

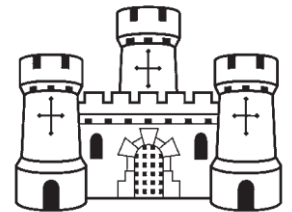
# Public Document Pack

**Date of meeting** Tuesday, 15th August, 2023

**Time** 7.00 pm

**Venue** Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL

**Contact** Geoff Durham 742222



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

Castle House  
Barracks Road  
Newcastle-under-Lyme  
Staffordshire  
ST5 1BL

## Planning Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**  
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** **(Pages 3 - 6)**  
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MINOR DEVELOPMENT - KIDSGROVE PENTECOSTAL CHURCH, THE AVENUE, KIDSGROVE. STORM ADF DEVELOPMENTS LTD, 22/00883/FUL** **(Pages 7 - 20)**
- 5 APPLICATION FOR MINOR DEVELOPMENT - 23-25 MERRIAL ST, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL, 23/00539/DEEM3** **(Pages 21 - 26)**
- 6 UPDATE ON 5 BOGGS COTTAGE, KEELE, 14/00036/207C3** **(Pages 27 - 30)**  
This item includes a supplementary report.
- 7 DISCLOSURE OF EXEMPT INFORMATION**  
To resolve that the public be excluded from the meeting during consideration of the item(s) for which 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.
- 8 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, G Williams and J Williams

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

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

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

Substitute Members:	Sweeney	S Jones
	Panter	Beeston
	S Tagg	Fox-Hewitt
	Heesom	Dymond
	Johnson	Edginton-Plunkett
	J Tagg	Grocott

*If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need go:*

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

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

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

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

# Agenda Item 3

*Planning Committee - 18/07/23*

## PLANNING COMMITTEE

Tuesday, 18th July, 2023  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

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

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

**Apologies:** Councillor(s) Moffat

**Substitutes:** Councillor David Grocott (In place of Councillor Sue Moffat)

Officers:	Rachel Killeen	Development Management Manager
	Geoff Durham	Civic & Member Support Officer
	Craig Jordan	Head of Planning
	Debbie Jones	Senior Planning Officer

Also in attendance:

### 1. **DECLARATIONS OF INTEREST**

The Chair declared a non-pecuniary interest on item 7 as a member of the Aspire Board.

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

**Resolved:** That the minutes of the meeting held on 20 June, 2023 be agreed as a correct record.

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

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

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

[Watch the debate here](#)

### 4. **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF ECCLESHALL ROAD, LOGGERHEADS. MR EHTSHAM UL-HAQ. 21/00677/FUL**

*Councillor Barry Panter spoke on this application*

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

The application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
- (ii) Approved Plans
- (iii) Materials
- (iv) Landscaping scheme
- (v) Surfacing of the car park and circulation areas
- (vi) Cycle parking provision
- (vii) Construction hours
- (viii) Electric Vehicle Charging Points
- (ix) Contaminated land
- (x) Contamination of controlled waters
- (xi) 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.

[Watch the debate here](#)

5. **APPLICATION FOR MAJOR DEVELOPMENT - NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE. MR GAVIN DONLON - WISH DEVELOPMENTS. 22/00959/FUL**

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

- (i) Variation of condition 1 to refer to the revised plans
- (ii) Any other conditions attached to planning permission 20/00336/FUL that remain relevant at this time

[Watch the debate here](#)

6. **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF CROSS STREET, CHESTERTON. DURATA DEVELOPMENT LTD. 23/00353/FUL**

**Resolved:** That the variation of Conditions A1 and A8 of planning permission 22/00521/FUL be permitted 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.

[Watch the debate here](#)

7. **APPLICATION FOR MINOR DEVELOPMENT - KIDSGROVE PENTECOSTAL CHURCH, THE AVENUE, KIDSGROVE. STORM ADF DEVELOPMENTS LTD. 22/00883/FUL**

**Resolved:** 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.

[Watch the debate here](#)

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

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

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

[Watch the debate here](#)

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

**Resolved:** That, 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:

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

[Watch the debate here](#)

10. **LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2**

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

[Watch the debate here](#)

11. **LOCAL PLANNING ENFORCEMENT PLAN**

Members requested that the word 'significant' in the 'low priority' section on page 11 be omitted.

***Planning Committee - 18/07/23***

**Resolved:** That the updated Local Enforcement Plan be endorsed.

[Watch the debate here](#)

**12. SITE VISIT DATES 2023-24**

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

[Watch the debate here](#)

**13. DISCLOSURE OF EXEMPT INFORMATION**

No confidential matters were considered.

**14. URGENT BUSINESS**

There was no Urgent Business.

**Councillor Paul Northcott  
Chair**

Meeting concluded at 8.13 pm

**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 25<sup>th</sup> August.**

**RECOMMENDATION**

**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**

**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. Officers have obtained independent advice that concludes that the scheme would not be financially viable if policy compliant Public Open Space contributions are required. Therefore, it is recommended that this policy compliant requirement is not sought, and given

the benefits arising from the reuse of this locally listed building, the development is acceptable.

**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 Kidsgrove 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. This information has been sent to an independent valuer who has been instructed by the Council to consider the position put forward by the applicant. In receiving their response it has been concluded that the scheme would be unviable if any level of POS contribution was secured.

In previous circumstances the Council has felt it necessary in cases relating to financial viability to grant consent subject to a planning obligation which would secure a viability re-appraisal mechanism should a substantial commencement of the development not occur within 12 months of the date of any decision on the application. However, an appeal decision in the consideration of development at New Farm Audley (Ref. 18/00122/FUL) saw the inspector conclude that seeking such an obligation would not be reasonable or necessary. The Inspector detailed that Planning Practise Guidance advises that viability appraisals should be informed by current costs and values wherever possible and that there is no requirement set out within Policies CSP5 and CSP6 of the Spatial Strategy for applicants to review the viability.

The viability information provided by the applicant has been independently reviewed and based on current costs, values and market conditions, the scheme cannot support any level of financial contribution. It is accepted that the scheme in this case is for conversion, and so does not require any substantial groundwork or preparation to allow for a substantial commencement which cannot be said to be directly comparable to the case of New Farm, Audley. However, the figures presented are unique to this case and officers must consider issues relating to viability on a case by case basis.

It is the case that the Council's Developer Contributions SPD has not been revised to set out when a review mechanism could be requested, and there is no policy in place to require that. On this basis, and on reflection, it is considered that this case also does not pass the reasonableness test and any requirement for a S106 must be set aside.

#### 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:

- 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 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 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

13 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;
- Increased pressure and possibility for on street car parking in the area that will lead to conflict and highway danger;
- 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;
- The proposed waste water and foul sewage disposal arrangements need to be clarified;
- 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>

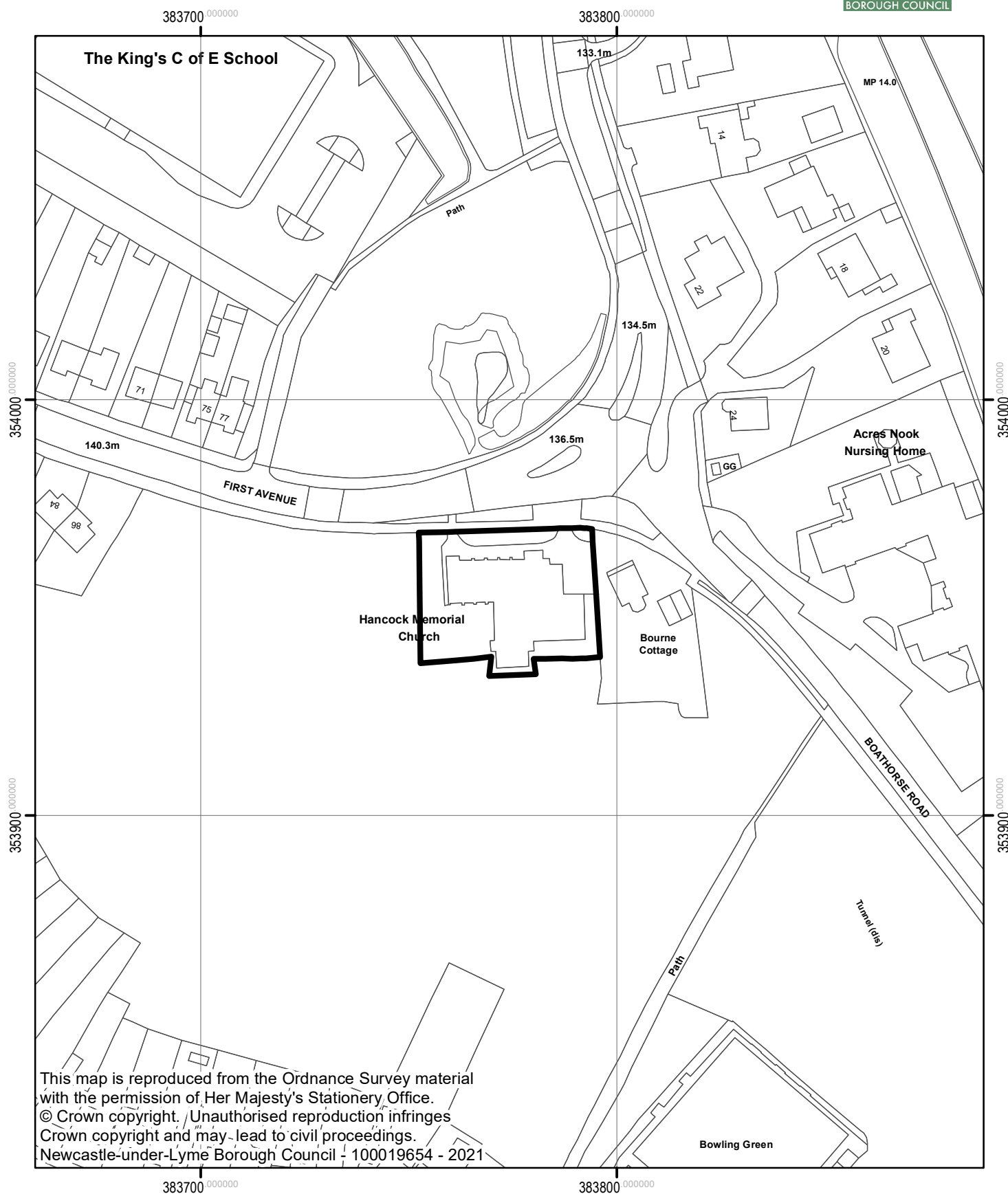
### Background Papers

Planning File  
Development Plan

### Date report prepared

1<sup>st</sup> August 2023

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**23-25 MERRIAL STREET, NEWCASTLE UNDER LYME**  
**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**23/00539/DEEM3**

The application seeks full planning permission for the change of use of 23-25 Merrial Street to a Circus and Arts Workshop and Heritage Exhibition area. External alterations to the building are also proposed which include replacement doors and windows.

The site is a commercial unit located within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

**The statutory 8-week period for the determination of the application expires on the 18<sup>th</sup> August 2023.**

**RECOMMENDATION**

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

- i. Time limit condition**
- ii. Approved plans**
- iii. Materials**
- iv. Opening Hours**

**Reason for Recommendation**

The proposed change of use and external alterations would not have any significant impacts in relation to nearby land uses or on the character and appearance of the Conservation Area and the design of the proposal would accord with the policies of the development plan and the aims and objectives of the NPPF.

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

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

**KEY ISSUES**

The application seeks full planning permission for the change of use of this commercial unit on Merrial Street, Newcastle, to a Circus and Arts Workshop and Heritage Exhibition area including external alterations to the building. The site is located within the Town Centre of Newcastle and falls within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map. The change of use of the property and the external alterations were approved by the Committee earlier this year (Ref. 23/00173/DEEM3). The sole difference between this proposal and the previous application is a change to the opening hours to allow the workshop and exhibition area to be open at the following times:

- 09:00 – 22:00 hours on Mondays to Saturdays
- 10:00 – 18:00 hours on Sundays

The principle of development and the impact of the proposal on the Conservation Area were considered acceptable under the previous application and it is not considered necessary to reconsider these matters at this stage. Therefore, the sole issue is whether the alteration to the opening hours would impact on the amenity of any neighbouring properties.

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.

The application sites falls within town centre location where there are a number of different use classes in close proximity to each other and where later opening hours for businesses can generally be

expected. No objections have been received by the Environmental Health Division or from any local residents. In the absence of any objections or identifiable harm and given the surrounding context of the application site it is considered that the proposal would not result in any significant or adverse amenity impacts to neighbouring land uses.

The proposal meets the requirements of the NPPF, and is considered to be an acceptable form of development.

### **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 SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B9: Prevention of harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area  
Policy B13: Design and Development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas  
Policy T16: Development – General Parking Requirements

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

#### National Planning Policy Framework (2021)

#### Planning Practice Guidance (PPG) (as updated)

#### Supplementary Planning Guidance/Documents

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

#### Newcastle Town Centre SPD (2009)

#### Newcastle Town Centre Conservation Area Appraisal (August 2008)

#### Relevant Planning History

04/00454/DEEM3 - Temporary change of use from retail (A1) use to use for office (B1) purposes associated with civic offices opposite – permitted

20/00851/DEEM3 - Amended plans received - Change the use of the existing offices to create an additional temporary supported accommodation unit with emergency access for the winter period (November 2020 - March 2021) for up to 6 individuals – permitted

23/00173/DEEM3 - Change of use to Circus and Arts Workshop and Heritage Exhibition Area with associated external ground floor alterations - permitted

#### Views of Consultees

The **Council's Urban Design and Conservation Officer** raises no objections to the application.

The **Environmental Health Division** has no comments on the application.

The **Highway Authority** has no objections to the proposal.

#### Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website by searching under the application reference number 23/00539/DEEM3 on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/>

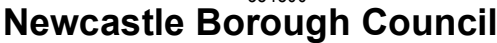
Background Papers

Planning File  
Development Plan

Date report prepared

27<sup>th</sup> July 2023





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

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

### **RECOMMENDATION**

**That the information be received.**

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

Conditions 3 & 4 of the appeal decision required information to be submitted to the Local Planning Authority for approval within three months of the date of the decision i.e. by the 20<sup>th</sup> March 2023. This information relates to drainage details, provisions for facilities for water and sewerage, provision of parking spaces and details of a scheme to restore the land to its condition before the development took place.

The information has been submitted and discussions are ongoing with Severn Trent Water about all aspects of drainage for the site. It is hoped that a site meeting will take place prior to the meeting of the Planning Committee and a further update will be provided to Members.

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

Date report prepared – 2<sup>nd</sup> August 2023

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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**15<sup>th</sup> AUGUST 2023**

**Agenda Item 6**

**5, BOGGS COTTAGE, KEELE**

As set out in the main agenda report, it had been hoped that a site meeting would take place between your officers and Severn Trent Water (STW) to discuss the drainage for the site. Officers have made numerous attempts since April this year to arrange a site meeting but unfortunately STW have been very reluctant to take part in such a meeting. They did recently agree to a meeting but then disappointingly, they failed to alert Officers of their attendance on 3 August.

We have been advised that we will be sent a copy of their report at the earliest opportunity along with their further comments and a further update will then be provided to Members.

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