

# Public Document Pack

**Date of meeting** Tuesday, 10th October, 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 - 4)  
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - FORMER CLAYTON LODGE HOTEL, CLAYTON ROAD. LIONCOURT HOMES. 23/00512/FUL** (Pages 5 - 14)
- 5 **APPLICATION FOR MINOR DEVELOPMENT - LAND OFF APEDALE ROAD, CHESTERTON. ASHGREEN HOMES LTD. 23/00374/FUL** (Pages 15 - 24)
- 6 **APPLICATION FOR MINOR DEVELOPMENT - CAR PARK, MEADOWS ROAD, KIDSGROVE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 23/00638/DEEM3** (Pages 25 - 36)  
This item includes a supplementary report
- 7 **LIST OF LOCAL VALIDATION REQUIREMENTS CONSULTATION** (Pages 37 - 48)
- 8 **LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2** (Pages 49 - 50)
- 9 **DISCLOSURE OF EXEMPT INFORMATION**

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

## 10 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, J Williams and Brockie

**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.

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 - 15/08/23*

## PLANNING COMMITTEE

Tuesday, 15th August, 2023  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

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

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

**Apologies:** Councillor(s) Burnett-Faulkner

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

|           |              |                                |
|-----------|--------------|--------------------------------|
| Officers: | Geoff Durham | Civic & Member Support Officer |
|           | Craig Jordan | Head of Planning               |
|           | Debbie Jones | Senior Planning Officer        |

1. **APOLOGIES**

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 18 July, 2023 be agreed as a correct record.

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

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

- (i) Standard Time limit for commencement of development
- (ii) Approved Plans
- (iii) Materials
- (iv) Conservation style roof lights
- (v) Window details
- (vi) Boundary treatments
- (vii) Soft landscaping scheme
- (viii) Prior approval of a construction phase Tree Protection

**Planning Committee - 15/08/23**

- Plan and Arboricultural
- (ix) Method Statement to BS5837:2012
  - (x) A detailed schedule of works for retained trees
  - (xi) Permanent closure of existing access and provision of pedestrian access only
  - (xii) Provision of new vehicle access, parking and turning
  - (xiii) Vehicle access to remain ungated
  - (xiv) Prior approval of bin collection area
  - (xv) Cycle parking provision
  - (xvi) Design measures to secure noise levels
  - (xvii) Construction hours
  - (xviii) Electric Vehicle Charging Points
  - (xix) Prior approval of detailed security measures for the building

[Watch the debate here](#)

**5. APPLICATION FOR MINOR DEVELOPMENT - 23-25 MERRIAL ST, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL, 23/00539/DEEM3**

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

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

[Watch the debate here](#)

**6. UPDATE ON 5 BOGGS COTTAGE, KEELE, 14/00036/207C3**

Members were disappointed that Severn Trent turned up on a site visit without alerting officers of the Council to also be in attendance.

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

[Watch the debate here](#)

**7. DISCLOSURE OF EXEMPT INFORMATION**

There were no confidential items.

**8. URGENT BUSINESS**

There was no Urgent Business.

**Councillor Paul Northcott  
Chair**

Meeting concluded at 7.25 pm

Classification: NULBC UNCLASSIFIED

**FORMER CLAYTON LODGE HOTEL, CLAYTON ROAD  
LIONCOURT HOMES**

**23/00512/FUL**

The application seeks to vary conditions 2 and 24 of planning permission 22/00284/FUL to alter the design and layout of the proposal to allow an approved drainage scheme to be implemented on site.

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

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

**The statutory 13 week determination period for this application expired on the 19<sup>th</sup> September and an extension of time to the statutory determination period has been agreed to the 14th October 2023.**

**RECOMMENDATIONS**

**PERMIT subject to:**

- **Variation of Condition 2 to list the revised plans**
- **Variation of Condition 24 to refer to the revised plan**
- **All other conditions of 22/00284/FUL that remain relevant at this time**

**Reason for recommendations**

The revised details are acceptable and will allow the approved drainage strategy conditioned as part of the original proposal to be completed on site. There are no objections to the proposal in respect of visual impacts and the development will still have an acceptable impact on 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**

Further information was requested throughout the application process and the applicant has subsequently provided amended and additional information. 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**

Full planning permission was granted in May this year (Ref. 22/00284/FUL) for the demolition and clearance of the former Clayton Lodge Hotel and the redevelopment of the site for 48 dwellings. Following the demolition of the former hotel and the start of works on site it became apparent that the approved drainage strategy could not be implemented without changes to land levels. This application therefore seeks permission to allow for minor levels changes and subsequent changes to several of the approved dwellings to allow for the drainage strategy to be completed as required by the original scheme.

The application therefore seeks to vary Condition 2 which lists the approved plans and Condition 24, which in requiring the implementation of the approved foul drainage scheme, refers to a drainage plan, the reference of which requires amendment.

A summary of the proposed amendments are shown set out below:

- The rear boundary for plots 2-4 has been moved to avoid the drainage easements;
- The side doors to plots 5, 37 and 40 which enter into the utility room have been removed and a window is proposed as a replacement;
- Stepped gardens are proposed to plots 7-15 and 38-39;
- Plots 33 and 48 have been handed;
- Housetype substitutions are proposed to plots 26, 27 and 38.

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 site, of approximately 16.1 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map and lies close to the Clayton Conservation Area. Part of the site is covered by Tree Protection of no.6. No part of the hotel is historically listed and the site falls outside of any conservation areas.

The proposal would not result in any additional impact to highway safety or protected trees beyond the original scheme, and therefore the key issues in the determination of this application are:

- Impact on the character and appearance of the area
- Impact on residential amenity
- Flood risk and sustainable drainage
- Is a planning obligation required?
- Other issues

#### **Would there be any adverse impact on the character and appearance of the 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 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.

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

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

Minor changes are proposed to the fenestration and position of properties 5, 33, 37, 40 and 48 and to the arrangement of rear boundaries of plots 2-4. These alterations are considered to be non-material

and would not raise any implications in relation to amenity or design. The substitutions of house types for plots 26, 27 and 38 are still considered to be appropriate and are of a style which is sympathetic to other properties within development site and the wider built form of the area.

The use of stepped gardens for plots 7-15 and 38-39 would be noticeable from the rear facing windows of the properties along Kingsdown Mews, however the land levels of these plots would at no point be higher than the levels approved under the original scheme and the visual implications of these changes are therefore considered to be acceptable. The changes to the land levels throughout the site are very minor and would not result in any perceivable visual change. Most of the level changes are for pot holes and other minor drainage systems and will therefore not appear out of place when seen in context with the wider development of the site.

Overall it is considered that 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.

#### Impact on 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 Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

There are existing residential properties to the south, west and north which share a boundary with the application site. Minor alterations are proposed to the design of several dwellings however the proposed development still proposes acceptable separation distances, in accordance with the Council's SPG.

2 letters of objection have been received from residents of Kingsdown Mews who raise concerns that the proposed site levels will result in an adverse impact on their residential amenity by virtue of overlooking and loss of light. Amenity impacts were assessed in the original application and it was concluded that the development would not have any significant or adverse impacts on the amenities of nearby properties. Whilst there are land level changes proposed to the rear gardens of plots to the north boundary of the site close to Kingsdown Mews, the properties of 7-15 would not be increased in height at any point. Whilst the gardens would be stepped rather than sloped in design this would result in a land level decrease of approximately 1m, which would be slight improvement over the original scheme in respect of amenity impacts.

On the basis of the above it is not considered that a refusal on amenity grounds could be sustained.

#### Flood Risk and sustainable drainage

The original application was accompanied by a Flood Risk Assessment, which included a detailed drainage strategy which propose that the development incorporate a sustainable urban drainage strategy scheme (SuDS). These drainage details were reviewed by the Lead Local Flood Authority who, following the submission of additional information, raised no objections to the proposal subject to conditions.

The Lead Local Flood Authority (LLFA) have been consulted on the application but have not responded within the given the deadline. However, as the proposal still seeks to implement the drainage strategy originally requested by the LLFA, then it is not considered that the proposal raises any additional drainage or flood risk issues.

#### Other Matters

Two objection letters have been received from residents of Kingsdown Mews who raise concerns that the proposal is not being built out in accordance with the approved plans in respect of land level heights. These issues are considered to be enforcement matters which fall beyond the scope of this report. It should be noted however that several site visits have been completed by the case officer who has not seen evidence of any breach of the original conditions and furthermore it must be recognised that the site is still under development and the final land levels do not therefore need to be provided yet.

Matters relating to drainage issues are noted, however the approved development once completed should address surface water run-off from the site.

#### Is a planning obligation required?

In law the consequence of the granting of an application to vary conditions of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one (22/00284/FUL in this case). That previous permission was granted following the completion of a Section 106 agreement which secured contributions towards public open space, education, travel plan monitoring and management of on-site open space.

In some cases, the applicant is required to enter into a Deed of Variation to the original Section 106 agreement to ensure that the Council's interests are protected. In this instance however, the definition of the 'planning permission' within the Section 106 includes any subsequent variations of conditions determined under section 73. On this basis, no planning obligation is now required.

#### 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 ASP5  | Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy |
| Policy CSP1  | Design Quality   |
| Policy CSP2  | Historic Environment   |
| Policy CSP3  | Sustainability and Climate Change                                |
| Policy CSP4: | Natural Assets   |
| Policy CSP5  | Open Space/Sport/Recreation                                      |
| Policy CSP6  | Affordable Housing   |
| Policy CSP10 | Planning Obligations   |

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

|             |   |
|-------------|---|
| Policy B9:  | Prevention of Harm to Conservation Areas  |
| Policy B10: | The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area |
| Policy B13: | Design and Development within Conservation Areas  |
| Policy B14: | Development in or adjoining the boundary of Conservation Areas                            |
| Policy H1:  | Residential development: Sustainable location and protection of the countryside           |
| Policy T16: | Development - General Parking Requirements  |
| Policy N12: | Development and the Protection of Trees   |
| Policy N13: | Felling and Pruning of Trees  |
| Policy N17: | Landscape Character – general Considerations  |
| Policy IM1: | Provision of essential supporting infrastructure and community facilities.                |

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

National Planning Policy Framework (2023)

Planning Practice Guidance (March 2019, as updated)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

Affordable Housing SPD (2009)

Newcastle-under-Lyme Open Space Strategy – adopted March 2017

Space Around Dwellings SPG (SAD) (July 2004)

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

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

Relevant Planning History

23/00248/FUL - Demolition and clearance of existing structures, ground remodelling, and development of 48 dwellings with landscaping, access and associated works – permitted

## Classification: NULBC UNCLASSIFIED

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

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

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

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

16/00427/FUL - Extension to restaurant – permitted

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

93/00632/COU - The Annexe-change of use to childrens nursery – permitted

94/00493/COU - The Annexe-Change of use to meetingrooms associated with main hotel – permitted

N11280 - Extension to existing bar – permitted

N11812 - New front entrance and new bay window – permitted

N1240A - Two post mounted advertisement signs – permitted

N1306A - Double-sided post mounted sign – permitted

N15331 - Extension to kitchen – permitted

N1539 - Provision of EMU Petrol Vending System in connection with the existing petrol filling station – permitted

N30A - Illuminated Sign – permitted

N520 - Extension to car park – permitted

N647 - Alteration of existing licensed residential hotel by extension of Car Park and improvement to front elevation – permitted

N719A - Single sided sign, double sided sign and 4 flagpoles – permitted

N754 – Alterations – permitted

N886A - 4 Flagpoles – permitted

### Views of Consultees

The **County Highway Authority** raise no objections to the proposal subject to the relevant conditions of the original application being applied to any new permission.

The **Environmental Health Division** raise no objections to the proposal subject to the relevant conditions of the original application being applied to any new permission.

The **Landscape Development Section (LDS)** have no comments on the application.

No comments have been received from the **Severn Trent Water** or the **Lead Local Flood Authority** within the statutory period of consultation and it is therefore presumed that they raise no objections to the proposal.

Representations

3 letters of representation have been received from 2 residents raising objections on the following grounds;

- The site levels are not in accordance with the approved plans
- Loss of privacy
- Loss of light
- Potential Surface water run-off into adjacent garden areas

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/23/00512/FUL>

Background Papers

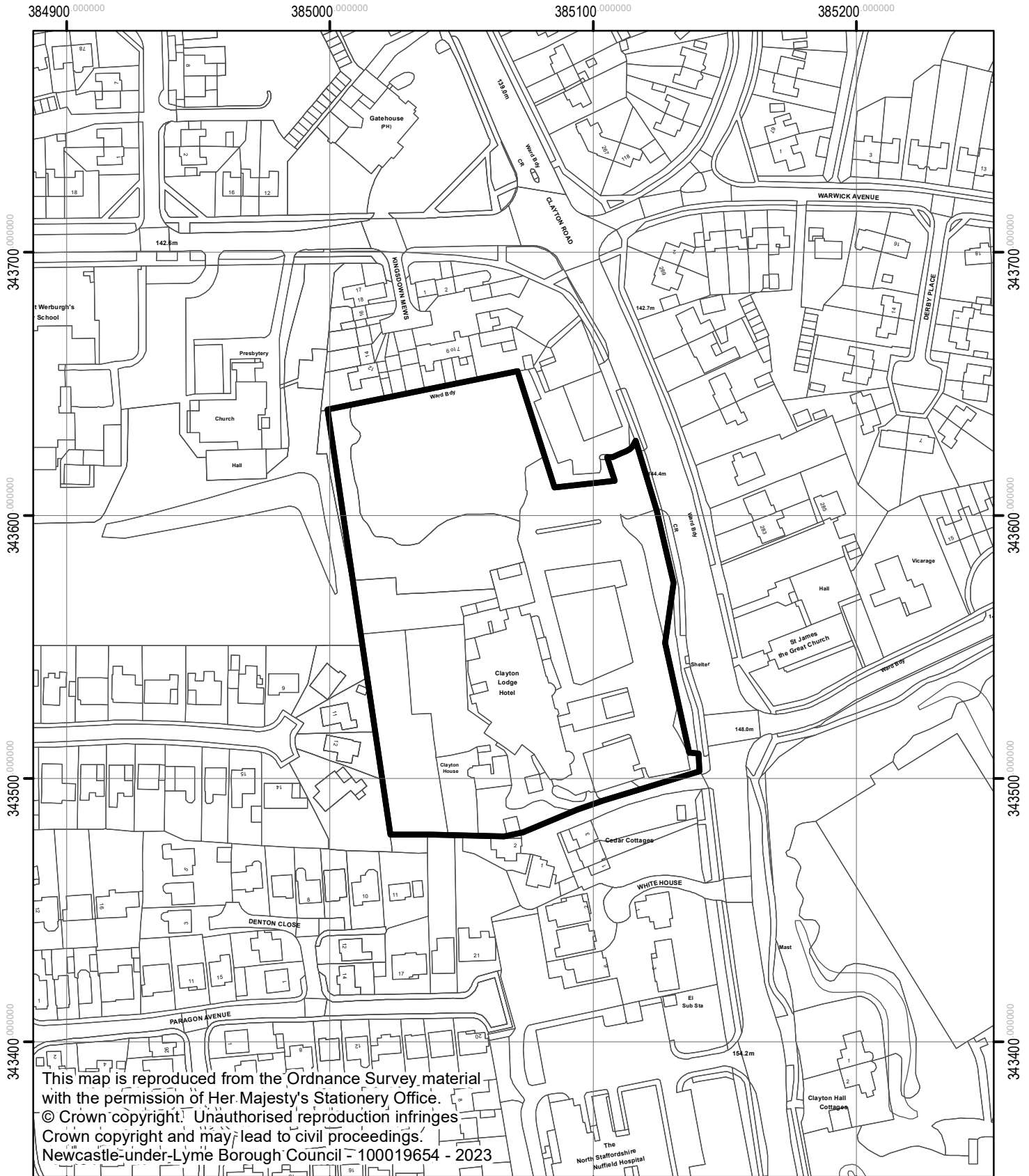
Planning File  
Development Plan

Date report prepared

27<sup>th</sup> September 2023

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23/00512/FUL  
Former Clayton Lodge Hotel  
Clayton Road  
Newcastle



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**LAND OFF APEDALE ROAD, CHESTERTON**  
**ASHGREEN HOMES LTD**

**23/00374/FUL**

The application is for the variation of condition 2 of planning permission 20/01079/FUL which granted planning consent for the construction of 20no. self-contained flats with associated parking on land off Apedale Road, Chesterton. The application is seeking amendments to the site plan and elevation plans.

The site lies within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.18 hectares.

Access to the site is via an existing vehicle access point off Apedale Road.

**The statutory 8 week determination period for this application expired on the 29<sup>th</sup> June 2023 but the applicant has agreed an extension of time to the statutory determination period to 13<sup>th</sup> October 2023.**

**RECOMMENDATION**

**PERMIT subject to:**

- **Variation of Condition 2 to list the revised plans**
- **All other conditions of 20/01079/FUL that remain relevant at this time**

**Reason for recommendation**

The development is located within a highly sustainable urban area whereby the principle of the development has already been considered acceptable. As built, the building deviates from the approved plans which raised concerns relating to design and residential amenity. The applicant has engaged with the Local Planning Authority to find a solution to these concerns, and it is considered that with the installation of appropriate boundary treatments and changes to the size of window openings on the frontage, that the current harm can be successfully mitigated and still deliver a development that is considered to be of appropriate design and offer sufficient residential amenity to future occupants and neighbouring properties.

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

The Authority has requested additional information and amended plans during the consideration of the planning application to address specific concerns in relation to impacts to residential and visual amenity. These amendments are now considered to be appropriate and represent a sustainable form of development in accordance with the objective of the NPPF.

**KEY ISSUES**

The application is for the variation of condition 2 of planning permission 20/01079/FUL which granted planning consent for the construction of 20no. self-contained flats with associated parking on land off Apedale Road, Chesterton. The application is seeking amendments to the site plan and elevation plans.

The site lies within the urban area of Chesterton and within an Area of Landscape Regeneration, as indicated on the Local Development Framework Proposals Map.

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 works in relation to the elevation changes are retrospective as development on the site has commenced, with work now progressing to first floor level. To date this work is not in accordance with the approved plans and so this application is seeking to regularise these works. The proposals also include a new boundary wall/fence to the front elevation and a new boundary fence on the eastern boundary; works to these elements have not yet commenced.

Access to the site remains via a previously existing vehicle access point off Apedale Road.

The principle of the residential development was previously considered acceptable under application reference 20/01079/FUL as were the considerations relating to planning obligations and financial viability, which are not altered by the proposals now being considered.

Therefore the main issues for consideration in the determination of this application are:-

- The design and impact on the character and appearance of the area,
- Residential amenity matters, and
- Car parking and highway safety.

#### Design and Impact on the Character and Appearance of the 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.

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 adopted Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) details that new development should be well designed to respect the character, identity and context of the area.

Saved Policy N22 of the Local Plan states that within Areas of Landscape Regeneration the Council will support, subject to other plan policies, proposals that would regenerate the landscape appropriate to its urban or rural location. Where development can be permitted, developers will be expected to use the opportunity provided by the development to make a positive contribution towards landscape regeneration.

The application site is located on Apedale Road which has a mix of different industrial, commercial and residential buildings in close proximity. The grounds of Chesterton Community Sports College are located beyond the southern and western boundaries. Residential bungalows are located to the east of the site.

The footprint, layout and internal arrangement of the building remains unaltered from the previously approved details. The changes being sought in this application are to the elevations and site plan.

The applicant successfully discharged the requisite pre-commencement conditions and made a lawful commencement on site. However, as construction progressed complaints were received in relation to the proposal not according with the approved plans. An enforcement investigation identified that as a result of changes to the ground levels on site, the appearance of the front and east side elevation looks notably different to those approved, with the distance between the ground level and the base of the ground floor windows being increased, which in parts has resulted in large expanses of brickwork, something that is most noticeable from the front elevation, directly on Apedale Road.



The development as built has resulted in the bases of the ground floor, front elevation windows sitting 2m above the adjacent footpath, whereas the plans as approved detailed a distance of 1m. As a result the windows are sited in an elevated position above the street while a large expanse of blank brickwork sits beneath them which has resulted in the development appearing incongruous within the wider street scene and presenting a dominant front elevation that cannot be said to be of high quality design.

In order to address this concern, the applicant has proposed to re-build a more substantial boundary wall than previously agreed across the entire frontage of the site. This would consist of two 2.2m high pillars at either side of the front elevation with the remaining boundary made up of a 0.6m high dwarf wall with 1.2m high wrought iron railings sitting on top. The height of the boundary treatment does assist in screening the additional expanse of brickwork and would help the development assimilate much better within the surrounding street scene, however it is accepted that it does not eradicate the issue entirely. Further liaison with the applicant has also now seen changes to the scale of some of the ground floor window openings by increasing their depth to remove some of the additional brickwork. It is considered that in combination, the boundary treatment and revised window openings would provide a more proportionate appearance to the front elevation, reducing the expanse of brickwork and the appearance of a more balanced frontage.

The change in levels is also noticeable on the east side elevation of the building. Similar to the front elevation, the change to the floor levels has resulted in the base of the windows on this elevation sitting in a higher position above the ground level adjacent to the building. However, in this location the levels slope upwards towards the south eastern corner of the site, and so to some extent the resultant visual implications are less severe given that the additional expanse of brickwork gradually decreases with the sloping levels.

Therefore while a contrast from the approved elevations, on balance there are not considered to be any wider implications on the character and appearance or visual amenity of the area. It is proposed to install a new 2m high fence along the east boundary and its siting is not considered to be harmful to the wider appearance of the area, although full and precise details of its appearance and finish should be secured via condition.

A further implication as a result of the changes to the ground level is that the overall height of the building has increased by 0.9m. Whilst not a minor alteration, given the two storey scale of the building as approved and large gable end feature at the entrance, it is not considered that this change to the height would have negative implications on the visual amenities of the street scene. There is a large variety of building styles and heights within this particular part of Apedale Road and so the increase in height, when viewed in this context would not result in an incongruous addition to the wider street scene.

The remaining elevations of the building remain unaltered from the approved scheme.

A condition should be attached to any permission granted to secure full and precise details of the brickwork, railings and finish to the new boundary wall and the fencing along the eastern boundary.

On balance, it is considered that the updated and amended plans would suitably address concerns relating to design and appearance, allowing the development to comply with the policies of the Development Plan as well as the aims and objectives of the NPPF.

#### Car parking and any highway safety implications

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 Framework. The Framework 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 site is located within a highly sustainable urban area in close proximity to the services and amenities of Chesterton, along with schools, employment opportunities and popular areas of open space.

The amendments being sought in this application would not result in any changes to the number of units, bedrooms and associated parking spaces. The previously approved covered cycle parking area is would also remain in place, and so from a parking standards perspective the development is acceptable.

The initial comments from the Highway Authority (HA) recommended the refusal of the scheme on the basis that the revised boundary wall along the frontage would be within the previously approved visibility splay. As a result the applicant has provided additional and updated information that now shows that part of the wall would be re-aligned to sit behind the approved visibility splay.

On that basis updated comments from the HA now detail that this new boundary treatment would not cause any obstruction to sightlines when emerging from the access and so they no longer raise any objections to the proposal.

Conditions should be attached to any permission granted to secure the updated boundary wall details to ensure that these are built behind the visibility splay.

Therefore in light of the above 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.

#### Impact on 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.

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

The changes to the elevations and floor levels have resulted in the windows being positioned at a higher level than previously approved and so the implications of this on neighbouring amenity must be considered. On this occasion it is the side facing windows on the east elevation of the building that must be closely considered.

To the east of the application site is a row of bungalows and so windows on the east elevation of the development have an outlook towards the rear gardens and side elevations of these properties. The previously approved scheme was not considered to raise any implications in relation to residential amenity given the relationship between facing windows and neighbouring gardens and so this application can only consider the difference between the scheme as approved and that now presented.

Given the sloping levels in the site along the eastern boundary, the changes to the floor level of the building have resulted in the windows on this east side elevation sitting at varying distances above the ground. The base of the windows serving flats 6 and 7 on the ground floor are all between 1.3m and 1.45m above ground level. However, given that these windows have outlook across front garden spaces and the side elevation of No. 7 Apedale Road (which contains no principal windows) the changes in ground levels raise no implications for residential amenity in relation to these windows specifically.

The two ground floor windows that would be most likely to have implications for the privacy of the neighbouring property of No. 7 Apedale Road would be the bedrooms windows of Flats 8 and 9. In visiting the site your officer has taken a view from these windows as built. Whilst it is accepted that the increased floor level does allow views to skim across the boundary treatment of No. 7 Apedale Road, the views are not considered to be overly intrusive to the extent that would justify refusal. In addition to this, the applicant has submitted amended plans that show the installation of a 2m high boundary treatment along the length of the eastern boundary which, when installed, would screen any views towards this neighbouring property. A condition can be attached to any permission granted to ensure that this fencing is installed prior to the occupation of the development, and maintained for its lifetime. It is therefore considered that on this basis, the privacy and residential amenity of the neighbouring property could be maintained and the amended proposals would not result in a significant loss of amenity that would justify the refusal of the application.

Whilst the total height of the building has increased by 0.9m, which could present an overbearing impact on the neighbouring bungalows to the east, the plans detail that the first floor windows would be positioned to sit adjacent to the side elevation of the dwelling, and so their views would not be directly down and into the private garden, but instead largely across the roofs of the row of properties. Whilst some view may be achieved, given the position of the windows there is not considered to be any further loss of amenity over and above the previously approved scheme when considering the first floor side facing windows.

Subject to conditions, the scheme can provide an acceptable level of amenity for future occupiers and neighbouring properties. The proposed development therefore accords with the guidance and 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

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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/Sport/Recreation

#### [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 N22: Areas of Landscape Regeneration

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

#### [National Planning Policy Framework \(2023\)](#)

#### [Planning Practice Guidance \(2019, as updated\)](#)

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

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

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

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

20/01079/FUL - Proposed residential development of 20 no. flats – Permitted

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

The **Highways Authority** raises no objections to the proposal.

#### [Representations](#)

One representation has been received raising concerns in relation to privacy and the unauthorised nature of the changes that have taken place on site.

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

All of the application documents can be viewed using the following link;

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00374/FUL>

#### [Background Papers](#)

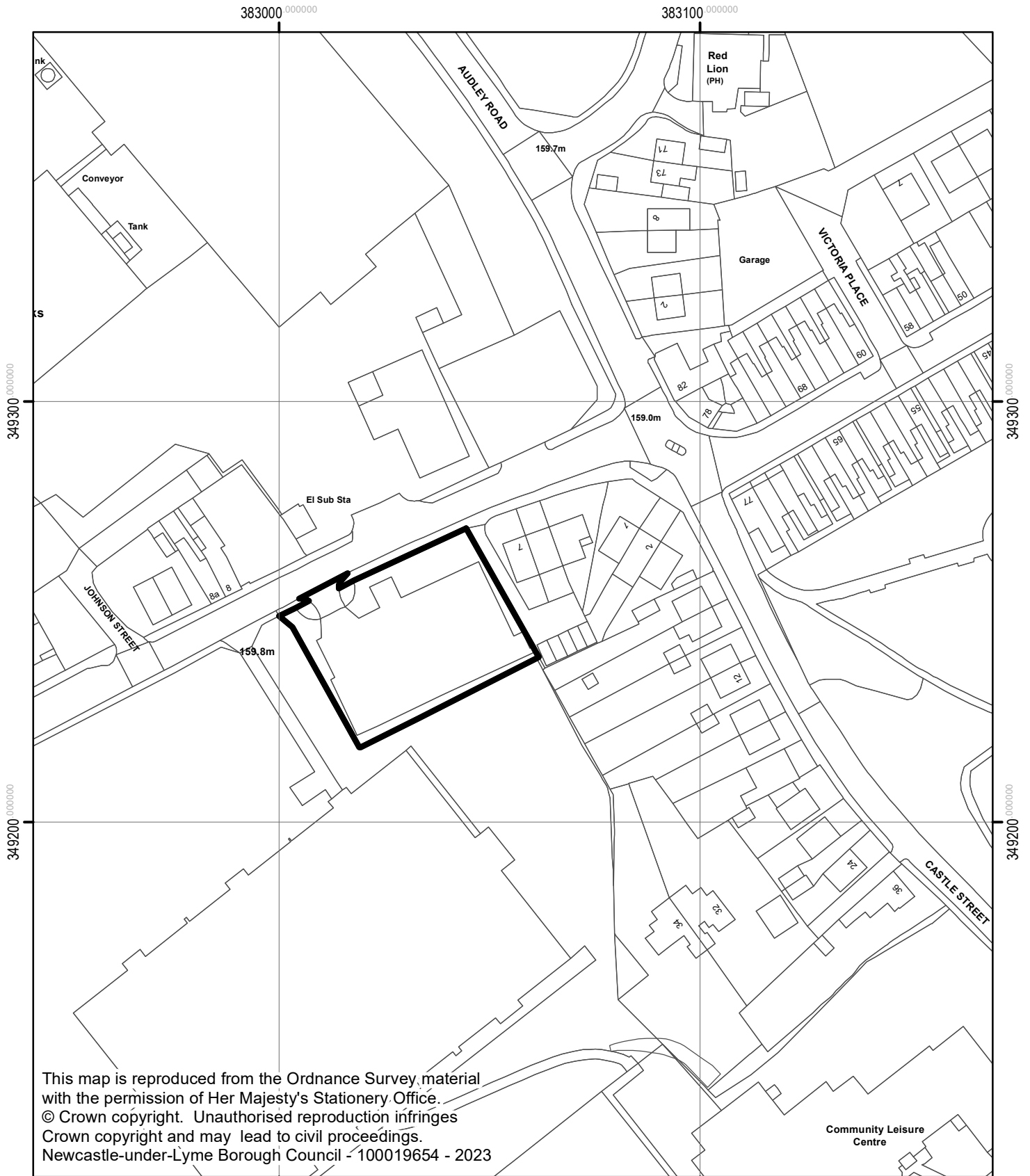
Planning File  
Development Plan

#### [Date report prepared](#)

27<sup>th</sup> September 2023

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23/00374/FUL  
Land Off Apedale Road  
Chesterton



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Classification: NULBC UNCLASSIFIED

**CAR PARK, MEADOWS ROAD, KIDSGROVE**  
**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**23/00638/DEEM3**

Full planning permission is sought for the demolition of an existing commercial garage and vehicle repair shop, and the erection of community hub, a new garage and associated car parking provision.

The site lies within the settlement of Kidsgrove and is within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The site also falls within a High Coal Mining Area. The application has been submitted by Newcastle under Lyme Borough Council.

**The 13 week period for the determination of this application expires on 18<sup>th</sup> October.**

**RECOMMENDATION**

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Material samples**
- 4. Provision of cycle parking facilities**
- 5. Submission and approval of a Demolition and Construction Environmental Management Plan**
- 6. Details of external lighting to be submitted**
- 7. Details of any external plant/equipment to be submitted**
- 8. Works to be completed in accordance with parking details**
- 9. Soft and Hard Landscaping Plan**
- 10. Construction hours**
- 11. Contaminated Land**
- 12. Submission of revised access details**

**Reason for Recommendation**

The redevelopment of this site is a sustainable form of development supported by the National Planning Policy Framework. The design, scale and appearance of the proposed development is considered appropriate and the proposal would not result in any adverse impact to residential amenity or highway safety matters. Subject to appropriate conditions the proposal is considered to be an acceptable form of development.

**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 that complies with the provisions of the National Planning Policy Framework.

**Key Issues**

Full planning permission is sought for the demolition of an existing garage and vehicle repair shop and the erection of community hub and garage with first floor mezzanine, along with alterations to the existing car parking provision within the site.

The site lies on the edge of Kidsgrove Town Centre and falls within the Urban Area of Borough as indicated on the Local Development Framework Proposals Map.

Subject to a condition as requested by the Coal Authority, there are no concerns relating to coal mining risk legacy, and therefore the key issues in the determination of the application are as follows:

- Is the principle of the proposed development on the site acceptable?
- Is the design and massing of the proposal acceptable?
- Impact on amenity,

- Is the proposal acceptable in terms of highway safety? and
- Reducing Inequalities.

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

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

Paragraph 93 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship).

Policy SP1 of the Core Spatial Strategy indicates 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. It also states that employment provision will be focused towards sites accessible to and within the North Staffordshire Regeneration Zone. Policy SP2 of the CSS also indicates that economic development should capitalise on North Staffordshire's potentially strong geographical position, its people and its productive asset base.

The proposal seeks permission for the erection of a community hub, which will provide a number of flexible offices and meeting rooms for the use of local groups. A new garage is also proposed along with additional car parking spaces within the site. The site lies adjacent to Kidsgrove Town centre, and is in close proximity to Kidsgrove Railway Station.

The site contains two existing buildings, one of which is used as a vehicle repair shop and the other functions as a garage. The rest of the site is currently used as a public parking area and the site is therefore classed as brownfield land. The location of the site in respect of its proximity to nearby services and public transport links, including Kidsgrove railway station, is considered to represent a sustainable location for the proposed development. As the proposal would provide a function which would benefit the local community in a sustainable location, the development is considered to be acceptable in principle, subject to other material planning considerations.

Is the design and massing of the proposal acceptable?

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

Paragraph 130 of the framework lists 6 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. Paragraph 134 of the Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Policy CSP1 of the adopted Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) details that new development should be well designed to respect the character, identity and context of the area.

The proposed community hub would be positioned within the central part of the site. The associated car park would be positioned in the western part of the site along The Meadows while the new garage would be sited close to the eastern boundary.

The surrounding area is comprised of a mixture of different building types, including residential and commercial properties of various design styles, however the majority of nearby structures are two storey in height and are constructed of redbrick and white render. Two existing single storey structures which

provide commercial functions would need to be removed from the site to accommodate the proposed development. Both structures have limited architectural quality and therefore it is not considered that their demolition would be in any way harmful to the character of the area.

The community hub would be of a contemporary design, featuring a flat roof at a two storey level with a number of large windows which would create a generous and attractive fenestration arrangement. The height of the proposals is considered proportionate to the surrounding buildings and the use of a flat roof is also considered acceptable given the variety in nearby building styles.

The proposed materials palette would comprise brick and composite cladding panels for the walls and solar panels are proposed to the roof to incorporate a level of sustainability into the design. The materials would result in some contrast to neighbouring buildings, but are not considered inappropriate given the mix of architectural styles nearby.

The proposed garage is to be a two storey structure measuring approximately 17m x 11m with an eaves height of 5m and a ridge height of 6.85m. The building has a relatively simple form and is based on functional requirements, however its construction in red brick will ensure it does not appear unusual or out of place when seen in context with its surroundings.

Subject to a condition requiring the submission of details of the proposed external materials, the overall design of the proposals and their impact on the surrounding area and street scene are considered to be acceptable. The proposal is therefore in compliance with policy CSP1 of the Core Spatial Strategy, and the relevant sections of the NPPF which support good design.

#### Impact on Amenity

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

The proposed community hub will be set in close proximity to the side and rear elevations of nos. 29-31 Liverpool Road, however the building will be a set back from the shared boundaries of the site by at least 2m at all points. It should also be noted that the hub would be set slightly further away from neighbouring properties than the current vehicle repair garage, and there are no properties in residential use immediately adjacent to the north or west boundaries of the site.

Consideration must also be given to potential noise nuisance that could arise from the development. While the proposal would likely result in less noise generation than the current vehicle repair shop, it is considered appropriate to require details of any external extraction and equipment and to request the submission of a Construction Management Plan as recommended by the Environmental Health Team.

There are no objections to the proposed garage on amenity grounds which, although larger than the existing garage, would be self-contained within a rear courtyard area and would not block or restrict light levels into any adjacent properties.

Subject to the conditions required by the Council's Environmental Health Team and given the scope and nature of the proposal, it is not considered that a refusal on amenity grounds could be sustained. On this basis the proposals comply with the guidance and requirements of the NPPF.

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

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

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

on the road network would be severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. It went on to state that Local Planning Authorities should only impose local parking standards where there is clear and compelling justification that it is necessary to manage their local road network.

The proposed car park will provide 25 spaces and 2 additional disabled spaces. The existing car park on the site currently provides space for 18 cars and as such there would be an increase of spaces as a result of the development. Although the parking standards in the Local Plan do not provide specific guidance for this type of development, given that the site lies within a highly sustainable location and there are other car parking areas that can be utilised nearby, it is concluded that the parking provision on site is proportionate in this case.

The proposed car park will utilise a one way system which would result in a new access point being created along Station Road whilst the existing access point leading onto the Meadows will be used as an exit only. Vehicle access to the garage will be from The Meadows and will utilise what is already an existing access point, which is sited directly adjacent to the proposed exit for the car park. A pedestrian route from Liverpool Road will remain open for use, allowing easier access to the site for those not using a vehicle.

The Highway Authority have raised no objections to the proposal subject to a condition requiring revised details including for signage to be added to the proposed access and exit points. Subject to the imposition of such a condition, it is considered that there would be no adverse impact on highway safety and that the development would accord with the guidance of the NPPF.

#### Other Matters

Whilst the Canal and River Trust have recommended that the LPA consider the requirement of an ecological report to be submitted in support of the application, given that the proposal would only result in the removal of four small trees which have limited ecological value, it is not considered reasonable to request an ecological report in this instance. A condition will be used however to require a hard and soft landscaping scheme to be submitted in support of the application to ensure that replanting takes place to mitigate the loss of the trees from the site.

#### Reducing Inequalities

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

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

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

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

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

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

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

## APPENDIX

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

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

|              |  |
|--------------|--|
| Policy SP1:  | Spatial Principles of Targeted Regeneration                      |
| Policy SP2:  | Spatial Principles of Economic Development                       |
| Policy SP3:  | Spatial Principles of Movement and Access                        |
| Policy ASP5: | Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy |
| Policy CSP1: | Design Quality   |
| Policy CSP3: | Sustainability and Climate Change                                |

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

|             |   |
|-------------|---|
| Policy T16: | Development – General Parking Requirements                                |
| Policy T17: | Parking in Town and District Centres                                      |
| Policy IM1: | Provision of Essential Supporting Infrastructure and Community Facilities |

### Other Material Considerations include:

#### National Planning Policy Framework (2023)

#### Planning Practice Guidance (2019 as updated)

#### Supplementary Planning Guidance/Documents

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

#### Relevant Planning History

None relevant.

#### Views of Consultees

The **Highways Authority** raise no objections to the proposal subject to condition requiring that the following alterations be made to the proposal:

- The bus stop shall be omitted from the approved drawings
- The existing street lighting shall be omitted from the approved drawings
- A revised plan showing 'IN' signage proposed at the vehicular entrance off Station Road and similar 'NO ENTRY' signage on the exterior boundary on The Meadows with additional 'NO ENTRY' wording to be painted on the floor within the access off The Meadows just behind the public footway. Additional markings to be applied within the car park to clearly direct customers towards The Meadows when leaving the facility which includes the words 'NO EXIT' painted on the floor to make sure vehicles do not attempt to leave towards Station Road. The revised car park which includes a new access shall thereafter be provided in accordance with the approved details and shall be retained as such for the lifetime of the development.

The **Canal and River Trust** recommend that the LPA ensure that the submitted documentation agrees on whether the trees on site are to be removed or not, and therefore if mitigation planting is required. It also recommends that the LPA should give consideration to the need for an ecology report to show whether the demolition of the existing garage will affect any roosting bats or nesting birds in the buildings. Further to the above it is recommended that the LPA consider if surface water disposal and CEMP conditions are necessary for this proposal, and if they are found to be, that the protection of the canal is included within the reasoning.

The **Coal Authority** raises no objections to the proposal subject to conditions.

The **Environmental Health Team** raise no objections to the proposal subject to conditions which require the submission of a Construction and Environmental Management Plan, details of external lighting and details of external plant/equipment.

The **County Archaeologist** raises no issues with the application.

No representations have yet been received from **Kidsgrove Town Council** or the **Landscape Development Section**. Any comments received will be brought to the attention of the Committee.

#### Representations

One representation has been received from a local resident who raises a number of queries regarding the use of the site and what level of disruption the development of the site might cause. This query has been responded to by the case officer.

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

All of the application documents can be viewed on the Council's website using the following link: <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00638/DEEM3>

#### **Background papers**

Planning files referred to

Planning Documents referred to

#### **Date report prepared**

26<sup>th</sup> September 2023

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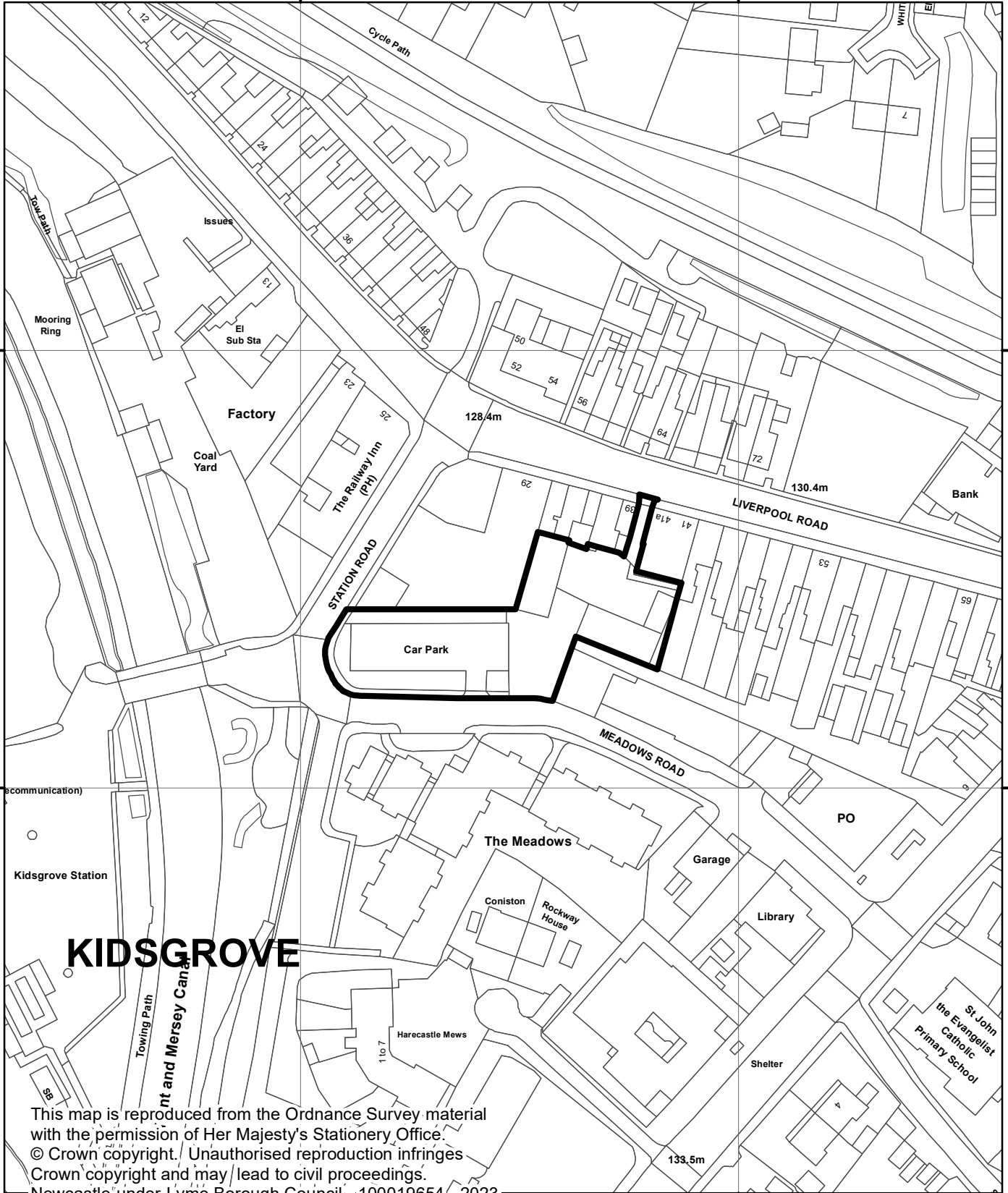
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# KIDSGROVE

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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**10<sup>th</sup> October 2023**

**Agenda Item 6**

**Application Ref. 23/00638/DEEM3**

**Car Park, Meadows Road, Kidsgrove**

Since the publication of the main agenda, comments from **Staffordshire Police** have been received. These comments are summarised as follows;

- Staffordshire Police have no objection to the principle of development on the application site.
- The general configuration of the new hub perpendicular to the road with a prominent entrance and the proposed replacement garage opposite it with the yard in between would provide a good level of surveillance which would reduce the likelihood of attracting unwanted attention.
- Consideration must be given to reducing the opportunity for unauthorised access to the site out of hours and robust attack and climb-resistant fencing and gating would be required to prevent criminal and anti-social opportunity
- The publicly accessible front end of the hub would have a good level of surveillance which would reduce the likelihood of attracting unwanted attention.
- The applicant's attention should be drawn to the police Secured by Design Commercial 2023 which contains guidance on attack-resistant security standards, and the applicant should consider installing CCTV surveillance.
- In terms of security of the garage, reference should be made to the Commercial 2023 design guide, the apertures would be the most likely attack points.
- It may be prudent to add some suitable bollards or similar to protect the corner of the building closest to the car park from any future damage

Officer Comments

Although the potential use of anti-climb fencing to protect the site is noted, the inclusion of additional boundary treatments could result in an adverse visual impact on the application site and wider street scene. Given the level of natural surveillance within the site it is not considered that the comments raised by the Police require any changes to the scheme or the use of any further conditions, however the applicant will be advised to consider the provided guidance and comments.

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

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## List of Local Validation Requirements for planning and listed building consent applications

### Purpose of the Report

The purpose of this report is to seek approval of a revised List of Local Validation Requirements for the following reasons:-

- The existing List of Local Validation Requirements was published two years ago and has to be reviewed if it is to continue to form part of the validation of planning applications process from 1<sup>st</sup> October 2023.
- To ensure that the approved List of Local Validation Requirements reflects changes to statutory requirements, policies in the National Planning Policy Framework and the Development Plan, or published guidance following the publication of the current list.
- To provide applicants with more certainty as to what will be required when submitting a planning/listed building consent application,
- To enable the Council as the Local Planning Authority to make proportionate requests for additional information to assist in the consideration of development proposed within a planning/listed building consent application, and
- To enable the Council to refuse to register an application which is not supported by information that is identified on the List of Local Validation Requirements as being necessary in the consideration of the development proposed.

### Recommendation

**That Committee approves the revisions to the list arising from the consultation process as set out in Appendix 1, so that the revised list can be published on the website, and thereafter used in the validation process.**

### Reasons

A revised List of Local Validation Requirements (LLVR) has been prepared by your Officer and is in the process of being amended in response to comments received through consultation. The adoption of such a List will enable the Council to continue to require the provision of information, over and above the submission of application forms, certificates of ownership and plans (i.e. the national validation requirements), to support a planning application for the purposes of validation.

#### **1.0 Introduction**

- 1.1 The purpose of this report is to advise Members of revisions to the LLVR reflecting changes to policy and in response to comments received through consultation; and to seek Committee approval of the List so that it can be published on the Council's website and become part of the validation process.

#### **2.0 Background**

- 2.1 Since 1<sup>st</sup> October 2010 the validity of planning applications received by this Council as a Local Planning Authority (LPA) has been informed by its List of Local Validation Requirements (LLVR). The LLVR sets out what information, over and above the national

requirements, is necessary to accompany planning applications. The latest LLVR was published, following a review and consultation exercise, on 1<sup>st</sup> October 2021.

2.2 As set out at paragraph 44 of the National Planning Policy Framework (NPPF), LPAs should publish a list of their information requirements for applications for planning permission and these requirements should be reviewed at least every two years. It goes on to state that LPAs should only request supporting information that is relevant, necessary and material to the application in question. The Development Management Procedure Order 2015 (as amended) states that in addition to being specified on an up-to-date List of LVRs information requested by the LPA for a particular planning application must be:

- Reasonable, having regard, in particular, to the nature and scale of the proposed development
- About a matter which it is reasonable to think will be a material consideration in the determination of the application

2.3 As set out in the PPG it is expected that both the applicant and LPA should make every effort to resolve disagreements about the information needed to support a planning application to avoid disputes over the information necessary to validate an application and reduce associated delays. There is, however, a procedure in the Development Management Procedure Order to resolve any disputes that do arise. Where the LPA maintains its position that information is required in order to validate the application, and that information is not received, or the LPA doesn't respond or register the application, an applicant may appeal to the Planning Inspectorate against non-determination of the application after the relevant time period has passed.

### **3.0 Consultation Process**

3.1 The consultation on the draft revised LLVR took place over a period of 3 weeks ending on 18<sup>th</sup> August. The Authority wrote to 48 agents and 62 of the groups and bodies that are consulted as part of the determination of planning applications (consultees). In addition a notice was placed in the Sentinel. The draft revised List of Local Validation Requirements and details of the consultation were published on the Council's website and comment was invited.

3.2 The comments received and your Officer's suggested response to them are summarised in the Table attached at Appendix 1.

### **4.0 Next Steps**

4.1 Once the List has been approved it will be necessary to publish it on the Council's website and at that point it will become part of the validation process.

#### **Background Papers**

[Planning Practice Guidance](#) (PPG) (2014)

[Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

Date report prepared 29 September 2023

| Consultee/<br>Commenter        | Comments received  | Proposed response/ action  |
|--------------------------------|--|--|
| 1. Canal and River Trust (CRT) | <p>Information Item 4 Biodiversity survey and report</p> <ul style="list-style-type: none"> <li>This section specifically highlights requirements in relation to proposals affecting or within 50 m of canals. Under 'What information is required' it is recommended that survey information required should also include a requirement to consider whether invasive species are present and if so, to include proposals for their control/eradication from the site and identification of mitigation measures to prevent their spread during development (e.g. excavation of contaminated soils).</li> <li>The list of suggested reference documents should include the Environment Act 2021 and other documents already referenced should be checked to ensure they are the most up-to-date versions.</li> </ul> <p>Information Item 8 Flood Risk Assessment</p> <ul style="list-style-type: none"> <li>Under 'What information is required' consideration of impacts from and on canals should be specifically referenced as requiring inclusion in flood risks assessments.</li> </ul> <p>Information Item 9 Foul and Surface Water Drainage Scheme and Sustainable Drainage</p> <ul style="list-style-type: none"> <li>This section specifically references proposals for new buildings/dwellings within canal buffer zones; this is taken to be a reference to the areas consulted upon with the Canal &amp; River Trust and this could be clarified within the document.</li> <li>Under 'What information is required' the wording relating to protection of railway assets is also relevant to protection of canal assets- e.g. SUDs could affect canal embankments and cuttings in exactly the same way as detailed for railway embankments and cuttings. It is also advised that soakaways and attenuation basins should generally be sited at least 10m away from the canal edge and suggest that this could also be included. Surface water drainage in close proximity to canals should generally also be removed from site via a closed sealed pipe system and SUDS should carry surface water/foul waters</li> </ul> | <p>For Information Item 4, Biodiversity survey and report:</p> <ul style="list-style-type: none"> <li>Under 'What information is required' include a requirement to consider whether invasive species are present and if so, to include proposals for their control/eradication from the site and identification of mitigation measures to prevent their spread during development (e.g. excavation of contaminated soils).</li> <li>Add the Environment Act 2021 to the list of suggested reference documents</li> </ul> <p>For Information Item 8, Flood Risk Assessment:</p> <ul style="list-style-type: none"> <li>Under 'What information is required' consideration of impacts from and on canals to be included as requiring inclusion in flood risks assessments.</li> </ul> <p>For Information Item 9, Foul and Surface Water Drainage Scheme and Sustainable Drainage:</p> <ul style="list-style-type: none"> <li>Under 'What information is required' include reference to protection of canal assets including embankments and cuttings.</li> <li>Include requirement for soakaways and attenuation basins to generally be sited at least 10m away from the canal edge.</li> <li>In relation to what a sustainable drainage strategy should identify, include reference to whether culverts have sufficient capacity to accept the increased flows without risk of surcharging.</li> <li>Include consideration of the feasibility of discharging surface water to canals, as this can often offer a practicable option, subject to obtaining the Trust's prior consent.</li> </ul> <p>For Information Item 13, Land Contamination Assessment — Preliminary Risk Assessment:</p> <ul style="list-style-type: none"> <li>Under 'What information is required' include reference to consideration of canals as potentially sensitive receptors to contaminants.</li> <li>Under 'Types of application', correct 'coal seems' to 'coal seams'</li> </ul> <p>For Information Item 17, Lighting Assessment:</p> |

away from canals in order to minimise risks to the canal infrastructure.

- Drainage strategies should also consider whether, in the case of discharges to watercourses that are subsequently carried under canals via culverts, whether the culverts have sufficient capacity to accept the increased flows without risk of surcharging. Increased flows through culverts due to increased outflows, or surface water runoff from neighbouring developments could affect (i) the structural integrity of the culvert, potentially leading to increased maintenance costs for the Trust and an increased risk of the culvert and canal breaching due to scour effects, and (ii) the performance of the culvert, potentially leading to an increased risk of flooding upstream/downstream of the culvert.
- Where it is stated that Applicants should provide clear evidence when demonstrating why more preferable options within the hierarchy have been discounted, this should include consideration of the feasibility of discharging surface water to canals, as this can often offer a practicable option, subject to obtaining the Trust's prior consent. Early engagement with the Trust is recommended to allow for investigation of this as a potential option.

#### Information Item 13 Land Contamination Assessment — Preliminary Risk Assessment

- Under 'What information is required' it is suggested that it should be specified that land contamination assessments must consider canals as potentially sensitive receptors to contaminants.
- There is a typographical error under 'Types of application'- where reference is made to 'coal seams under the development site', which should read 'coal seams'.

#### Information Item 16 Land Stability Assessment

- This section is clear and comprehensive and should assist in ensuring development proposals take proper account of potential risks to canal infrastructure.

- Clarify that “adjacent to or in close proximity of a canal corridor” may vary from site to site depending on circumstances, topography etc.

For Information Item 20, Noise and Vibration Assessment and sound insulation details/ventilation to avoid overheating where windows need to be kept shut to achieve appropriate noise levels internally:

- Under 'What information is required' add that Noise Impact Assessments should take into account the presence/proximity of canal boat moorings when assessing noise impacts near to canals.

For Information Item 28, Transport Assessment:

- Under 'What information is required' add consideration of the impact of increased footfall on canal towpaths.

For Information Item 30, Tree Survey/Arboricultural Impact Assessment/Retained Trees and Root Protection Areas (BS5837:2012):

- Under further assistance', add reference to the Natural England and Forestry Commission 'standing advice' for ancient woodland, ancient trees and veteran trees.



Information Item 17 Lighting Assessment

- This section sets out an appropriate level of required information for a proper assessment to be carried out. However, it identifies proposals "adjacent to or in close proximity of a canal corridor" without defining how close this is. In the absence of specifying a set distance, it may be appropriate to clarify that this may vary from site to site depending on circumstances, topography etc.

Information Item 20 Noise and Vibration Assessment

- Under 'What information is required' it should be advised that Noise Impact Assessments should take into account the presence/proximity of canal boat moorings when assessing noise impacts near to canals. Canal boats can be lived on for varying periods of time, depending on whether they are used as permanent residences, holiday accommodation or for leisure purposes; moored boats should therefore be considered to be sensitive receptors when assessing noise impacts.

Information Item 28 Transport Assessment

- Under 'What information is required' as well as considering the impact of increased footfall on railway stations, the potential of increased footfall on canal towpaths should also be considered. The Trust maintains towpaths according to levels of existing use and where this is likely to significantly increase (particularly in cases where the towpath offers an active travel option for commuting or a leisure/recreation route) there is likely to be a need for it to be upgraded to cope with the additional usage and to ensure it remains in a condition that facilitates and encourages such use. In such cases the Trust is likely to seek a developer contribution to cover the cost of increased maintenance liabilities.

Information Item 30 Tree Survey/Arboricultural Impact Assessment/Retained Trees and Root Protection Areas (BS5837:2012)

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|  | <ul style="list-style-type: none"> <li>Under 'What information is required' tree surveys and arboricultural assessments should also reference the Natural England and Forestry Commission 'standing advice' for ancient woodland, ancient trees and veteran trees. There are numerous veteran trees adjacent to the canal within the Trust's land ownership and these can be adversely affected by development if the BS5837:2012 methodology alone is relied on, as this caps the maximum Root Protection Area (RPA) at 15m radius, which may not always be adequate for veteran trees; this point is acknowledged in the standing advice.</li> </ul>  |  |
| 2. The Coal Authority                        | <p>The Planning team at the Coal Authority are pleased to see that at Information Item 5 the need for the submission of a Coal Mining Risk Assessment is included on the Validation List. They also welcome the setting out of the policy driver, information requirements and signposting to further information to assist developers and applicants.</p>  | <p>For Information Item 5, Coal Mining Risk Assessment:</p> <ul style="list-style-type: none"> <li>➤ No amendments proposed.</li> </ul>  |
| 3. County Council Lead Local Flood Authority | <ul style="list-style-type: none"> <li>Notes that the requirements in relation to surface water drainage will change following the imminent introduction of Schedule 3 of the Flood and Water Management Act.</li> <li>Would add to Section 9 for major developments, if multifunctional sustainable drainage systems are not being provided, what evidence is there that such techniques are not possible?</li> <li>In Section 9, types of application, 'Major developments' except a change of use where no increase in permeable area is proposed, this should be 'impermeable area.'</li> <li>Do not agree with the statement, 'SuDS must not be used as a means of SW mitigation within 30m of a railway boundary'. SuDS in this area will require additional technical requirements and approval from Network Rail as with other constraints on a site.</li> <li>Further assistance documents to be added in Section 9 – Non-Statutory Technical Standards for SuDS and CIRIA SuDS Manual (C752) 2015.</li> </ul> | <p>For Information Item 9, Foul and Surface Water Drainage Scheme and Sustainable Drainage:</p> <ul style="list-style-type: none"> <li>➤ Under 'Types of Applications', amend the reference to 'permeable area' to 'impermeable area.'</li> <li>➤ Under 'Where to look for further assistance', add Non-Statutory Technical Standards for SuDS and CIRIA SuDS Manual (C752) 2015.</li> </ul> |

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| <p>4. Historic England</p> | <ul style="list-style-type: none"> <li>• With respect to Section 12 it is recommended including a bullet point under the 4th column that sets out how the proposed site contributes to the significance of the heritage asset and its relationship and what level of harm is anticipated. Where harm is anticipated then the Heritage Assessment should set out the avoidance/mitigation measures and any enhancement opportunities that are available.</li> <li>• Consideration should be given to setting as is referenced, however, it is not just whether there is a visual relationship between a proposed site and a heritage asset but other issues to consider such as how the asset is experienced in its setting through issues such as noise, lighting, air quality, traffic etc. See Good Practice Advice Note 3 for further details.</li> <li>• Heritage Assessments should also contain suitable photo montages and viewpoint analysis where appropriate.</li> <li>• It is requested that the applicants consider the relationship between heritage assets if there are several heritage assets in a vicinity and how any proposed development may impact on this relationship.</li> <li>• The cumulative impacts of several developments within an area should also be considered and whether areas of a heritage assets setting have already been compromised by previous development, then this would make the remaining setting more important to protect.</li> <li>• Where Heritage Assessments are undertaken, it is recommended that they are prepared by an appropriate and qualified professional to ensure they are produced in a robust manner.</li> <li>• It will be useful to mention that there are still requirements for other heritage processes such as Scheduled Monument Consent and Listed Building Consent and an applicant will need to check if relevant.</li> <li>• If required, it could be included that Historic England offers a pre-application service and include the link to their website. <a href="https://historicengland.org.uk/services-skills/our-planning-services/charter/Our-pre-application-advisory-service/">https://historicengland.org.uk/services-skills/our-planning-services/charter/Our-pre-application-advisory-service/</a></li> </ul> | <p>For Information Item 12, Heritage Asset Statement:</p> <ul style="list-style-type: none"> <li>➤ Add a further bullet point to the list of things to be included in the Statement, referring to suitable photo montages and viewpoint analysis where appropriate</li> <li>➤ Include reference to Historic England’s pre-application service and include the link to their website.</li> </ul> |
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5. County Ecologist

Information Item 4 Biodiversity survey and report

- The third column in the table headed: 'Types of applications and geographic location(s) that require this information' was originally itself part of a table designed to clarify which species surveys were required as can be seen Biodiversity and Geological Conservation Validation Checklist (staffordshire.gov.uk) . It loses a lot of information presented in any other way, and should preferably be included in its original form.
- Regarding Great Crested Newts – the NatureSpace scheme model has Impact Risk Zones (IRZs) approved by Natural England as part of the District Licensing process. This probably means they should be regarded as a material consideration and should be referred to here.
- Biodiversity Net Gain – this will be a mandatory requirement from November (April 2024 for 'small' sites) and it may be worthwhile to detail these requirements here, with policy / legal reference to Environment Act and amendment/s to T&CPA. For validation, submission of appropriate completed Defra metric in full supported by site plans that support any on-site mitigation will be needed.

Information Items 14, Landscape/Visual Impact Assessment, and 15, Landscape Masterplan

- Where 'Planning for Landscape Change' is listed, it might be useful to add 'or subsequent version', or similar wording.
- Where links are provided for further assistance they need to be checked and updated where necessary, it is noted that some links in the landscape section for the Landscape Institute come up with an error page.

Rights of Way

- There is almost nothing in the document about public rights of way which are a key consideration for any planning development. Across the District there are examples of developments which have taken place with approved planning permission where public rights of way have then become obstructed. Please note that it is a criminal offence to obstruct

For Information Item 4, Biodiversity survey and report:

- Reference to be added to Great Crested Newts and Impact Risk Zones.
- Given that Biodiversity Net Gain is not yet a mandatory requirement, it is not considered appropriate to make reference to it now.

For Information Items 14, Landscape/Visual Impact Assessment, and 15, Landscape Masterplan:

- As indicated above a check of all links to documents within the List of Local Validation Requirements should be carried out and links updated if necessary

Rights of Way:

- The comments regarding public rights of way are noted and these matters will be highlighted in discussions about proposed developments that take place with officers as necessary. It is not, however, considered appropriate to introduce a new information requirement and there are no information items within the LLVR under which such reference could be added.

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|                      | <p>a public right of way and a key consideration for any developer and the planning authority is whether the proposal will impact on the path network. Information in respect of public rights of way should be taken from Staffordshire County Council's Definitive Map and Statement and not the Ordnance Survey or any other mapping data. The Definitive Map and Statement is the legal record of the alignment of a public right of way, whatever its physical state on the ground may be. I should also add that there are going to be applications to add or amend routes on the Definitive Map which will affect some planning applications. These should be brought to the applicant's attention through either their searches or when consulting with SCC.</p> <p><i>Archaeology/Historic Environment</i></p> <ul style="list-style-type: none"> <li>• There are no issues to raise, however, the inclusion of proposals directly affecting a historic farmstead now requiring a Heritage Asset Statement is welcomed.</li> </ul> |   |
| 6. National Highways | <p>The following amendments should be made:<br/>         -References to Highways England amended to National Highways<br/>         -References to the DfT Circular 02/2013 amended to Dft Circular 01/2022</p>  | <p>In various Information Items:</p> <ul style="list-style-type: none"> <li>➤ All references to Highways England to be amended to National Highways</li> <li>➤ References to the DfT Circular 02/2013 to be amended to Dft Circular 01/2022</li> </ul>                    |
| 7. Natural England   | <p>Designated Sites</p> <ul style="list-style-type: none"> <li>• It is advised that it is made clear that further information may be required to assess impacts on designated sites and that proposals that could impact on Habitats Sites will require a Habitats Regulations Assessment. (<a href="https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site">https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site</a>)</li> </ul> <p>Biodiversity net gain</p> <ul style="list-style-type: none"> <li>• Biodiversity net gain becomes compulsory in November 2023 for developments in the Town and Country Planning Act 1990, unless exempt. It will apply to small sites from April 2024. It is advised that this is added to cover the requirements for this.</li> </ul>  | <p>For Information Item 4, Biodiversity survey and report:</p> <ul style="list-style-type: none"> <li>➤ As indicated above, given that Biodiversity Net Gain is not yet a mandatory requirement, it is not considered appropriate to make reference to it now.</li> </ul> |

8. NatureSpace Partnership

Information Item 4 Biodiversity survey and report

- It is suggested that a sub-heading of section 4 is implemented to highlight that there is a specific means of assessing impacts for great crested newts.
- It is recommended that great crested newt/pond information from Section 4 is removed and replaced with new text.
- In the column 'Locations', information on great crested newts must be provided specifically as part of the biodiversity report where this species is likely to occur based on the Impact Risk Zone map and the presence of suitable habitat(s).
- In the column 'Requirements', A Preliminary Ecological Appraisal should accompany each application which assesses potential impacts to great crested newts by identifying waterbodies and habitat within 500m of the application site (this should include Habitat Suitability Index assessment of ponds wherever possible). Where suitable waterbodies and/or habitat are identified, then further information (presence/absence surveys such as eDNA of ponds) will be required in order to rule out impacts to great crested newts (however, no detailed surveys are required if the district licensing scheme option is chosen). If impacts to ponds or habitat are identified then the applicant must demonstrate how these impacts can be mitigated through one of the licensing options available. If impacts to habitat are low and the risk to individual great crested newts is considered low, then a non-licensed method may be suitable consisting of Reasonable Avoidance Measures (RAMs) or a Precautionary Working Method Statement (PWMS).
- In the column 'Where to look for further assistance', the following links are recommended to be added:

For more information about the district licensing scheme option:  
[www.naturespace.com](http://www.naturespace.com)  
[Great crested newts: District Level Licensing for development projects, Natural England, March 2021](#)  
 Natural England's Great Crested Newts: Surveys and mitigation for development projects (<https://www.gov.uk/guidance/great-crested-newts-advice-for-making-planning-decisions>)

For Information Item 4, Biodiversity survey and report:

- Delete current reference to great crested newt/pond information and add recommended text
- Include recommended links

|                          |   |   |
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| 9. Sport England         | Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with a checklist of supporting plans and statements.   | <p>For Information Item 21, Open Space Assessment:</p> <ul style="list-style-type: none"> <li>➤ Sport specific information is already required and it is not considered necessary to add any further requirements.</li> </ul>   |
| 10. Staffordshire Police | <p>Information Item 7 Design Review – Include links to ‘Secured by Design’ documents and to ‘National Protective Security Authority’ website</p> <p>Information Item 17 Lighting Assessment – Include link to ‘Lighting Against Crime’ document</p> <p>Information Item 21 Open Space Assessment – Include link to ‘The Value of Public Space: How High Quality Parks and Public Spaces Create Economic, Social and Environmental Value’</p> <p>Information Item 22 Parking Provision Details – Replace Building for Life 12 link with link to more current document, replace link to Bicycle Association, Sustrans and Secured by Design publication with relevant link from Secured by Design website and provide a more direct link for Chartered Institution of Highways and Transportation and Institute of Highways Engineers Guidance Note about residential parking</p> | <p>For Information Item 7, Design Review:</p> <ul style="list-style-type: none"> <li>➤ Include link to ‘Secured by Design’ document</li> <li>➤ Include link ‘National Protective Security Authority’ website</li> </ul> <p>For Information Item 17 Lighting Assessment:</p> <ul style="list-style-type: none"> <li>➤ Include link to ‘Lighting Against Crime’ document</li> </ul> <p>For Information Item 21 Open Space Assessment:</p> <ul style="list-style-type: none"> <li>➤ Include link to ‘The Value of Public Space: How High Quality Parks and Public Spaces Create Economic, Social and Environmental Value’</li> </ul> <p>For Information Item 22 Parking Provision Details:</p> <ul style="list-style-type: none"> <li>➤ Replace Building for Life 12 link with link to Building for a Healthy Life</li> <li>➤ Replace link to Bicycle Association, Sustrans and Secured by Design publication with relevant link from Secured by Design website</li> </ul> |

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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 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 – 29<sup>th</sup> September 2023

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