cases across the country when concealment has been uncovered.

### Stop Notice

This notice can be used in conjunction with an enforcement notice where the breach of planning control is causing irreparable and immediate significant harm. A Stop Notice will only be served in exceptional circumstances when the effects of the unauthorised activity are seriously detrimental to the amenities of adjoining occupiers or the surrounding area.

### Temporary Stop Notice

These take effect immediately from the moment they are issued, and last for up to 28 days. A Temporary Stop Notice would only be issued where it is expedient that the activity or development should cease immediately. The requirements should prohibit only what is essential to safeguard the amenity or public safety in the vicinity of the site, or to prevent serious or irreversible harm to the locality.

### Listed Building Enforcement Notice

A Listed Building Enforcement notice can be served against unauthorised works that damage the character and/or fabric of a listed building. There is no time limit in which such an enforcement notice can be served. There are five important differences between planning enforcement and listed building and conservation area enforcement, namely:

- there are no application fees for listed building consent or relevant demolition
- there are no time-limits for issuing listed building enforcement notices or for when enforcement action may be taken in relation to a breach of planning control with respect to relevant demolition, although the length of time which has elapsed since the apparent breach may be a relevant consideration
- carrying out work without the necessary listed building consent, or failing to comply with a condition attached to that consent, whereby such works materially affect the historic or architectural significance of the building, **is an offence** whether an enforcement notice has first been issued
- carrying out work without the required planning permission for relevant demolition or failing to comply with a condition attached to that planning permission is an offence under Section 196D of the Town and Country Planning Act 1990

Listed Building Consent and planning permission for relevant demolition cannot be granted retrospectively. A person who is found to carry out unauthorised works that affect the character of the listed building or relevant demolition in a Conservation Area can be prosecuted, and imprisoned, or fined by the courts

### An Injunction

Injunctions may be sought in the most serious cases, generally where irreparable harm is being done or is apprehended, or where other actions have been or would be ineffective. Section 187B of the Town and Country Planning Act applies where the LPA considers it expedient to restrain actual or apprehended breaches of planning control. Section 44A of the Planning (Listed Buildings and Conservation Areas) Act is a parallel provision in respect of Listed Buildings. A Court may grant an injunction against a person whose identity is unknown, but LPAs will need to identify, to the best of their ability, the person against whom the injunction is sought. The following may be used in support of the authority's submission to the Court:

- photographic evidence of the persons concerned
- affidavit evidence provided to or by LPA officers
- reference to registered vehicles known to belong to, or be used by, a person(s)/company

There are significant costs involved in bringing such an action and it can only be justified in extreme cases. Defendants risk imprisonment if they do not comply with a court order.

### Unauthorised Advertisements

It is an offence for any person to display an advertisement in contravention of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Council will consider whether to prosecute in the interests of **amenity or public safety**.

In situations where an advertisement is displayed with deemed consent, the Council can still require its removal by issuing a Discontinuance Notice. Such a notice, against which there is a right of appeal, can only be issued to remedy a substantial injury to local amenity or if there is a danger to members of the public.

In addition, the Council can serve a Removal Notice under S225 of the Act. Once served, the Council can, at its discretion, take direct action to remove authorised advertisements and recover the costs from the landowner. There is a right of appeal to the Magistrates Court on the following grounds:

- that the display structure concerned is not used for the display of advertisements in contravention of regulations
- that there has been some (material) informality, defect, or error in, or in connection with, the notice
- that the period between the date of the notice and the time specified in the notice is not reasonably sufficient for the removal of the display structure
- that the notice should have been served on another person.

If the notice is not complied with, the Council is empowered to enter the land, carry out the works and recover the cost from the owner in a similar manner to carrying out works under an enforcement notice. The Council may also prosecute for non-compliance.

If a person is found guilty of an offence under The Control of Advertisement Regulations, then they may have to pay a fine per advert.

Advertisements on the highway will normally be dealt with by Staffordshire County Council as the highway authority as they have powers to remove unauthorised signs such as fly posters and to prosecute.

### 'Untidy Land' Section 215 Notices.

Tidy land means an area looks well cared for and contributes to people feeling safe in that neighbourhood. If untidy sites are left, they become worse, and the area starts to feel

neglected. Untidy sites may not be dangerous to public health, but they can be an eyesore, which means it is detrimental to the local amenity.

Under Section 215 of the Town and Country Planning Act 1990, the local planning authority may serve a notice requiring the land to be tidied up.

There is a right to appeal to the Magistrates' Court on several grounds.

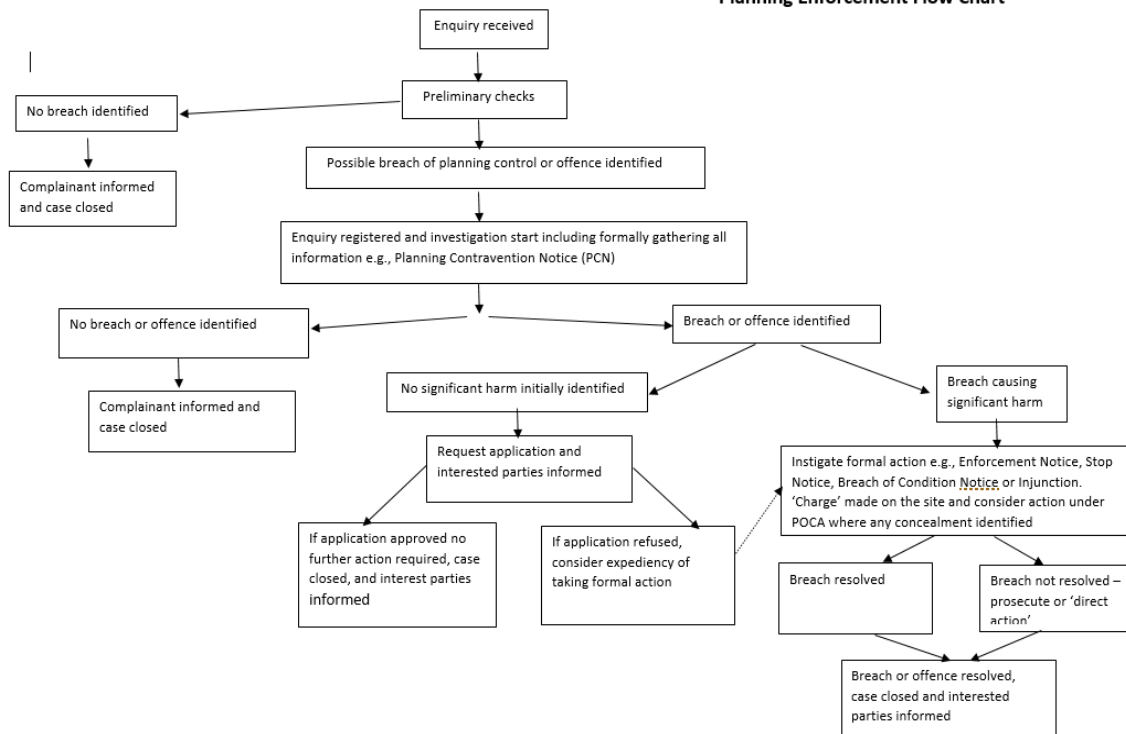
If the notice is not complied with, the LPA is empowered to enter the land, carry out the works and recover the cost from the owner in a similar manner to carrying out works under an enforcement notice. The Council may also prosecute for non-compliance.

### **Direct Action or "Default" Action**

This may be used in the most serious cases where irreparable harm is being done and where other actions have failed. There are significant costs involved in bringing such an action and it can only be justified in extreme cases. Powers are available (in Planning legislation) to enter land and take steps required by enforcement or similar notices (e.g., Listed Building enforcement notices, Untidy Land/Section 215 Notices, Illegal advertisements with extended powers under the Localism Act, High Hedge enforcement and Section 106 Agreements.)

Direct action is normally a course of last resort. The Council will seek to recover all expenses reasonably incurred from the owner(s) of the land.

Planning Enforcement Flow Chart



## Other Enforcement Powers

### High Hedge Enforcement

If a complaint has been properly made and the Council decides that action should be taken to resolve the complaint, we may issue a formal notice to the person responsible for the hedge, setting out what must be done and by when. This action is carried out under the Anti-Social Behaviour Act 2003 and is known as a Remedial Notice. This can include long-term maintenance of the hedge at a lower height. It cannot involve reducing the height of the hedge below 2 metres, or its removal. Although the Council cannot require such action, the hedge owner is able to go further than the remedial notice requires e.g., remove the hedge completely. The remedial notice becomes ‘a charge’ on the property and legal obligations under such a notice pass to any subsequent owners.

### Tree Protection

Trees may be protected by legislation enshrined in the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012, by being subject to a Tree Preservation Order (TPO) or being situated within a Conservation Area (CA). Trees may also be protected by the Forestry Act 1967, enforcement of which is vested in the Forestry Commission. In certain circumstances trees may be protected by conditions attached to a planning permission.



## Compliance

Where a permission is granted for works to protected trees, it is desirable for a condition to be attached requiring notice of the intended operations to enable full or part supervision by an Arboriculture or relevant Operational Services Officer. This is to ensure understanding of, and compliance with, the terms of reference and conditions attached to any permission. Many contractors have a differing interpretation of the expected standards of work, such as British Standard (BS) 3998 'Tree Work: Recommendations', and the resulting tree works may be of inferior quality. This in turn will lead to a reduction in the value of the tree itself and of the protected tree stock within the borough. Compliance should be the starting point of any enforcement policy.

## Specific Tree Protection

Where trees are protected by a TPO, the LPA's consent is normally required prior to undertaking any works to the tree, felling or removal and this will require the submission of a formal application. Any consent may be subject to conditions, and there is a right of appeal to the Secretary of State against the refusal of consent or the granting of consent subject to conditions.

Where trees are protected by inclusion in a conservation area six weeks' notice must normally be served on the LPA of any proposal to carry out works on the tree, felling or removal. During the six-week period, the Authority is required to consider the need to make a Tree Preservation Order. If the LPA takes no action within six weeks, the works may go ahead as notified.

Planning conditions may typically require that new trees be planted and maintained, or that existing trees be retained as part of development, usually for a minimum of five years. An application can however be made to the LPA to vary or remove a condition (such as to allow the removal of a tree). If planning conditions are not complied with, the LPA is empowered to serve an enforcement notice or breach of condition notice to secure compliance. There is a right of appeal to the Secretary of State against an enforcement notice.

Contraventions of the tree protection legislation often come to light because of complaints received by the Council. Cases may also come to light in other ways, such as during the monitoring of works on development sites or routine visits to adjacent properties.

When a contravention is suspected the Council will carry out an initial investigation, consisting of a check to establish whether the tree is protected and whether any consent has been granted. In most cases the Council's Landscape Officer will also make a site visit.

Person(s) responsible will be identified and contacted as soon as possible. They will be asked to give their comments on the incident and any relevant background information that they may want us to consider such as reports on the health, condition, and safety of any tree(s).

If on receipt of this information it appears that the person(s) in question may have committed an offence and the council require answers to questions that may be considered as evidence, they will normally be invited to the Council's offices to undertake a recorded interview under caution. This will be conducted under the Police and Criminal Evidence (PACE) Act 1984. In some cases, it may however be necessary to caution a suspect during a site visit.

The identity of any complainant will be kept confidential and not disclosed to the alleged perpetrator and in accordance with both the Data Protection Act 2018, implementing the GDPR and the Freedom of Information Act 2000. It will however be made clear to the complainant that if the case comes to court, it is most likely that they will be required as a witness in which case, and as such their identity will not remain confidential. Complainants will be kept informed of the course of the investigation and its outcome.

Complainants and any other witnesses will be contacted as appropriate and may be requested to provide written statements to be used as evidence in court. Witnesses will be informed that they may be required to appear in court to give evidence and be cross-examined as necessary. Alleged offenders will be given adequate and fair opportunity to give their side of events during investigations.

### **Possible actions by the Council**

The Council has a range of possible courses of action available to deal with cases of unauthorised works on protected trees. These include:

- initiate a prosecution (which may be for destroying the tree or lesser works to it)
- administer a simple caution whereby the offender signs a statement admitting the offence and submitting to the caution. It may be referred to at the sentencing stage if the same person is ever found guilty of a subsequent offence
- require the planting of a replacement tree for each tree destroyed, under section 206 of the Town and Country Planning Act 1990 or serving a replanting direction under section 207 of the same Act. This is a formal procedure to secure replacement planting, which can be invoked if the landowner does not otherwise comply with a duty to carry out replacement planting

### **Replanting**

In incidents where the tree has been destroyed, a replacement tree will need to be replanted. This replacement would normally be planted in the planting season following the incident. In

cases where this does not happen a Tree Replacement Notice (TRN) may be considered. Any replacement tree is subject to the same protection as the original tree that was lost.

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## **Planning Committee site visit dates for 2023/24**

It has been the practice of the Committee to annually agree a programme of dates upon which Planning Committee site visits will be held, should such visits be agreed to be necessary at a meeting of the Committee.

The likely dates of Planning Committee meetings, to which Development Management items are likely to be brought, are known. It is recommended that the Committee should now agree to a programme of dates upon which the Planning Committee visits will be held during the 2023/24 municipal year. Members are reminded that the policy of the Committee is that in the event of a site visit being held, only members who have attended the site visit may then take part in the discussion and determination of the application which has been the subject of the site visit.

Date of Planning Committee at which decision to hold a site visit is made	Date of site visit	Time of site visit
Tuesday 18 July 2023	Thursday 10 August 2023	6.15pm
Tuesday 15 August 2023	Thursday 7 September 2023	6.15pm
Tuesday 12 September 2023	Saturday 7 October 2023	9.15am
Tuesday 10 October 2023	Saturday 4 November 2023	9.15am
Tuesday 7 November 2023	Saturday 2 December 2023	9.15am
Tuesday 5 December 2023	Saturday 16 December 2023	9.15am
Thursday 4 January 2024	Saturday 27 January 2024	9.15am
Tuesday 30 January 2024	Saturday 24 February 2024	9.15am
Tuesday 27 February 2024	Saturday 23 March 2024	9.15am
Tuesday 26 March 2024	Thursday 18 April 2024	6.15pm

If any additional meetings of the Planning Committee, to which Development Management items are brought, being held, it will be necessary in the event of the meeting agreeing to defer an item for a site visit, to also agree at that meeting an appropriate date and time for that site visit

### **Recommendation**

**That the above list of dates and times for possible Planning Committee site visits for 2023/24 be agreed**

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