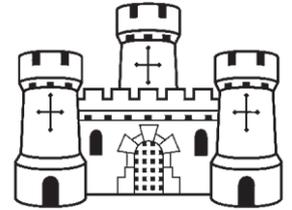


Public Document Pack

Date of meeting Tuesday, 5th December, 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 - LAND OFF LAMPHOUSE WAY, WOLSTANTON. MR MARK ELLIS - MARKDEN HOMES. 22/00796/FUL (Pages 5 - 22)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD, TALKE. C/O AGENT HARWORTH ESTATES. 23/00818/REM (Pages 23 - 30)
- 6 APPLICATION FOR OTHER DEVELOPMENT - OLD HALL, POOLSIDE, MADELEY. MR GARY WHITE. 23/00769/FUL (Pages 31 - 36)
- 7 APPLICATION FOR OTHER DEVELOPMENT - 23 - 25 MERRIAL STREET, NEWCASTLE, NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 23/00882/ADV (Pages 37 - 46)
- 8 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2 (Pages 47 - 48)
- 9 TREE PRESERVATION ORDER - LAND AT FORMER TADGEDALE QUARRY, LOGGERHEADS. TPO 221 (Pages 49 - 54)
- 10 TREE PRESERVATION ORDER - LAND AT 9A APPLETON DRIVE, WHITMORE. TPO 224 (Pages 55 - 58)
- 11 DISCLOSURE OF EXEMPT INFORMATION

Should there be a requirement to enter into closed session:

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

12 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, J Williams, Beeston 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	Fox-Hewitt
	S Tagg	Dymond
	Heesom	Edginton-Plunkett
	Johnson	Grocott
	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 - 07/11/23

PLANNING COMMITTEE

Tuesday, 7th November, 2023
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Paul Northcott (Chair)

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

Apologies: Councillor(s) Crisp and Holland

Substitutes: Councillor Gill Heesom

Officers:	Rachel Killeen	Development Management Manager
	Geoff Durham	Civic & Member Support Officer
	Craig Jordan	Service Director - Planning

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 10 October, 2023 be agreed as a correct record.

3. APPLICATION FOR MAJOR DEVELOPMENT - CHATTERLEY VALLEY, PEACOCK HAY ROAD, NEWCASTLE, STAFFS. ST6 4QH. HARWORTH ESTATES. 23/00678?REM

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

- (i) Link to outline planning permission and conditions;
- (ii) Approved plans;
- (iii) All road and access arrangements to be completed prior to first occupation of the buildings on site.

[Watch the debate here](#)

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

Resolved:

- (i) That the information be received.
- (ii) That an update report be brought back to Committee in two

months time.

[Watch the debate here](#)

5. URGENT BUSINESS

The following two items were considered urgent due to the potential for the trees being felled before the next meeting of the Planning Committee.

6. TREE PRESERVATION ORDER - 4 WOODLANDS VIEW, TOWER ROAD, ASHLEY. TPO 222

Resolved: That Tree Preservation Order No 222 (2023), Land at 4 Woodlands View, Tower Road, Ashley be confirmed with amendments and that the owners of the site be informed accordingly.

[Watch the debate here](#)

7. TREE PRESERVATION ORDER - LAND AT THE BUNGALOW, LEYCETT LANE, LEYCETT. TPO 223

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

[Watch the debate here](#)

8. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

**Councillor Paul Northcott
Chair**

Meeting concluded at 7.12 pm

Classification: NULBC **UNCLASSIFIED**

LAND OFF LAMPHOUSE WAY, WOLSTANTON
MR MARK ELLIS – MARKDEN HOMES

22/00796/FUL

The application seeks full planning permission for the erection of 43 no. dwellings at land off Lamphouse Way, Wolstanton.

The application site, of approximately 1.39 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The statutory 13 week determination period for this application expired on the 26th June and an extension of time has been agreed to the 15th December 2023.

RECOMMENDATIONS

A. Subject to the applicant first entering into a Section 106 obligation by 26th January 2024 to secure 25% affordable housing and financial contributions of £239,847 towards off-site public open space and £10,000 towards travel plan monitoring,

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Facing and roofing materials**
- 4. Boundary treatments**
- 5. Hardstandings**
- 6. Landscaping Scheme**
- 7. Waste collection and storage arrangements**
- 8. Offsite highway scheme for new access arrangement**
- 9. Submission of visibility splay details**
- 10. Travel Plan is to be implemented, and annual reports for the progress in promoting sustainable measures will then be provided to the LPA**
- 11. Hard surfaces to be used for private/shared driveways**
- 12. Provision of cycle storage areas**
- 13. Details of surface water drainage for parking and turning areas**
- 14. Joint Highway Survey of Great Row View and Lamphouse Way**
- 15. Construction Method Statement**
- 16. Electric vehicle charging provision**
- 17. Construction and demolition hours**
- 18. Land contamination investigations and mitigation measures**
- 19. Details of proposed piling operations**
- 20. Submission of an updated Air Quality Assessment**
- 21. Submission of air quality standard mitigation measures**
- 22. Design measures and a noise assessment to be submitted to the LPA to ensure internal noise levels are met**
- 23. Assessment of refrigeration and air conditions plant noise**
- 24. Operational Noise Control**
- 25. Unexpected land contamination**
- 26. Ecology mitigation and enhancements**
- 27. Surface Water Management Plan**
- 28. Drainage plans to be submitted for the disposal of foul and surface water flow**
- 29. Recommendations of the ecological appraisal to be implemented**
- 30. Root protection details for plots 23, 34 and 14**

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

Reason for recommendations

The redevelopment of this vacant site within a sustainable urban location, accords with local and national planning policy. The scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety concerns or impact residential amenity. Subject

to a number of conditions, the development represents a sustainable form of development and should be supported.

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

The LPA has requested further information throughout the application process and the applicant has subsequently provided amended and additional information. The application is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the erection of 43 no. dwellings at land off Lamphouse Way, Wolstanton

The application site, of approximately 1.45 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

Concerns have been raised by residents regarding a number of matters which are addressed within the report. Loss of property value however is not a material planning consideration and therefore falls beyond the scope of this assessment.

The proposed application raises the following key issues:

1. The principle of the development of this site for residential purposes,
2. The design of the development and its impact on the surrounding area,
3. The impact of the development on highway safety,
4. Acceptable standards of residential amenity,
5. The impact on trees and ecology,
6. Flood risk and sustainable drainage,
7. Planning obligations and financial viability
8. Conclusions

Is the principle of the development of this site for residential purposes acceptable?

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Town Centre of Kidsgrove.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

Policy SP1 of the CSS states 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. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

The NPPF seeks to support the Government's objective of significantly boosting the supply of

homes. It also sets out that there is a presumption in favour of sustainable development.

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

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

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

Footnote 8 of paragraph 11 states that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

The planning history of the site shows that an outline permission for 64 units was granted under application 19/00301/OUT which demonstrates that the LPA have previously accepted the principle of residential development on the site. The site is located in the urban area of the Borough between the A500 and the suburban town of Wolstanton and is therefore considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

The proposal would make a contribution to the Council's housing supply. Whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits will be considered later in this report.

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

Paragraph 126 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 130 of the framework lists 6 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.

A total of 43 dwellings are proposed on the site which is a reduction of 20 units as originally approved under the previous outline application referenced 19/00301/OUT. The proposed houses would be a combination of terraced, semi-detached and detached two storey properties which would be of traditional design. The surrounding area comprises residential properties of various styles with a more recent housing development being located to the south along Lamphouse Way and older residential properties are located to the north and west. A strip of woodland and the A500 lie to the east. All properties directly adjacent to the application site are two-storey with the vast majority being of red brick construction, however there are some examples of rendered properties.

The proposed development has been presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF, and the advice of the design panel has influenced the final design of the scheme as demonstrated in the submitted Design and Access Statement. The site has been designed to include a good number of varied house types with the chosen designs being considered to be acceptable additions to the local design vernacular. A number of landscaped areas and new planting will also help to break up new built up frontages and soften the overall visual impact of the development. These alterations will ensure that the scheme demonstrates a high quality design as required by both national and local policies.

The existing trees located along the northern and eastern boundaries of the site and the new planting along the western edge will ensure the development has a strong defining boundary which would help to improve the spatial and visual relationship between the sites and nearby existing properties.

In respect of impacts on the wider landscape, the trees located to the north and east of the site along the A500 and close to the highway of Vale View would act as a visual buffer between the development and the more open landscape which can be found towards Stoke on Trent. Tree protection measures will be necessary to ensure that these trees are not lost during the earthworks, and a condition to secure replacement trees is also justified. Impacts on the townscape towards the south west will be more limited due to the surrounding topography which slopes upwards towards Lamphouse Way and Ridgeway Place.

To conclude, the proposal is considered to comprise good quality residential development which will integrate well with surrounding land uses. It is therefore considered that the design of the proposed development is acceptable and subject to conditions, it will comply with design principles and policies of the Council's Urban Design Guidance, policy CSP1 of the CSS and the guidance and requirements of the NPPF.

The impact of the development on highway safety

Paragraph 110 of the NPPF states that in assessing specific applications for development it should be ensured, amongst other things, that appropriate opportunities to promote sustainable transport modes; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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

Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) states that development which provides significantly less parking than the maximum specified levels will not be

permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Such a policy is, however, of limited weight as it is not in fully consistent with the Framework given its reference to maximum parking levels.

Objections have been received from residents about additional traffic and the impact that construction vehicles will have on the surrounding highways, in particular along Lamphouse Way.

The application is accompanied by a Transport Statement which considers the transport impacts associated with the proposed development. The Transport Statement concludes that there is no significant difference in vehicular trip generation between that already agreed with the highway authority for the permitted development approved under application 19/00301/OUT and what is now calculated for the proposed development. Therefore, the residual cumulative impacts of the proposed development on the road network are not considered to be severe and cause no unacceptable impact on highway safety.

Vehicle access to the site would only be available from Lamphouse Way and the Transport Statement calculated in the previous outline permission (outline for 64 units) that a total of 254 vehicle two-way trips could be expected daily. This current application however is for 43 units only and the predicted level of vehicle trips could therefore be expected to be 33% lower than 254, with a general number of trips likely to be closer to 171.

Concerns were initially raised by the Highway Authority in respect of the proposed development access forming a crossroads arrangement, the proposed footway widths, visibility splays and pedestrian desire line infrastructure. However the Highway Authority have since engaged with the developer to resolve highway safety concerns and outstanding highway design matters. Amended details and additional information has been provided by the applicant to address the issues outlined above, the HA have reviewed these submitted details and have now confirmed that they raise no objections to the proposal subject to a number of planning conditions.

No comments have been received by the Recycling and Waste Servicing Team however a detailed Site Waste Management Plan has been submitted in support of the application and the internal road arrangement has been designed in accordance with up to date highways requirements. It is therefore considered that there would be a good level of turning and manoeuvrability areas available for larger vehicles, including refuse vehicles within the site.

There are a number of bus stops within walking distance of the site, including bus stops along the B5368 which is 320m to the south of the site which are accessible from a footway which links between Lamphouse Way and Minton Street. Additional bus stops are also located on Porthill Bank which is located approximately 550m to the north of the site (7 minute walk) and on High Street (known as Morris Square) which is located approximately 750m (10-minute walk) southwest of the site. The nearest train station is Longport Station which is located 3.1km northwest of the site and is walkable in 40 minutes and cyclable within 15 minutes.

Considerable weight must be given to the fact that a larger residential scheme has already been approved at this site, and the proposed development by comparison would have a lower impact on traffic generation in the area.

In the absence of any objections from the Highway Authority and subject to conditions, it is not considered that the proposal would have any significant adverse impact on highway safety and it is considered that the proposal complies with Policy T16 of the Local Plan and the aims and objectives of the Framework.

Acceptable standards of residential amenity

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

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

There are existing residential properties to the south, west and north which share boundaries with the proposed development.

The proposed development demonstrates acceptable separation distances and relationships between plots, particularly for plots that occupy a position within the northern part of the development where the difference in ground levels is more significant. All plots will also have an acceptable amount of private amenity space.

The area of Public Open Space will have a suitable level of surveillance with the properties located on plots 30 and 43 having views towards different sections of this space, the existing properties situated along the northern edge of Lamphouse Way will also have views towards this area.

Concerns have been received by residents in respect of the location of a substation within the application site, which was originally proposed to be in close proximity to a number of existing and proposed properties. Following discussions with the LPA the substation has now been moved from a central location within the site to a more isolated area within the area of public open space to the west of the site. The substation would be separated from the nearest existing property located on the northern edge of Lamphouse Way by a distance of 34m, a section of planting would also be positioned next to south and north of the substation to further limit any potential impacts. The revised location of the substation is considered to be acceptable and the impact it would have on future and existing residents would be negligible.

The Council's Environmental Health Division has no objections subject to conditions relating to land contamination, piling, construction management, air quality, noise level and hours of construction in order to ensure that these works do not have an unacceptable impact on the amenity of neighbouring properties.

Therefore, subject to the inclusion of appropriate conditions, the development is considered to be in accordance with the NPPF.

Impact on Trees and Ecology

Policy CSP4 of the Core Strategy states that "the quality and quantity of the plan area's natural assets will be protected, maintained and enhanced through the following measures ... ensuring that the location, scale and nature of all development planned and delivered through this Core Spatial Strategy avoids and mitigates adverse impacts, and wherever possible enhances, the plan area's distinctive natural assets, landscape character".

Paragraphs 174 & 180 of the NPPF set out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains

for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

An extended Phase 1 Habitat Survey of the site has been conducted which concludes that roosting bats, terrestrial mammals, protected amphibians, terrestrial invertebrates are not a notable consideration for this site. Although the preliminary desk study identified a number of historic invertebrate species records, which included the protected Dingy Skipper Butterflies, no protected species were identified on site.

The survey notes that whilst no reptiles were identified on site, the presence of reptiles cannot be ruled out entirely and a reptile survey is recommended within the report. In regards to nesting birds, a small number of birds were identified on site, and the scrub and adjacent woodland have the potential to support nesting birds and the survey recommends a number of mitigation methods to ensure that nesting birds are not affected.

Given the above, it is not considered that an objection on the grounds that the proposed development would have a negative impact on wildlife or protected species could be sustained.

A number of objections have also raised concerns about the loss of wildlife from the site, however it is considered that the mitigation methods outlined above are reasonable and achievable and can be controlled through suitably worded planning conditions. Subject to the imposition of these conditions it is considered that the application has demonstrated that the impact and loss of wildlife and biodiversity can be suitably mitigated, therefore, it accords with Paragraphs 174 & 180 of the NPPF.

In regards to trees, the site is comprised largely of shrub land and there are no large trees within the site itself, however the site is bounded to the north and east by an extensive woodland buffer which has the potential to be affected by construction works. The submitted Arboricultural Impact Assessment notes that a number of small Category C trees have been identified in the southern section of the site which will need to be removed to accommodate the proposal development. Some limited pruning of Category B trees which are located on the edges of the site may also be necessary in order to accommodate the construction of the residential units in the north of the site. The extent of the pruning will need to be approved prior to first commencement of the development and a condition will be used to control this.

The Council's Landscape team have raised concerns that the RPA of nearby trees have not accurately been demonstrated on the submitted drawings, and that they object to the removal of trees within the southern part of the site.

Whilst the comments submitted by the council's landscape team are noted, it must be recognised that the previous permission of the site would have also resulted in the loss of all trees from the site. In regards to the RPA of trees adjacent to the site, all new dwellings with the exception of those found on plots 23, 34 and 14 are all set back from the sites boundaries by a significant distance which will clearly fall outside of the RPA of nearby trees. For the plots mentioned above which are closer to the boundary (approximately 1.5 to 2m distance) it may be necessary for more specialised root protection methods to be used, and a planning condition will be applied to a permission to address this. Separate conditions for a landscaping scheme and mitigation planting for the removal of young trees from the site will also be applied.

Flood Risk and sustainable drainage

The application has been accompanied by a Flood Risk Assessment and a Drainage Layout plan. The FRA identifies that the site is within Flood Zone 1, being an area of low probability (of flooding), Development within Flood Zone 1 is the preferable option when considered in the context of the sequential test found in the NPPF. The Lead Local Flood Authority (LLFA) have been consulted on the application.

Additional information has been submitted to address concerns initially raised by the LLFA who have now confirmed that they no longer raise any objections subject to conditions to secure the submission of detailed surface water drainage design and a construction phase Surface Water Management Plan.

Subject to these conditions, the development will be acceptable and minimise flood risk, in accordance with local and national planning policy.

Planning obligations and financial viability

Certain contributions are required to make the development policy compliant and acceptable, these are the provision of 25% on-site affordable housing, a financial contribution of £5,579 per dwelling for improvements to off-site public open space and a travel plan monitoring fee of £10,000.

The Education Authority note that there are projected to be a sufficient number of school places at both primary and secondary phases of education to mitigate the impact of this development and therefore no financial contribution is required.

The application is supported by a viability assessment which concludes that the scheme cannot support the policy compliant contributions.

The NPPF indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

The submitted viability assessment is being reviewed by an independent third party and their comments are expected prior to the meeting of the Planning Committee. An update will be provided to Members on this matter.

Conclusions

The proposal would provide various social and economic benefits, most notably the construction of 43 new houses in a sustainable location within the urban area, which will increase the housing mix and make a contribution to boosting housing supply in the Borough. It has also been demonstrated that the design and appearance of the scheme would be of an appropriate quality and would not harm the visual amenity of the area. Onsite planting and biodiversity enhancements have been proposed and other environmental objectives will be secured. Therefore, the three overarching objectives of sustainable development will be achieved.

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 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 H1: Residential development: Sustainable location and protection of the countryside
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
Policy T16: Development - General Parking Requirements

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

19/00301/OUT - (A) Full planning application for earthworks associated with the re-profiling of the existing site levels with the creation of development plateaus and associated drainage works; and (B) Outline planning application for the development of 64 residential (Class 3a) dwellings and flats, comprising two, three and four bed 2 storey dwelling houses and one and

two bed apartments in two 3 storey blocks with ancillary parking and associated new access – permitted.

A hybrid planning application was granted planning permission at appeal in 2001 on the adjacent land, reference 99/00918/FUL, for a new link road and residential development. A subsequent reserved matters application for the residential development (245 units) was permitted in 2002, reference 01/00943/REM. A series of other applications followed for the substitution of house types on certain plots.

Views of Consultees

The **Education Authority** state that there are projected to be a sufficient number of school places at both primary and secondary phases of education to mitigate the impact of this development.

The **Highway Authority** raises no objections to the proposal subject to a financial contribution of £10,000 towards residential travel plan monitoring and a number of conditions summarised as follows:

- Submission of offsite highway scheme to create main vehicle access
- Submission of visibility splays
- Submission of a full package of detailed design information of any new roads, footways, pedestrian crossings, service margins, accesses including longitudinal sections, street lighting, utilities, signing and lining together with details of the disposal of surface water and any other associated works
- Submitted travel plan to be implemented in accordance with the timetable, annual reports for the progress in promoting sustainable measures
- Private/shared driveways to be laid out and hard surfaced in accordance with submitted details
- Submission of full details of the means of surface water drainage for parking and turning areas intended to remain in private ownership
- Provision of cycle storage
- Completion of a joint highway survey by the Developer and the Highway Authority of Great Row View and Lamphouse Way and the site access
- Submission of a Construction Environmental Management Plan

Following the submission of additional information, the **Lead Local Flood Authority** raise no objections subject to conditions which relate to the submission of detailed surface water drainage design and a construction phase Surface Water Management Plan.

The Council's **Environmental Health Division** has no objections subject to conditions relating to land contamination, piling, construction management, air quality, noise level and hours of construction.

National Highways raise no objections to the proposal.

The Council's **Landscape Development Section** have raised concerns that the Root Protection Areas of nearby trees have not accurately been demonstrated on the submitted drawings, and that they object to the removal of trees within the southern part of the site. They note that any permission should be subject to a landscape scheme via a condition. A public open space contribution of £5,579 per dwelling is requested which would be used for the refurbishment and improvement of Bradwell Lodge Park which is approximately 800m away.

The **Crime Prevention Design Advisor** has provided guidance on a number of security matters.

The **Environment Agency** have no comments on the proposal.

Severn Trent Water raise no objections to the proposal subject to a condition which will require drainage plans for the disposal of foul and surface water flows to be submitted to and approved by the Local Planning Authority.

The Council's **Housing Strategy Section** notes that 25% of properties should be affordable.

No comments have been received from **Staffordshire Wildlife Trust** or the Council's **Waste Management Section**.

Representations

Eleven (11) letters of representation have been received from 9 residents raising objections on the following grounds;

- The proposal will result in an increase in traffic which will be detrimental to highway safety
- Concerns over dust nuisance from construction works
- Harmful impact on wildlife and biodiversity, in particular the impact on Dingy Skipper Butterflies
- Impact on land stability
- Loss of property value
- Impact of proposed substation and associated health implications

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/22/00796/FUL>

Background Papers

Planning File

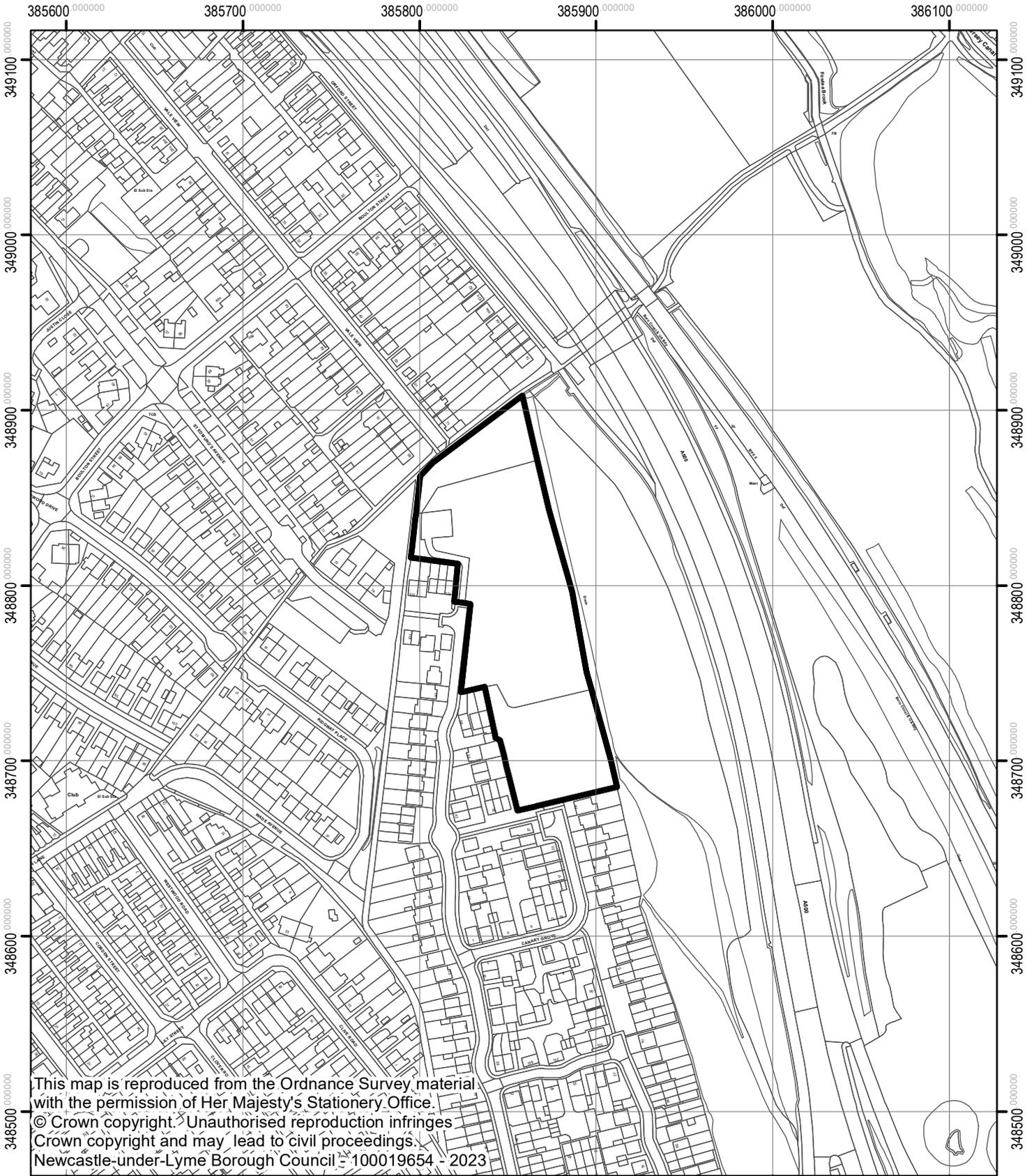
Development Plan

Date report prepared

21st November 2023

This page is intentionally left blank

22/00796/FUL
Land Off Lamphouse Way
Wolstanton



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2023

This page is intentionally left blank

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
5th December 2023

Agenda Item 4

Application Ref. 22/00796/FUL

Land off Lamphouse Way, Wolstanton

The applicant has submitted financial information to substantiate their claim that the Council's Section 106 and affordable housing requirements would render a policy compliant scheme unviable. This information has been sent to an independent valuer who was instructed by the Council to consider the position put forward by the applicant. Their report concludes that the scheme would be unviable if any S106 contribution or affordable housing provision was secured. On this basis, any requirement for a S106 contribution or affordable housing provision must be set aside.

Amended Recommendation

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Facing and roofing materials**
- 4. Boundary treatments**
- 5. Hardstandings**
- 6. Landscaping Scheme**
- 7. Waste collection and storage arrangements**
- 8. Offsite highway scheme for new access arrangement**
- 9. Submission of visibility splay details**
- 10. Travel Plan is to be implemented, and annual reports for the progress in promoting sustainable measures will then be provided to the LPA**
- 11. Hard surfaces to be used for private/shared driveways**
- 12. Provision of cycle storage areas**
- 13. Details of surface water drainage for parking and turning areas**
- 14. Joint Highway Survey of Great Row View and Lamphouse Way**
- 15. Construction Method Statement**
- 16. Electric vehicle charging provision**
- 17. Construction and demolition hours**
- 18. Land contamination investigations and mitigation measures**
- 19. Details of proposed piling operations**
- 20. Submission of an updated Air Quality Assessment**
- 21. Submission of air quality standard mitigation measures**
- 22. Design measures and a noise assessment to be submitted to the LPA to ensure internal noise levels are met**
- 23. Assessment of refrigeration and air conditions plant noise**
- 24. Operational Noise Control**
- 25. Unexpected land contamination**
- 26. Ecology mitigation and enhancements**
- 27. Surface Water Management Plan**
- 28. Drainage plans to be submitted for the disposal of foul and surface water flow**
- 29. Recommendations of the ecological appraisal to be implemented**
- 30. Root protection details for plots 23, 34 and 14**

This page is intentionally left blank

Classification: NULBC UNCLASSIFIED

CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD, TALKE
C/O AGENT HARWORTH ESTATES

23/00818/REM

The application is for the approval of reserved matters relating to the details of a new spine road and detailed structural landscaping scheme, which are required by Conditions B10 and B11 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 12th January 2024.

RECOMMENDATIONS

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

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

Reason for Recommendation

The proposed development raises no issues with regards to visual impact or 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 proposed development is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework and therefore no amended or additional information has been sought.

Key Issues

The application is for the approval of reserved matters relating to a new spine road and detailed structural landscaping scheme, the details of which are required by Conditions B10 and B11 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. Permission 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 proposed site-wide structural landscaping scheme, which includes the verges of the main internal spine road and footpaths.

Given that this is a reserved matters application and does not seek to vary any previously agreed conditions, the key issues for consideration are now limited to highway safety and landscaping matters.

Highway Safety

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

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 spine road and landscaping details were controlled through conditions of the hybrid planning permission.

The spine road would connect to the recently approved roundabout located on Peacock Hay Road and will run from the north western edge of the site down towards the south east, serving as the main access road to the industrial units located within the wider development site.

In the absence of any objections from the Highway Authority and subject to conditions, the proposed development is considered acceptable in highways terms.

Landscaping Matters

Policy CSP4 of the Core Strategy states that “the quality and quantity of the plan area’s natural assets will be protected, maintained and enhanced through the following measures ... ensuring that the location, scale and nature of all development planned and delivered through this Core Spatial Strategy avoids and mitigates adverse impacts, and wherever possible enhances, the plan area’s distinctive natural assets, landscape character”.

Paragraphs 174 & 180 of the NPPF set out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

A landscape buffer will surround the application site on all sides, with existing woodland being retained in the south east corner of the site. Extra heavy standard planting will be used along the north western edge of the site which would extend along the edge of and within the centre of the approved roundabout. The heavy standard planting would also be used alongside the main spine road which runs through the site. Native species hedgerows will also be used on either side of the spine road which will create a defined edge to the highway. The north eastern and south western edges of the site will have a large landscape buffer which would be comprised of a mixture of a native woodland mix and ephemeral perennials whilst a grassland and wetland meadow mix will be planted in the south eastern edge of the site around an attenuation basin.

The landscaping details provided with the application are comprehensive and will soften the appearance of the development whilst also proving ecological benefits and opportunities for new habitats. The conditions attached to the original permission require any plant or tree that dies within a period of 5 years from the date of planting to be replaced, and so it is not considered necessary to apply this condition again to any permission. No comments have been received from the Council’s Landscape Development Section and on the basis of the above, the landscaping details are considered to be acceptable.

Other Matters

The Coal Authority has noted that no information has been provided in respect of discharging condition 8 of application 21/00595/FUL and have requested clarification on whether or not the LPA are expecting information relating to this condition to be provided to support the current reserved matters submission.

For clarity, the details required by condition 8 fall beyond the scope of this application which relates to matters relevant to conditions B10 and B11 only, and any matters relevant to condition 8 will need to be assessed under a separate discharge of condition application.

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 N12: Development and the Protection of Trees
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

Application 23/00220/REM Reserved Matters Application 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 has been permitted.

Most recently, application 23/00678/REM Reserved matters application for details of the new roundabout access, footways and improvement to the existing site access, detailing those issues reserved by Condition B9 of hybrid planning permission ref: 21/00595/FUL, has been permitted.

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 main internal spine road shall be fully implemented and operational in accordance with the approved plans.

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

National Highways raise no objections to the proposal.

The **Coal Authority** has noted that no information has been provided in respect of discharging condition 8 of application 21/00595/FUL and therefore object to the proposal.

The **Public Rights of Way Officer** has no comments on the proposal.

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

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/23/00818/REM>

Background papers

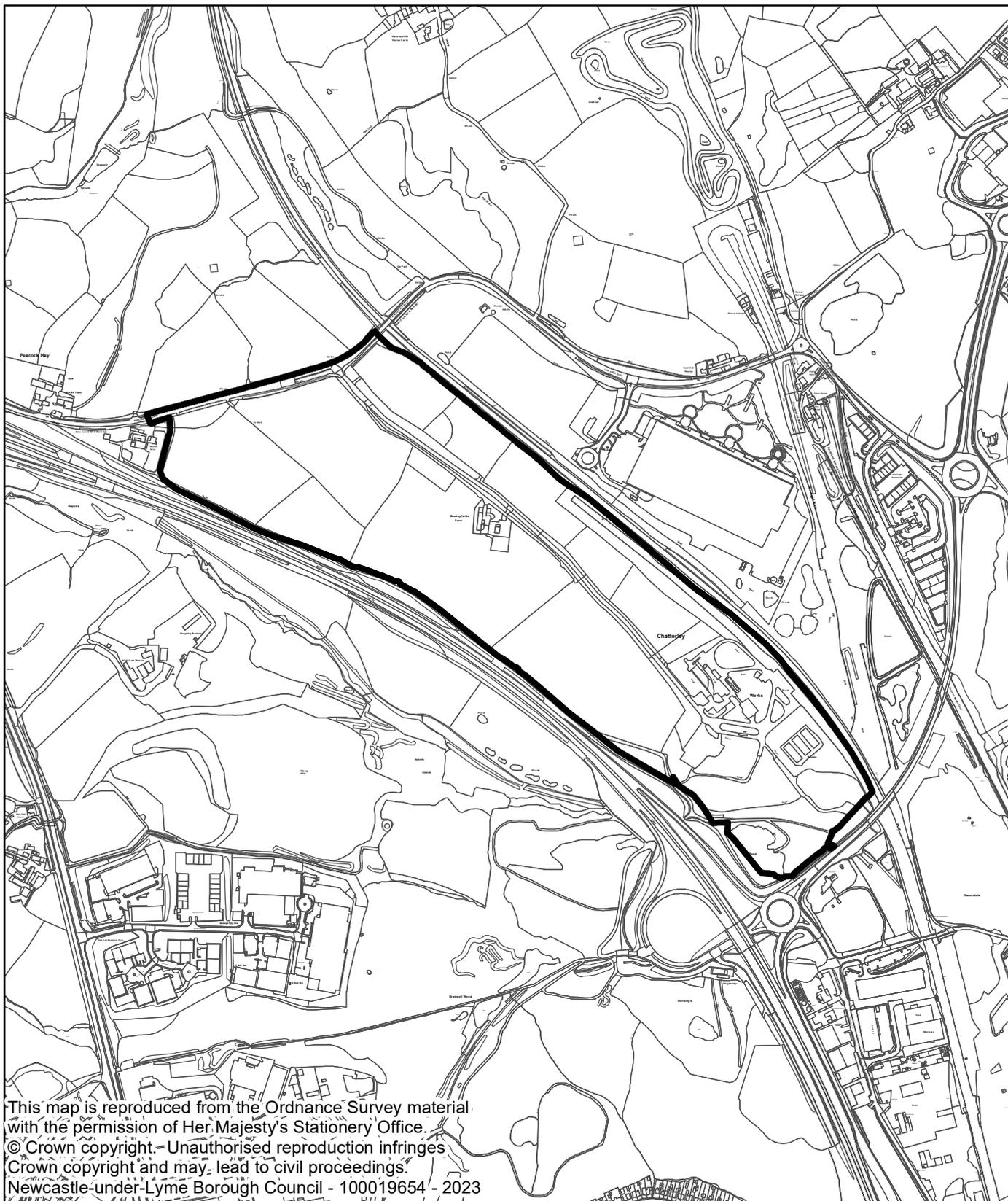
Planning files referred to
Planning Documents referred to

Date report prepared

16th November 2023

This page is intentionally left blank

**23/00818/REM
Chatterley Valley Development Site
Peacock Hay Road
Newcastle Under Lyme
ST6 4QH**



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright - Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2023

This page is intentionally left blank

OLD HALL, POOLSIDE, MADELEY
MR GARY WHITE

23/00769/FUL

Full planning permission is sought for the conversion of the existing building known as Old Hall from a mixed commercial and residential use to solely a residential property. The application site is located within the Village Envelope of Madeley and is also within the Madeley Conservation Area, as indicated on the Local Development Framework Proposals Map.

The Old Hall is a Grade II* Listed Building.

The 8 week period for determination of the planning application expires on 28th November, however an extension of time has been agreed until the 8th December 2023.

RECOMMENDATIONS

PERMIT subject to conditions relating to the following matters:

- 1. Time limit**
- 2. Approved plans**

Reason for Recommendations

It is considered that the change of use to the building would not result in any material harm to the character or significance of this listed building or its setting within the Madeley Conservation Area.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and as such no amendments have been sought.

Key Issues

This proposal seeks planning permission for the change of use of the existing building known as Old Hall from a mixed commercial and residential use to that of purely a residential use. Currently the property is used commercially as a Bed and Breakfast and occasional wedding venue alongside a residential use. The commercial elements would cease as part of this proposal, reverting back to a purely residential use.

The application confirms that no external or internal changes to the building will be required to facilitate the change of use.

The Old Hall is a Grade II* Listed Building sited within the village envelope of Madeley, in the rural rea of the borough, and is also situated within the Madeley Conservation Area, as indicated on the Local Development Framework Proposals Map.

Given that the existing building has a residential use, the principle of such a use within the Village Envelope of Madeley is already established.

With regards to highway safety and parking, no changes are proposed to the site layout and sufficient parking, turning and access arrangements would remain raising no concerns in relation to these issues.

Therefore the sole issue to consider is the impact of the proposal on the character and appearance of the Listed Building and Conservation Area.

Policy B6 of the Local Plan states that the council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features.

Policies B9, B10 and B13 of the Local Plan focus on the requirement to preserve and/or enhance the special significance of a Conservation Area through careful consideration of appropriate design.

Policy DES2 of the Madeley Neighbourhood Plan states that development proposals must preserve or enhance the character or appearance of the Madeley Conservation Area.

The Old Hall occupies a prominent position within the Conservation Area and is considered to be one of the main focal buildings within the area. The Madeley Conservation Area Appraisal highlights the building as being visually striking in the centre of the village, but it does have later additions and alterations.

The application documents have confirmed that no external or internal changes would be required in order to facilitate the change of use proposed. The room layouts within the building are already acceptable for residential use, it is just that in its current use as a bed and breakfast, bedrooms and bathrooms are occupied by non-resident guests.

Given that there are no physical changes to the building, the change of use would maintain the architectural significance of this listed building as well as its significance to the character and appearance of the wider Conservation Area.

The development therefore complies with the relevant policies of both the Core Spatial Strategy and the Local Plan as well as the policies of the Madeley Neighbourhood Plan and the Framework.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

Policies and Proposals in the approved Development Plan relevant to the decision on the planning application:-

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

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

Policy N17: Landscape Character – General Considerations
Policy N20: Areas of Landscape Enhancement
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
Policy B7: Listed Buildings – Change of Use

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

Policy DES1: Design
Policy DES2: Development in the Madeley Conservation Area

Other Material Considerations include:

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

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

[Supplementary Planning Documents \(SPDs\)](#)

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

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

Relevant Planning History

07/00965/LBC	Internal and external alterations	Permitted
09/00681/FUL & 09/00682/LBC	Conversion and extension of outbuilding into living accommodation	Refused
10/00416/FUL& 10/00417/LBC	Conversion and extension of outbuilding into living accommodation	Permitted
13/00439/LBC	Conversion and extension of outbuilding into living accommodation	Permitted
15/00764/LBC	Reinstatement of staircase from first floor to Attic to create a bedroom and shower room with associated partition walls and removal of part of the victorian beam	Permitted
15/01028/LBC	Reinstatement of staircase from first floor to Attic to create a bedroom and shower room with associated partition walls and removal of part of the victorian beam	Permitted

16/00252/LBC	Removal of two cross braced trusses	Permitted
18/00620/LBC	The gable end window in the bedroom loft window, in the gable above the main side entrance is to have one pane removed and converted to an opening window to match the loft window at the front	Permitted
21/00206/LBC	To replace the soft wood French doors on the rear of the property from the kitchen to the patio area with Oak Bi-folding doors.	Permitted
22/00550/FUL	The proposal is to replace the current roof which is constructed of wood and felt with stones on top and three white UPVC skylights, with a new wood and rubberised coating together with one aluminium powder coated skylight in the centre. The main structure of the Orangery will remain the same.	Permitted
22/00551/LBC	The proposal is to replace the current roof which is constructed of wood and felt with stones on top and three white UPVC skylights, with a new wood and rubberised coating together with one aluminium powder coated skylight in the centre. The main structure of the Orangery will remain the same.	Permitted

Views of Consultees

The Council's **Urban Design and Conservation Officer** has no objections to the proposal which is for a change of use rather than a conversion as specified. There are no physical changes proposed.

No comments have been received from **Madeley Parish Council**.

Historic England do not wish to offer advice on the application and suggest seeking the views of the Council's specialist conservation and archaeological advisers.

Cadent Gas raise no objections but request an informative note is attached to any permission granted.

Representations

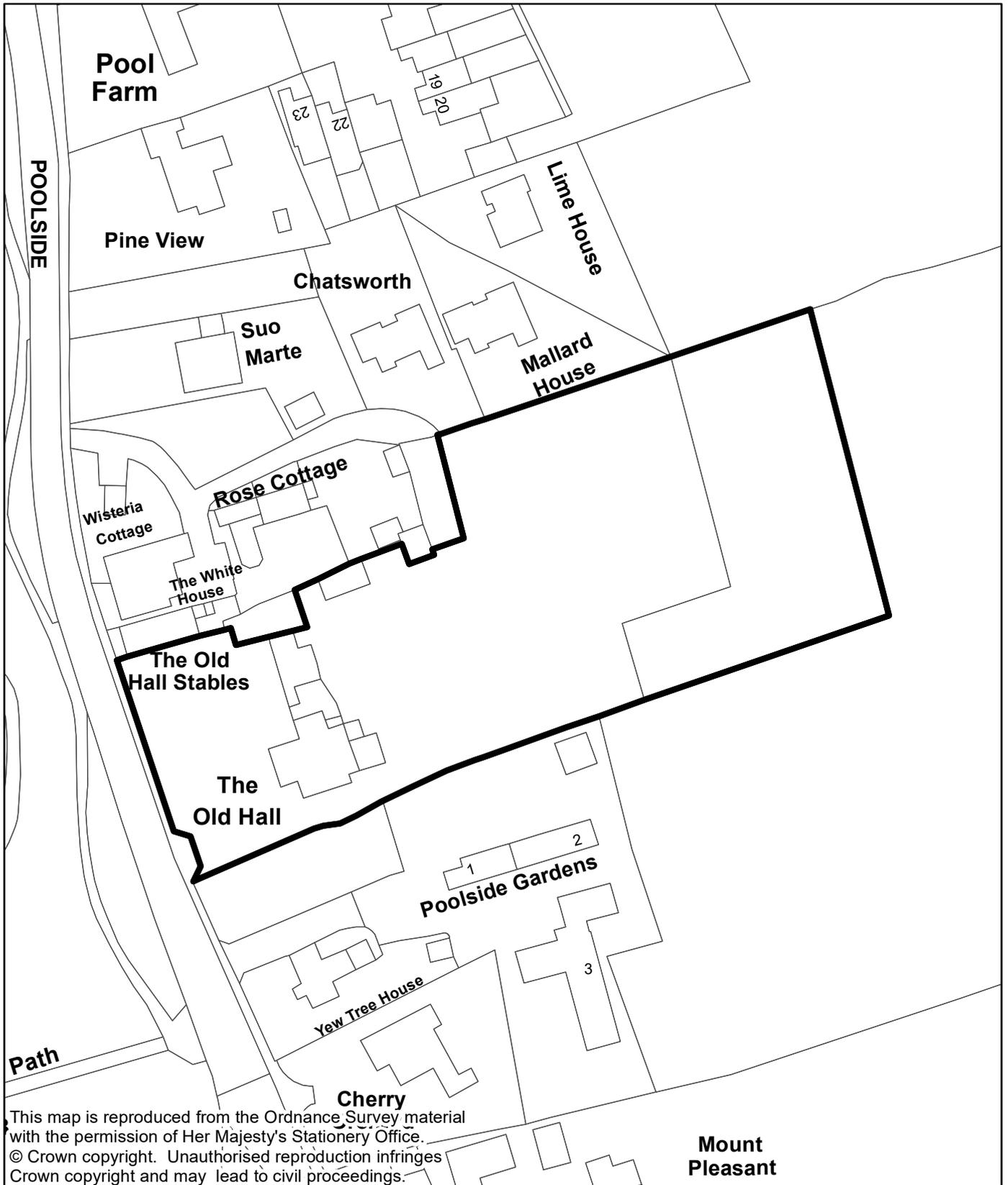
None received.

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

13th November 2023



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings. Newcastle-under-Lyme Borough Council - 100019654 - 2023

Mount Pleasant

This page is intentionally left blank

Classification: NULBC UNCLASSIFIED

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

23/00882/ADV

Advertisement consent is sought for the installation of a fascia sign above the shop front and a projecting sign over the entrance door at nos. 23 - 25 Merrial Street.

The application site is located within the Town Centre of Newcastle and within the Town Centre Conservation Area, as indicated on the Local Development Framework Proposals Map.

The 8 week period for determination of the planning application expires on 1st January 2024.

RECOMMENDATION

PERMIT subject to standard advertisement conditions and the following additional condition:

- 1. Intensity of illumination shall not exceed 600 candelas per square metre**

Reason for Recommendations

Subject to the receipt of acceptable amended plans for sign 02, it is considered that the proposed signs would not result in any material harm to the character or appearance of the building within the Town Centre Conservation Area.

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

Amended plans have been sought and subject to the receipt of appropriate revisions, the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

The signage is proposed in association with the creation of a circus and arts workshop and exhibition area - the Phillip Astley Centre. The principle of the use of the unit as a workshop and exhibition space has been established by previous applications (refs. 23/00173/DEEM3 and 23/00539/DEEM3).

This proposal seeks advertisement consent for the installation of a fascia sign to the front of the unit comprising raised metal lettering illuminated from the rear, identifying the 'Phillip Astley Centre,' and a curved projecting sign with individual golf ball sized light bulbs to the top and the bottom of the text to illuminate the canopy.

The application site is located within the Town Centre Conservation Area, as indicated on the Local Development Framework Proposals Map.

The NPPF seeks to achieve sustainable forms of development through securing a high quality built environment and the provision of a good standard of amenity for all existing and future occupants of land and buildings. The NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. Only adverts which have an appreciable impact on the buildings and surroundings should be subject to detailed assessment. The NPPF confirms that proposals should be subject to control only in the interests of amenity, public safety and should take into account cumulative impacts.

On this basis, the main issues to consider are the impact of the proposal on the character and appearance of the Conservation Area and any issues of public safety.

Design and impact on the character and appearance of the Conservation Area

Saved policies B9, B10 and B13 of the Local Plan outline the requirement to preserve or enhance the character and appearance of a Conservation Area through careful consideration of appropriate design. Policy B20 specifically relates to illuminated signs in Conservation Areas, requiring individually lit or projecting letters on the background panel and that light intensity should not exceed 300 candelas per square metre.

The principle of signage on the building is acceptable. Sign 01 is considered to be proportionate in scale and appropriately designed and positioned in the context of the application property, adjoining buildings and immediate surroundings of the locality.

Further to comments from the Council's Urban Design & Conservation Officer, amendments to the design of Sign 02 have been sought, in particular to the form of illumination. The agent is intending to amend the design to reduce the projection of the sign and embed the lighting within the sign. Once these amendments are received, a supplementary report will be provided in this regard.

Subject to the receipt of appropriate amendments, it is considered that the siting and design of the advertisements would safeguard the character and appearance of the Conservation Area and that the development would comply with the relevant policies of the Core Spatial Strategy, the Local Plan and the NPPF.

Public Safety

The proposed illuminated signage is considered acceptable in highway terms and should not result in highway safety issues. There are no details on the application regarding the illuminance level. For an illuminated sign measuring up to 10sqm, the illumination level can be a maximum of 600 candelas, (or 300 candelas if the area illuminated is over 10sqm). A condition can be added in relation to the level of illumination for the signage.

Fogg Street is an adopted highway, therefore the Highway Authority advises that an oversailing licence is required in relation to the proposed projecting sign.

Therefore, the Highway Authority has no objections to the proposed signs, subject to appropriate conditions and informative. Subject to the imposition of the condition, the level of illumination is considered acceptable, and the proposal would not result in an adverse impact on public safety or highway safety.

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 ASP4: Newcastle Town Centre Area
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

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

Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhancement the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B20: Illuminated Fascia and other Signs in Conservation Areas

Other Material Considerations include:

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

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

[Supplementary Planning Documents \(SPDs\)](#)

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

Relevant Planning History

23/00539/DEEM3 Change of use to Circus and Arts Workshop and Heritage Exhibition Area with associated external ground floor alterations – Permitted

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

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

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

93/00307/ADV Double sided projecting sign slip bins information plaque and illuminated panel - Permitted

90/01190/ADV Illuminated projecting box sign - Permitted

Views of Consultees

The Council's **Urban Design and Conservation Officer** has no objections to the frontage sign, providing the level of illumination is subtle, but raises concerns over the proposed golf ball light bulb style lighting on the projecting sign above the door which is considered to be inappropriate and garish.

The Highway Authority has no objection subject to a condition regarding the illuminance level.

No comments have been received from the **Environmental Health Division**.

Representations

None received.

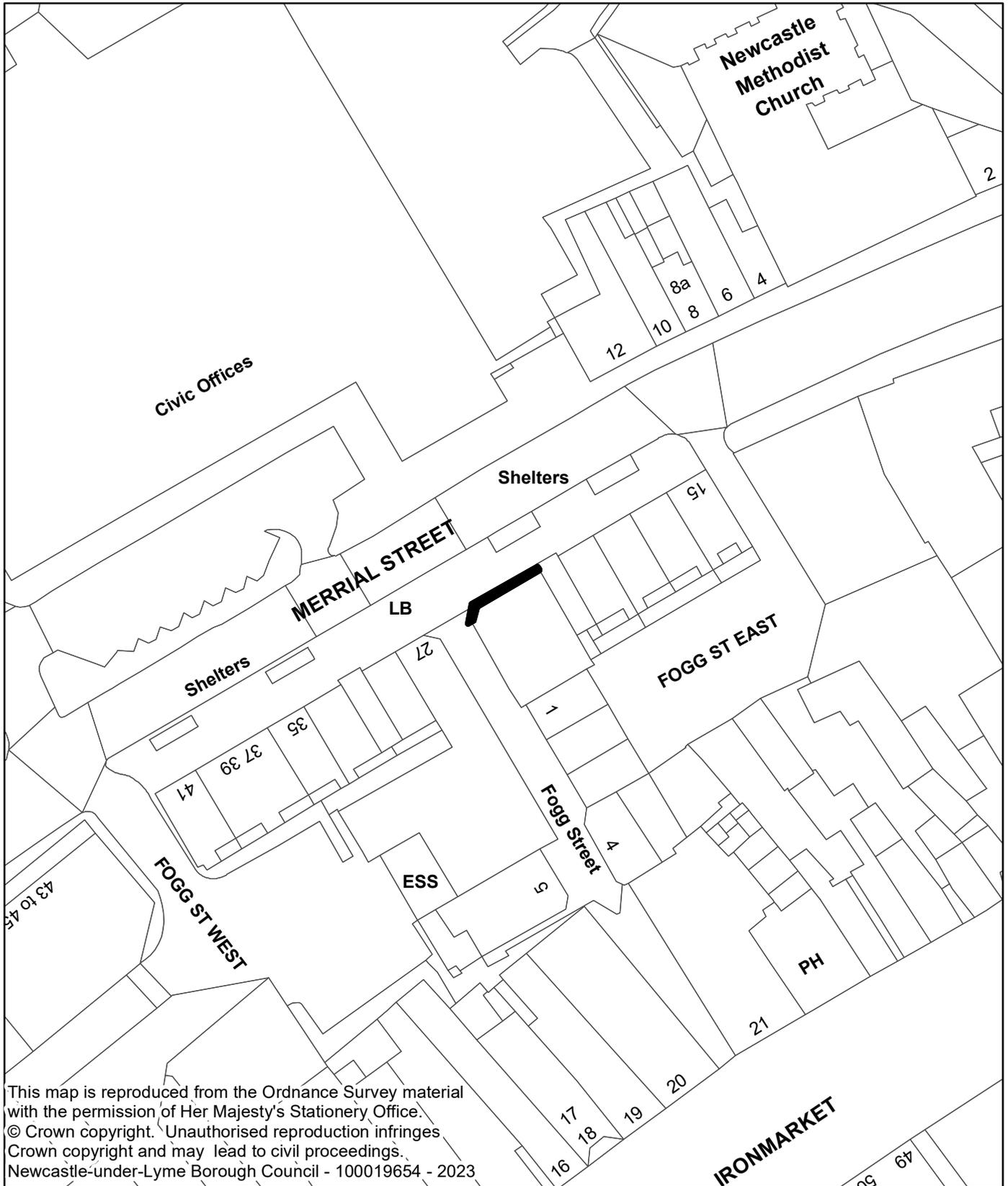
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

22nd November 2023

This page is intentionally left blank



This page is intentionally left blank

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
5th December 2023

Agenda Item 7

Application Ref. 23/00882/ADV

23 - 25 Merrial Street, Newcastle

Since the publication of the main agenda, amended plans have been received showing the addition of a back board to Sign 01 and the amendment of Sign 02 from a projecting sign with golf ball style light bulbs to an almost flat sign with integral lighting.

Further comments have been received from the Council's **Conservation Officer**. The comments are summarised as follows;

- The main fascia sign halo lit and the window vinyls are acceptable
- Sign 02 on the Fogg Street elevation no longer has a projection and the light elements are inlaid into the sign, which is an improvement and ensures a consistent approach in terms of decision making in the Town Centre Conservation Area
- The lights are inside the shop windows and the new signage and lighting will help to illuminate the relatively dark alleyway
- Subject to control of the luminance levels, the proposal will create a more vibrant appearance for the display which is not too garish
- Accordingly, no objections.

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

This page is intentionally left blank

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 – 23rd November 2023

This page is intentionally left blank

Confirmation of Tree Preservation Order

LAND AT FORMER TADGEDALE QUARRY BETWEEN ECCLESHALL ROAD AND ROCK LANE, LOGGERHEADS

Tree Preservation Order number: TPO 221 (2023)

Town & Country Planning Act 1990

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

The Order protects trees within Land at former Tadgedale Quarry between Eccleshall Road and Rock Lane, Loggerheads

Tree Preservation Order number: TPO 221 (2023)

The Order was made to safeguard the longer term visual amenity that the trees provide following concerns that some trees at this site may be damaged and lost.

The Order was made using delegated powers on 27th June 2023. Approval is sought for the Order to be confirmed with amendments.

The 6 month period for this Order expires on 26th November 2023.

The end of the 28 day statutory consultation period was 23rd July 2023.

RECOMMENDATION

That Land at former Tadgedale Quarry between Eccleshall Road and Rock Lane, Loggerheads

Tree Preservation Order number: TPO 221 (2023) be confirmed with amendments 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 trees are generally healthy at present and of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be 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 nor progressing any of the plans to develop the site, 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 (or neighbours) will be able to apply for permission to carry out any maintenance work to the trees which is necessary to safely manage them.

Representations

During the consultation phase six representations were received.

Representation 1: Support for the Tree Preservation Order from neighbour

Representation 2: Support for the Tree Preservation Order from resident

Representation 3: Support for the Tree Preservation Order from neighbour

Representation 4: Representation from site owners Solicitors, requesting that the order be refined to comprise groups of trees and individual trees rather than an 'area' type order.

Representation 5: Representation from local tree surgeon supporting the Tree Preservation Order, expressing concern that some of the trees adjacent to the site were not covered by the order.

Representation 6: Representation from Loggerheads Parish Council in support of the Tree Preservation Order

Issues

Representations requiring responses:

Response to representation 4:

The 'confirmed with amendments' order includes the refinement requested.

Response to representation 5:

Land to the south of Rock Lane is owned by Staffordshire County Highways. Trees owned and managed by the County Council are not considered under threat, and would not require protection through a Tree Preservation Order.

The trees are situated in the grounds of the former Tagedale Quarry between Eccleshall Road and Rock Lane. The trees grow throughout the site which is currently being developed for housing. The trees are visible from Eccleshall Road, Rock Lane and from the wider rural landscape setting. The trees are a significant feature and provide an important contribution to the area, their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

Requests for the Borough Council to consider protection from residents concerned about the damage caused to trees were received by neighbours and residents. There was concern that some of the trees would be felled and that the trees had not been properly protected throughout the construction phase of the development.

The trees are visible from Eccleshall Road, Rock Lane and from the wider rural landscape setting. The trees are a significant feature and provide an important contribution to the area, their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

The Order was made to safeguard the longer term visual amenity that the trees provide following a site visit where there were concern that some trees at this site may have been damaged.

In June 2023 your officers inspected the trees on the site and found a large number of them to be worthy of an Order. They 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. The Order was made and served on 27th June 2023 in order to protect the long term well-being of the trees. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

The current provisional Order has been amended. Due to the large number and distribution of the trees on the site and the time available for making the provisional Order, the trees were categorised in the form of an 'Area' covering the entire site, so as to temporarily protect all of the trees. Since this was served a more detail survey has been carried out and the trees of poor quality and low amenity value have been omitted.

The trees have now been categorised as individuals, and the TPO schedule and plan revised accordingly.

Date report prepared

14th October 2022

This page is intentionally left blank

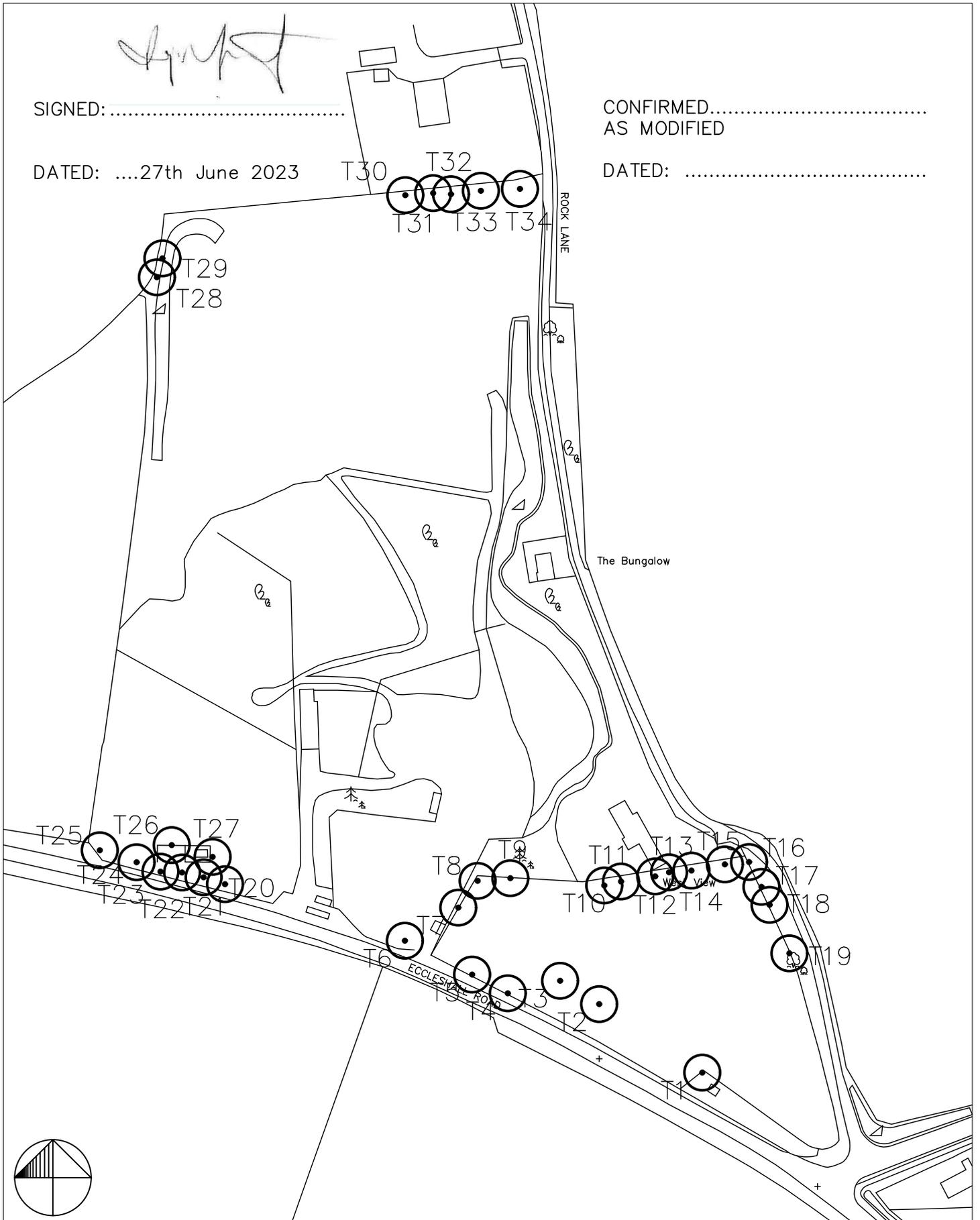
[Handwritten signature]

SIGNED:

CONFIRMED.....
AS MODIFIED

DATED:27th June 2023

DATED:



OS DATA REPRODUCED WITH THE PERMISSION OF THE CONTROLLER OF HMSO 2008 LICENCE NO. 100019654

 <p>ROGER TAIT – SERVICE DIRECTOR NEIGHBOURHOOD DELIVERY NEWCASTLE, STAFFORDSHIRE. ST5 2AG</p>	<p>TITLE: Former Tagedale Quarry Site between Rock Lane and Eccleshall Road</p>	<p>SCALE: 1: 2000</p>
	<p>DESCRIPTION: TREE PRESERVATION ORDER NO 221 (2023)</p>	<p>DATE: June 2023</p> <p>DRAWN BY: Page 53</p> <p>DRAWING NO. TPO221(2023)</p>

This page is intentionally left blank

Confirmation of Tree Preservation Order

Land at 9A Appleton Drive, Whitmore.

Tree Preservation Order No224 (2023)

Town & Country Planning Act 1990

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

The Order protects a single mature oak tree on the front garden boundary of 9A Appleton Drive, Whitmore.

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 remove the tree.

The Order was made using delegated powers on 8th June 2023. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 8th December 2023.

RECOMMENDATION

That Tree Preservation Order No 224 (2022 Land at 9A Appleton Drive, Whitmore, 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 fine 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

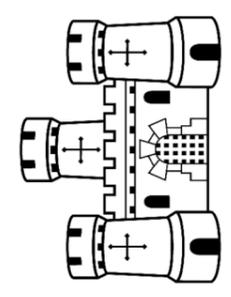
The tree is a single specimen. It is a mature oak tree located at the front of the property. It is clearly visible from Appleton Drive and is an important feature to the locality. It provides a significant contribution to the area and its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

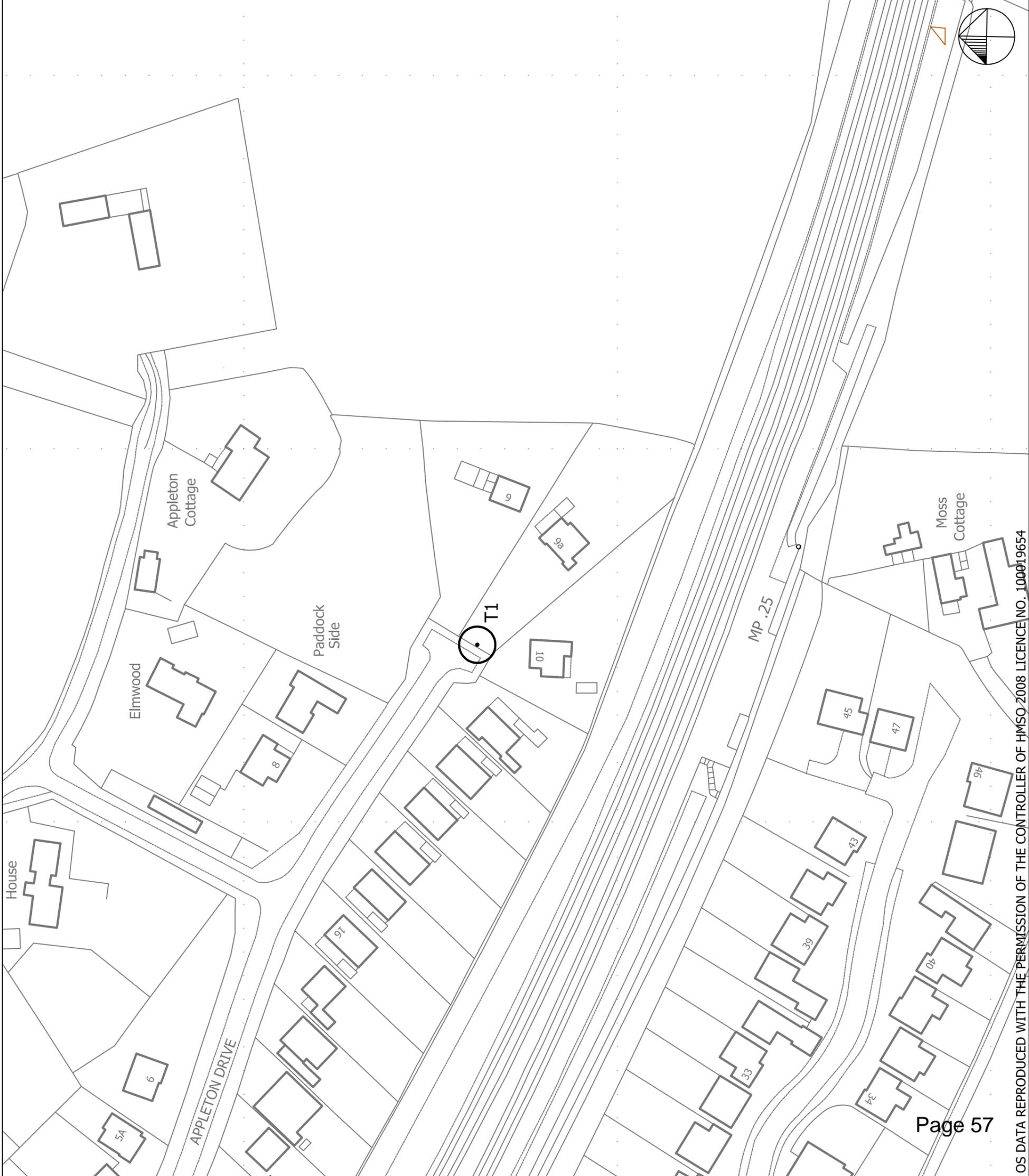
A second large tree has in recent years been removed from the adjacent garden.

A tree status enquiry was received by the council indicating that it was proposed to fell the tree due to damage caused to a wall, network cable and the pavement. 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. It is an important feature which visually punctuates the end of the cul-de-sac. The damage being caused to the wall is not disputed, however it is a feature of the entrance gateway, relatively short in length, and does not serve a practical purpose. It is considered that the wall can be rebuilt so as allow for future growth of the tree. It is apparent that the pavement has been repaired and there is no evidence as to any network cable damage. Cable apparatus can be laid to avoid tree roots. The Order was made and served on 8th June 2023 in order to protect the long term well-being of the tree.

Date report prepared

14 August 2023

Signed 	Date 8 June 2023	Confirmed	Date	 NEWCASTLE UNDER LYME BOROUGH COUNCIL	CASTLE HOUSE, BARRACKS ROAD, NEWCASTLE, STAFFORDSHIRE. ST5 1BL
DESCRIPTION: Tree Preservation Order Number 224				DRAWN BY: P.S.	SCALE: 1:1000 @ A3
				DATE: June 2023	DRAWING NO. TPO 224



This page is intentionally left blank