

# Public Document Pack

**Date of meeting** Tuesday, 7th November, 2023  
**Time** 7.00 pm  
**Venue** Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL  
**Contact** Geoff Durham 742222



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

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

## Planning Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**  
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 6)  
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - CHATTERLEY VALLEY, PEACOCK HAY ROAD, NEWCASTLE, STAFFS. ST6 4QH. HARWORTH ESTATES. 23/00678?REM** (Pages 7 - 12)
- 5 UPDATE ON 5 BOGGS COTTAGE, KEELE, 14/00036/207C3** (Pages 13 - 14)
- 6 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.
- 7 URGENT BUSINESS**  
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972  
  
The following items are considered urgent due to the potential for the trees being felled before the next meeting of the Planning Committee.
- 8 TREE PRESERVATION ORDER - 4 WOODLANDS VIEW, TOWER ROAD, ASHLEY. TPO 222** (Pages 15 - 20)

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**9 TREE PRESERVATION ORDER - LAND AT THE BUNGALOW, (Pages 21 - 26)  
LEYCETT LANE, LEYCETT. TPO 223**

**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	Grocott

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

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place)

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

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

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 - 10/10/23*

## PLANNING COMMITTEE

Tuesday, 10th October, 2023  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

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

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

**Apologies:** Councillor(s) D Jones

**Substitutes:** Councillor David Grocott (In place of Councillor Dave Jones)

Officers:	Rachel Killeen	Development Management Manager
	Geoff Durham	Civic & Member Support Officer
	Charles Winnett	Senior Planning Officer
	Craig Jordan	Service Director - Planning
	Carol Curtin	Interim Lawyer

Also in attendance:

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

There were no declarations of interest stated.

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

**Resolved:** That the minutes of the meeting held on 15 August, 2023 be agreed as a correct record.

### 3. **APPLICATION FOR MAJOR DEVELOPMENT - FORMER CLAYTON LODGE HOTEL, CLAYTON ROAD. LIONCOURT HOMES. 23/00512/FUL**

**Resolved:** That the following variations be permitted:

- 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

[Watch the debate here](#)

**Planning Committee - 10/10/23**

**4. APPLICATION FOR MINOR DEVELOPMENT - LAND OFF APEDALE ROAD, CHESTERTON. ASHGREEN HOMES LTD. 23/00374/FUL**

**Resolved:** That the variation of the undermentioned condition be permitted:

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

[Watch the debate here](#)

**5. APPLICATION FOR MINOR DEVELOPMENT - CAR PARK, MEADOWS ROAD, KIDSGROVE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 23/00638/DEEM3**

**Resolved:** That the application be permitted subject to the undermentioned Conditions and the amendments as specified above:

- (i) Standard time limit for commencement of development
- (ii) Approved plans
- (iii) Material samples
- (iv) Provision of cycle parking facilities
- (v) Submission and approval of a Demolition and Construction Environmental Management Plan
- (vi) Details of external lighting to be submitted
- (vii) Details of any external plant/equipment to be submitted
- (viii) Works to be completed in accordance with parking details
- (ix) Soft and Hard Landscaping Plan
- (x) Construction hours
- (xi) Contaminated Land
- (xii) Submission of revised access details

[Watch the debate here](#)

**6. LIST OF LOCAL VALIDATION REQUIREMENTS CONSULTATION**

Consideration was given to a report seeking approval of a list of Local Validation Requirements. A consultation had been carried out and following consideration of the results, changes had been made to the list.

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

[Watch the debate here](#)

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

Members were advised that instructions had been sent to the Council's legal team to initiate enforcement proceedings in respect of non-compliance of a condition of a previous Planning Permission requesting landscaping to a significant access track.

More issues had been raised by local residents so a joint site visit had been arranged with Planning and Environmental Health.

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

[Watch the debate here](#)

**8. DISCLOSURE OF EXEMPT INFORMATION**

There were no confidential items.

**9. URGENT BUSINESS**

There was no Urgent Business.

**Councillor Paul Northcott  
Chair**

Meeting concluded at 7.59 pm

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Classification: NULBC UNCLASSIFIED

**LAND SOUTH WEST OF CHATTERLEY VALLEY, PEACOCK HAY ROAD, TALKE**  
**C/O AGENT HARWORTH ESTATES**

**23/00678/REM**

The application is for the approval of reserved matters relating to the new roundabout access, footways and improvement to the existing site access, details of which were reserved by Condition B9 of hybrid planning permission ref 21/00595/FUL.

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

**The 13 week period for the determination of this application expires on the 16<sup>th</sup> November 2023.**

**RECOMMENDATIONS**

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

- 1. Link to outline planning permission and conditions;**
- 2. Approved plans;**
- 3. All road and access arrangements to be completed prior to first occupation of the buildings on site.**

**Reason for Recommendation**

The proposed development raises no issues with regards to highway safety and all technical issues have been addressed within this application or are covered by conditions of the hybrid planning application. It is therefore accepted that the proposed development is a sustainable form of development that accords with the development plan policies identified and the guidance and requirements of the National Planning Policy Framework and should be approved.

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

The LPA and applicant have engaged in proactive discussions and the LPA has requested further information during the consideration of the application to address concerns. Following the submission of further information the proposed development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

**Key Issues**

The application is for the approval of reserved matters relating to the new roundabout access, footways and improvement to the existing site access, the details of which are required by Condition B9 of hybrid planning permission ref 21/00595/FUL.

Outline planning permission for the redevelopment of the Chatterley Valley for industrial development was approved in 2019 and has since been subject to a number of Section 73 applications for the variation of conditions. The latest permission on the site (21/00595/FUL) was subject to a number of planning conditions, including those which required information to be submitted as part of the reserved matters submission, namely; details of the new roundabout access, footways and improvement to the existing site access.

Given that this is a reserved matters application and does not seek to vary any previously agreed conditions, the sole issue for consideration is access and highway safety.

The principle of the wider access works via Peacock Hay Road have been accepted under the previous applications approved on site, however the technical details of the new roundabout access and highways improvements were controlled through conditions of the hybrid planning permission. The applicant has confirmed that the S278 works at Peacock Hay Road (the detailed design of the works to the public highway) have already been approved by the Highway Authority. This planning application

has therefore been submitted in order to meet the condition requirements and secure planning approval to go alongside the existing highways approval.

The new roundabout would be located at the north-western edge of the wider development site along Peacock Hay Road, approximately 155 metres to the west of the existing site access and approximately 660m to the east of Talke Interchange. Following the submission of additional information, the Highway Authority has raised no objections to the proposal, subject to a condition requiring that all approved works are to be fully implemented on site prior to the first occupation of any building.

In the absence of any objections from the Highway Authority and subject to conditions, the proposed development is considered acceptable in highways terms. There are no other matters relevant to this proposal and the proposed development is in accordance with policies of the development plan and the aims and objectives of the NPPF.

### Reducing Inequalities

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

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

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

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

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

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

The scheme has been developed embracing good design and access and it is therefore considered that it will not have a differential impact on those with protected characteristics.

## APPENDIX

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

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

Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

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

Policy E2: Chatterley Valley  
Policy T16: Development – General Parking Requirements  
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N4: Development and Nature Conservation – Use of Local Species  
Policy N17: Landscape Character – General Considerations

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

#### National Planning Policy

#### National Planning Policy Framework (July 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

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

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

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

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

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

Application 21/00595/NMA for a non-material amendment relating to the Electric Vehicle Charging Infrastructure as required by condition B18 of planning permission 21/00595/FUL has been permitted

Under application 23/00220/REM reserved matters approval was granted for appearance, landscaping, layout, scale and access of Site D1 for a building in Use Classes B1(b), B1(c), B2 and/or B8 pursuant to outline element of hybrid planning application ref: 21/00595/FUL.

Views of Consultees

The **Highway Authority** raises no objections subject to a condition requiring that prior to the first occupation of the buildings within the site that the new roundabout access, footways and improvement to the site access shall be fully implemented in accordance with the approved plans.

The **Lead Local Flood Authority** have no objections to the proposal.

The **Environmental Health Division** have no objections to the proposal.

**National Highways** raise no objections to the proposal.

No representations have been received from **Stoke-on-Trent City Council** or the **Landscape Development Section**.

Representations

None received.

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link: <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/23/00678/REM>

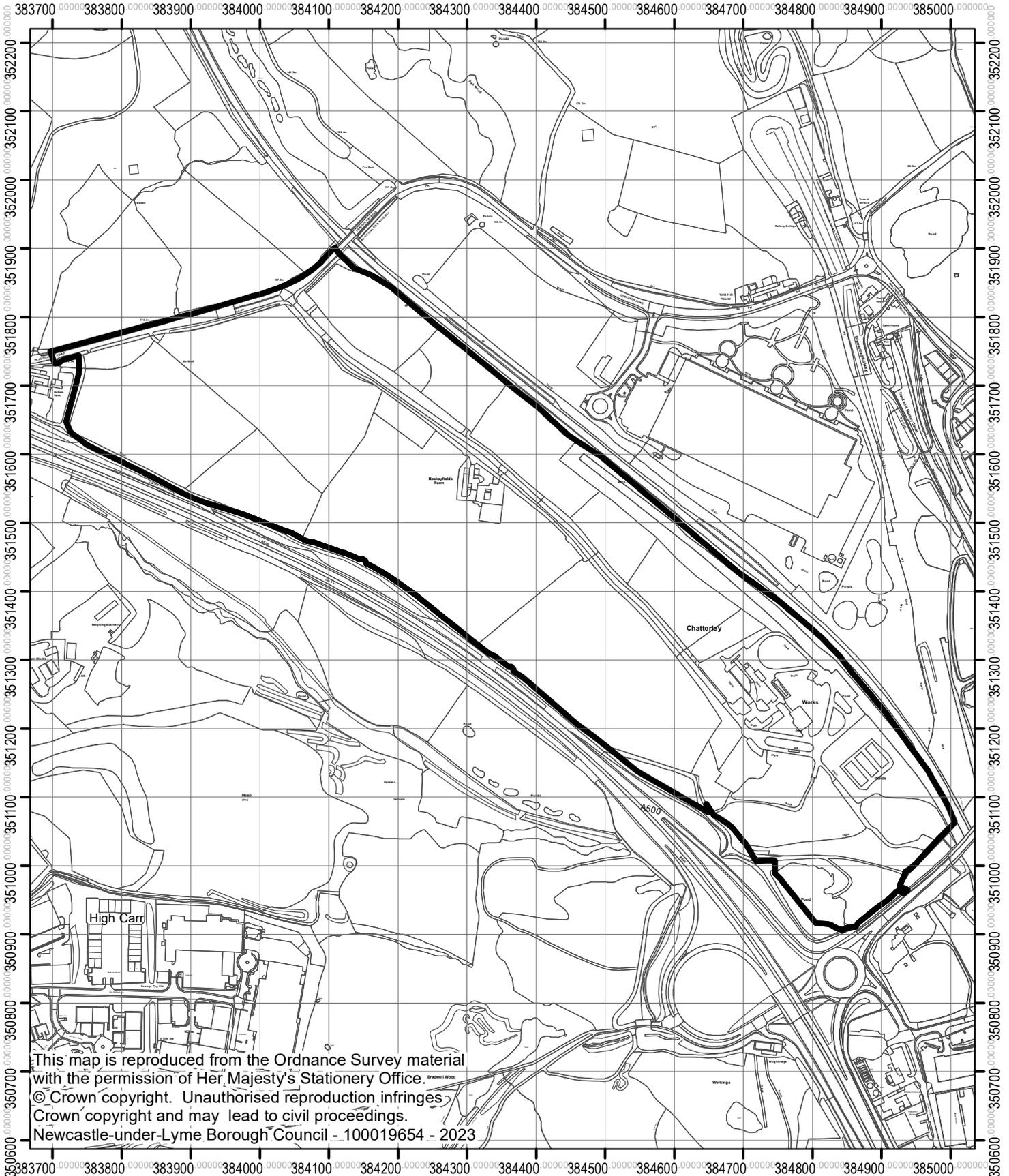
Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

19<sup>th</sup> October 2023

**23/00678/REM**  
**Chatterley Valley Development Site**  
**Peacock Hay Road**  
**ST6 4QH**



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

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

### **RECOMMENDATION**

**That the information be received.**

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

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

The information was submitted and further to comments from Severn Trent Water, the drainage condition has been refused. Your officers are progressing appropriate enforcement action in respect of the breach of that condition.

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

Date report prepared – 26<sup>th</sup> October 2023

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## **Confirmation of Tree Preservation Order**

**Land at 4 Woodlands View, Tower Road, Ashley.**

**Tree Preservation Order No222 (2023)**

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

**The Order** protects a single mature oak tree within the front garden of 4 Woodlands View, Tower Road, Ashley.

The Order was made to safeguard the longer term visual amenity that the tree provides following submission of tree status enquiry to the council indicating that it was intended to fall the tree.

The Order was made using delegated powers on 2<sup>nd</sup> June 2023. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 2<sup>nd</sup> December 2023.

## **RECOMMENDATION**

That Tree Preservation Order No 222 (2022), land at 4 Woodlands View, Tower Road, Ashley, be confirmed as made and that the owners of the site be informed accordingly.

## **Reasons for Recommendation**

Your officers are of the opinion that the longer-term visual amenity of the tree is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the tree is a very good specimen, generally healthy and of sufficient amenity value to merit the making of a Tree Preservation Order. It is considered to be an appropriate species for the locality and provides public amenity value due to its form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the tree and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the tree which is necessary to appropriately manage it.

## **Representations**

No representations have been received.

## **Issues**

The tree is a single specimen. It is an early mature oak tree located on the south-eastern side of the property, on the boundary with Tower Road. It is clearly visible from Tower Road and is an important feature to the locality. It provides a significant contribution to the area and its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality. The tree was retained as part of the development when the four houses were built; planning application reference 15/00353/FUL

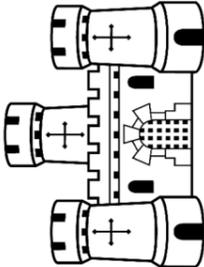
Notification was received that it was proposed to fell the tree to clear it as an obstacle for fixing solar panels to the house. Your officers carried out an assessment of the tree and found it worthy of an Order. It is considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. Although the tree may reduce the efficiency of solar panels most panels are designed to be able to accommodate some tree shading. Technology is available to counter the effects of shading and some pruning is also likely to be possible to improve light penetration. The Order was made and served on 2<sup>nd</sup> June 2023 in order to protect the long term well-being of the tree.

Date report prepared

14 August 2023



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Signed 	Date 2 June 2023	Confirmed	Date	 <p>CASTLE HOUSE, BARRACKS ROAD, NEWCASTLE, STAFFORDSHIRE. ST5 1BL</p> <p><b>NEWCASTLE UNDER LYME BOROUGH COUNCIL</b></p>
TITLE: 4 Woodlands View, Tower Road, Ashley				
DESCRIPTION: Tree Preservation Order Number 222				
DRAWN BY: P.S.	SCALE: 1:1000 @ A3	DATE: June 2023		
		DRAWING NO. TPO 222		



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## **Confirmation of Tree Preservation Order**

**Land at The Bungalow, Leycett Lane, Leycett.**

**Tree Preservation Order No223 (2023)**

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

**The Order** protects a mature oak tree and mature birch tree in the garden of The Bungalow, Leycett Lane, Leycett. The Order was made to safeguard the longer term visual amenity that the trees provide following concern that they might be removed from the site as an obstacle to development.

The Order was made using delegated powers on 2<sup>nd</sup> June 2023. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 2<sup>nd</sup> December 2023.

## **RECOMMENDATION**

That Tree Preservation Order No 223 (2023) Land at The Bungalow, Leycett Lane, Leycett, be confirmed as made and that the owners of the site be informed accordingly.

## **Reasons for Recommendation**

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the two trees are currently generally healthy and of sufficient amenity value to merit the making of a Tree Preservation Order. No evidence has been put forward that the trees are currently suffering from structural weakness. They are considered to be an appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to appropriately manage them.

## **Representations**

No representations have been received.

## **Issues**

The trees are two single specimens and are located on the boundaries of the site. They are a mature oak tree on the northern boundary and mature birch tree on the western boundary, and are clearly visible from Keele Road, Leycett Lane and Honeywall Lane, and are an important feature to the locality. They provide a significant contribution to the area and their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality. There are other trees on the site which don't meet the criteria necessary to warrant a TPO.

Planning application 23/00346/FUL is currently pending consideration. The application indicates that all existing trees are to be removed. In response to receipt of concerns that trees might be removed as an obstacle to the development of the site before there is a resolution to the planning application, your officers carried out an assessment of the trees and found them worthy of an Order. The oak tree and birch tree are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. Other trees on the plot, although visually significant, do not meet the criteria necessary for a TPO, and mitigation measures would be considered appropriate for these for the development of the site. It is considered that the retention of the oak and birch tree is likely to be possible with very little amendment to the proposed layout as submitted.

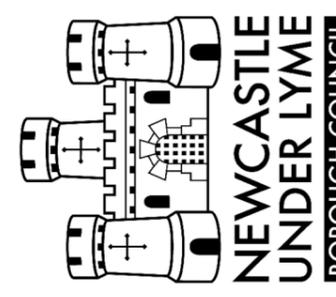
The Order was made and served on 8<sup>th</sup> June 2023 in order to protect the long term well-being of the tree.

Date report prepared

18 August 2023



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Signed 	Date 2 June 2023
Confirmed	Date
 <b>NEWCASTLE UNDER LYME</b> <b>BOROUGH COUNCIL</b>	
TITLE: The Bungalow, Leycett Lane, Leycett CW3 9LS DESCRIPTION: Tree Preservation Order Number 223	
DRAWN BY: P.S. SCALE: 1:1000 @ A3	DATE: June 2023 DRAWING NO. TPO 223



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