

Public Document Pack

Date of meeting Thursday, 4th January, 2024
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 - HAM BAKER SLOW CONTROL, GARNER STREET, ETRURIA. MR SYD PHILLIMORE. 23/00694/FUL** (Pages 7 - 18)
This item includes a supplementary report.
- 5 APPLICATION FOR OTHER DEVELOPMENT - CAR PARK, MEADOWS ROAD, KIDSGROVE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 23/00891/DEEM3** (Pages 19 - 28)
This item includes a supplementary report
- 6 5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 29 - 30)
- 7 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.
- 8 URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Members: Councillors Northcott (Chair), Crisp (Vice-Chair), Fear, Holland, Bryan, Hutchison, Burnett-Faulkner, D Jones, Gorton, 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

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 - 05/12/23

PLANNING COMMITTEE

Tuesday, 5th December, 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	Beeston
	Holland	D Jones	Brockie
	Bryan	Gorton	

Apologies: Councillor(s)

Substitutes:

Officers:	Rachel Killeen	Development Management Manager
	Geoff Durham	Civic & Member Support Officer
	Becky Allen	Landscape Manager
	Charles Winnett	Senior Planning Officer
	Craig Jordan	Service Director - Planning

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 7 November, 2023 be agreed as a correct record.

3. **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF LAMPHOUSE WAY, WOLSTANTON. MR MARK ELLIS - MARKDEN HOMES. 22/00796/FUL**

Councillor Philip Reece spoke on this application.

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

- (i) Standard time limit for commencement of development
- (ii) Approved plans
- (iii) Facing and roofing materials
- (iv) Boundary treatments
- (v) Hardstandings
- (vi) Landscaping Scheme

Planning Committee - 05/12/23

- (vii) Waste collection and storage arrangements
- (viii) Offsite highway scheme for new access arrangement
- (ix) Submission of visibility splay details
- (x) Travel Plan is to be implemented, and annual reports for the progress in promoting sustainable measures will then be provided to the LPA
- (xi) Hard surfaces to be used for private/shared driveways
- (xii) Provision of cycle storage areas
- (xiii) Details of surface water drainage for parking and turning areas
- (xiv) Joint Highway Survey of Great Row View and Lamphouse Way
- (xv) Construction Method Statement
- (xvi) Electric vehicle charging provision
- (xvii) Construction and demolition hours
- (xviii) Land contamination investigations and mitigation measures
- (xix) Details of proposed piling operations
- (xx) Submission of an updated Air Quality Assessment
- (xxi) Submission of air quality standard mitigation measures
- (xxii) Design measures and a noise assessment to be submitted to the LPA to ensure internal noise levels are met
- (xxiii) Assessment of refrigeration and air conditioning plant noise
- (xxiv) Operational Noise Control
- (xxv) Unexpected land contamination
- (xxvi) Ecology mitigation and enhancements
- (xxvii) Surface Water Management Plan
- (xxviii) Drainage plans to be submitted for the disposal of foul and surface water flow
- (xxix) Recommendations of the ecological appraisal to be implemented
- (xxx) Root protection details for plots 23, 34 and 14

[Watch the debate here](#)

4. APPLICATION FOR MAJOR DEVELOPMENT - CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD, TALKE. C/O AGENT HARWORTH ESTATES. 23/00818/REM

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

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

[Watch the debate here](#)

5. APPLICATION FOR OTHER DEVELOPMENT - OLD HALL, POOLSIDE, MADELEY. MR GARY WHITE. 23/00769/FUL

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

- (i) Time limit
- (ii) Approved plans

[Watch the debate here](#)

6. **APPLICATION FOR OTHER DEVELOPMENT - 23 - 25 MERRIAL STREET, NEWCASTLE, NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 23/00882/ADV**

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

- (i) Intensity of illumination shall not exceed 600 candelas per square metre

[Watch the debate here](#)

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

Resolved: (i) That the information be received

- (ii) That the item be brought back to Committee in two months' time.

[Watch the debate here](#)

8. **TREE PRESERVATION ORDER - LAND AT FORMER TADGEDALE QUARRY, LOGGERHEADS. TPO 221**

Resolved: 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.

[Watch the debate here](#)

9. **TREE PRESERVATION ORDER - LAND AT 9A APPLETON DRIVE, WHITMORE. TPO 224**

Resolved: 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.

[Watch the debate here](#)

10. **DISCLOSURE OF EXEMPT INFORMATION**

There were no confidential items.

11. **URGENT BUSINESS**

There was no Urgent Business.

**Councillor Paul Northcott
Chair**

Planning Committee - 05/12/23

Meeting concluded at 7.50 pm

**HAM BAKER SLOW CONTROL, GARNER STREET, ETRURIA
MR SYD PHILLIMORE**

23/00694/FUL

Full planning permission is sought for the change of use of the site from a B2 use class to a B8 use class for storage and distribution. The works also include the extension of an existing, retained building and the construction of a detached building to house an office, meeting room, kitchen and toilets. It has been noted that operations under a B8 use class have commenced on site and so this application is now retrospective.

The application site is located within the urban area of the Borough, as indicated on the Local Development Proposals Framework Map.

A strip of the application site, along the eastern boundary of the site, falls within Stoke-on-Trent City Council, and is subject to a separate planning application to address this cross-boundary area of the site.

The site is accessed via Garner Street which links to the A53, Etruria Road. Beyond the eastern boundary sits the railway line.

The 13 week period for the planning application expired on 18th December, however an extension of time has been agreed until the 10th January 2024.

RECOMMENDATIONS

PERMIT subject to conditions relating to the following matters:

- 1. Approved plans**
- 2. Parking and turning spaces**
- 3. Prior approval of cycle parking provision**

Reason for Recommendations

The development is located within a highly sustainable location and would continue to support the provision of commercial development on the site and contribute to the economic prosperity of the Borough, with no adverse impacts identified.

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

Amended plans and additional information have been sought from the applicant and the proposal is now considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

This proposal is seeking retrospective planning permission for the change of use of land formerly associated with a commercial enterprise referred to as Ham Baker Slow Control (a B2 use) into a B8 use for storage and distribution. It has been noted that operations under a B8 use class have commenced on site which is why this proposal has been amended to refer to the retrospective nature of the works.

The application site is located within the urban area of the Borough, as indicated on the Local Development Proposals Framework Map.

A strip of the application site, along the eastern boundary of the site, falls within Stoke-on-Trent City Council, and is subject to a separate planning application to address this cross-boundary area of the site.

The site is accessed via Garner Street which links to the A53, Etruria Road. Beyond the eastern boundary sits the railway line.

The application is accompanied by an Air Quality Assessment, and on review of this information the Council's Environmental Health Division raise no objections to the scheme. Similarly the Lead Local Flood Authority is satisfied that there would be no net increase in impermeable surfacing and so raise no objections to the drainage for the development.

The key issues to consider in the determination of this application are therefore;

- The principle of development,
- Any impact on the character or appearance of the area,
- Highway safety and parking implications and
- Any implications on the adjacent railway infrastructure.

The principle of development

Policy SP2 of the Core Spatial Strategy supports economic development, diversification and modernisation of businesses within the area.

Paragraph 81 of the National Planning Policy Framework (NPPF) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

It has become apparent through the application process that the applicant has moved onto the site and begun the B8 operations that are being sought in this application. However, the last use of the site was for a B2 use class.

Since the vacation of the site formerly referred to as Ham Baker Slow Control, a number of buildings have been demolished and the site cleared with the exception of one building positioned centrally within the site. This building would be utilised for long term palletised storage and the surrounding hardstanding would all be utilised for the parking of HGV vehicles and cars associated with the B8 operations.

The development would see the applicant move their existing operations from a site in Clayton to the application site, allowing the company to retain their operations within the Borough at a site that is more suitable for their commercial activities. The site is located within a highly sustainable location, whereby commercial and industrial activities are located. Therefore the change of use of the site to a B8 use is considered to be acceptable in principle and would comply with the relevant policies of the development plan and the provisions of the NPPF.

Any impact on the character or appearance of the area

Paragraph 126 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to say at paragraph 130, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

The Urban Design Supplementary Planning Document indicates at Policy E3 that business development should be designed to contribute towards improving the character and quality of the area.

The application site is serviced by Garner Street, an access road that serves only this development site from the A53 Etruria Road. To the west of the site lies the A500 highway, and to the east, the railway line. The site is therefore encompassed by existing development and infrastructure and given its siting below the carriageway of the A500 and lack of any immediate public vantage points, the application site is not readily visible within the wider landscape. Only glimpses of the site would be visible when travelling along the A500.

Former buildings on the site have already been demolished in line with prior approval application 23/00102/DEM, and the site cleared with one building retained to be utilised in association with the B8 use being sought. This building has been extended in the form of a modest lean to extension off the western elevation of the building. The height of this extension sits well below that of the main building and is also of a modest footprint in the comparison to the scale of the existing building and wider application site.

Further new development is in the form of a detached flat roof modular style building that is sited to the north west of the main access. The front elevation of the building features large levels of glazing to serve the office and meeting room spaces provided internally. There is also a small kitchen and toilets within the structure. Whilst flat roof design is not considered to be the most aesthetically pleasing, the building is considered to be modest in both its design and scale and suitable for its functional purpose as a supporting ancillary structure to the operations on the site.

While the applicant added that no new surfacing had been installed, a site visit from officers clearly identified areas of new tarmac to the eastern edge of the site, but this is considered to be an appropriate form of surfacing in the context of the site. Alterations to boundary treatments have also included new green wire fencing around the southern elevation which has no impacts on the character or appearance of the wider landscape.

Therefore in light of the above the proposed development is not considered to raise any adverse implications in relation to the character or appearance of the wider landscape and would accord with the policies of the development plan and the NPPF.

Highway safety and parking implications

The NPPF indicates 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 NPPF also states that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

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

The application is for the use of the site for storage and distribution, within a B8 use class. The details provided within the application have highlighted that the site is to be used as the central hub for a haulage enterprise and so the site would be subject to vehicle movements from Heavy Goods Vehicles (HGVs) and associated staff.

Initial objections were raised by officers and the Highway Authority on the lack of information regarding the parking and turning of vehicles associated with the proposed B8 operations of the site. Additional information has been received which shows that there would be the following spaces;

- 91 trailer and tractor spaces
- 36 trailer cab spaces
- 100 staff parking spaces

The building on site would be utilised for long term palletised storage.

The applicant suggests that there would be around 150 vehicle movements over a 7-day period, with around 20-25 movements per day on average. The applicant also details that for the most part, staff will drive to the site in their own vehicles and then leave in a HGV, returning later to collect their vehicles.

The submitted transport statement however works off a worst case scenario for the use of the entire site as B8 (rather than the majority being lost to parking as proposed). This transport statement details that the proposed development would result in an increase of two additional 2-way trips during the AM peak and fifteen 2-way trips during the PM peak, over and above the existing use which would equate to one additional vehicle every 4 minutes. The assessment concludes that the proposal would have a minimal impact on the surrounding highway network.

Based on the additional information provided, the Highway Authority is satisfied that the availability of parking for both HGVs and staff vehicles would be sufficient and that the swept path analysis demonstrates that vehicles can effectively turn within the site and exit in a forward gear.

One representation has been received raising concerns in relation to highway safety and conflict of vehicles from the site with users of the A500 and Garner Street.

It is noted that the nature of the use proposed would increase vehicle movements to and from the site. However, in their consultation response, the Highway Authority note that the applicant will be required to apply to the Traffic Commissioner for an Operator's License to ensure that the business can legitimately operate the proposed level of vehicles from this site. As part of this license the applicant would be required to demonstrate that the site is large enough, has safe access and is an environmentally acceptable location. This process would be separate to the planning application process and would assist in controlling whether the number of vehicles associated with the site is acceptable. The applicant has confirmed that an interim license for the site has been granted for the site, so the process of obtaining a full license is underway.

The submitted Transport Statement demonstrates that the site can be appropriately accessed by bicycle as an alternative means of transport, but there are limited details on how cyclists would be encouraged to cycle to work given the lack of a storage facility. It is therefore recommended that a condition is attached to any permission granted to provide details of a secure and weatherproof facility within the application site.

With regards to any implications on the A500, Highways England have considered any impact that the development may have on this highway given its allocation as a Strategic Road Network. They have raised no objections to the proposal noting that they are content that the application would have a minimal impact on the A500.

The application site also sits adjacent to the boundary with Stoke-on-Trent City Council, whereby the A53 heading north-eastwards is maintained by Stoke-on-Trent City Council. Your officers have consulted with Stoke-on-Trent City Council as part of the assessment of this application and at the time of producing this report, no comments have been received.

It is therefore considered that subject to conditions to secure the parking and turning arrangements as shown on the submitted plans and the provision of appropriate cycle parking, the development would not result in any adverse implications in relation to parking or highway safety and so would accord with the policies of the development plan as well as the aims and objectives of the NPPF.

Any implications on the adjacent railway infrastructure

To the east of the application site lies the railway line. A consultation with Network Rail has identified that as the application site lies within 10m of this railway, there are a number of requirements with which the applicant must adhere to in order to ensure that the development would not result in any harm to the rail infrastructure.

The applicant has since provided an updated site plan that demonstrates that the requirements will be adhered to. Further comments have been received from Network Rail raising no objection.

It is therefore considered that the updated plans provided by the applicant have adhered to all of the requests from Network Rail that would have otherwise been secured via a condition. It would be the responsibility of the applicant going forward to ensure that the operation of the site and any mitigatory works are in accordance with the legislative requirements provided by Network Rail. The applicant has confirmed that this process has been initiated.

On the basis of the submission, the development is therefore considered to be acceptable.

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

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

Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements

Other Material Considerations include:

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

[Planning Practice Guidance \(NPPG\) \(2019\)](#)

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

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

Relevant Planning History

23/00102/DEM - Application for Prior Notification of proposed demolition of offices and commercial buildings- Permitted

Views of Consultees

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

Network Rail has no objections.

Highways England raise no objections to the proposal.

The **Highway Authority** raise no objections to the proposal subject to conditions relating to parking and turning space and cycle parking provision.

The **Lead Local Flood Authority** raises no objections on the basis that the existing hardstanding is not being amended in terms of the overall area.

Staffordshire Police has no objection in principle but makes several recommendations in terms of security and crime from thefts involving the HGV vehicles.

No comments have been received from **Stoke on Trent City Council** by the given deadline.

Representations

One representation has been received from a member of the public raising the following concerns;

- Road safety regarding the entrance and exit of vehicles
- Conflict with speed of vehicles exiting the A500 towards Hanley

- Conflict with other commercial business utilising Garner Street
- Poor road maintenance

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/23/00694/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

13th December 2023

This page is intentionally left blank

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
4th January 2024

Agenda Item 4

Application Ref. 23/00694/FUL

Ham Baker Slow Control, Garner Street, Newcastle-under-Lyme

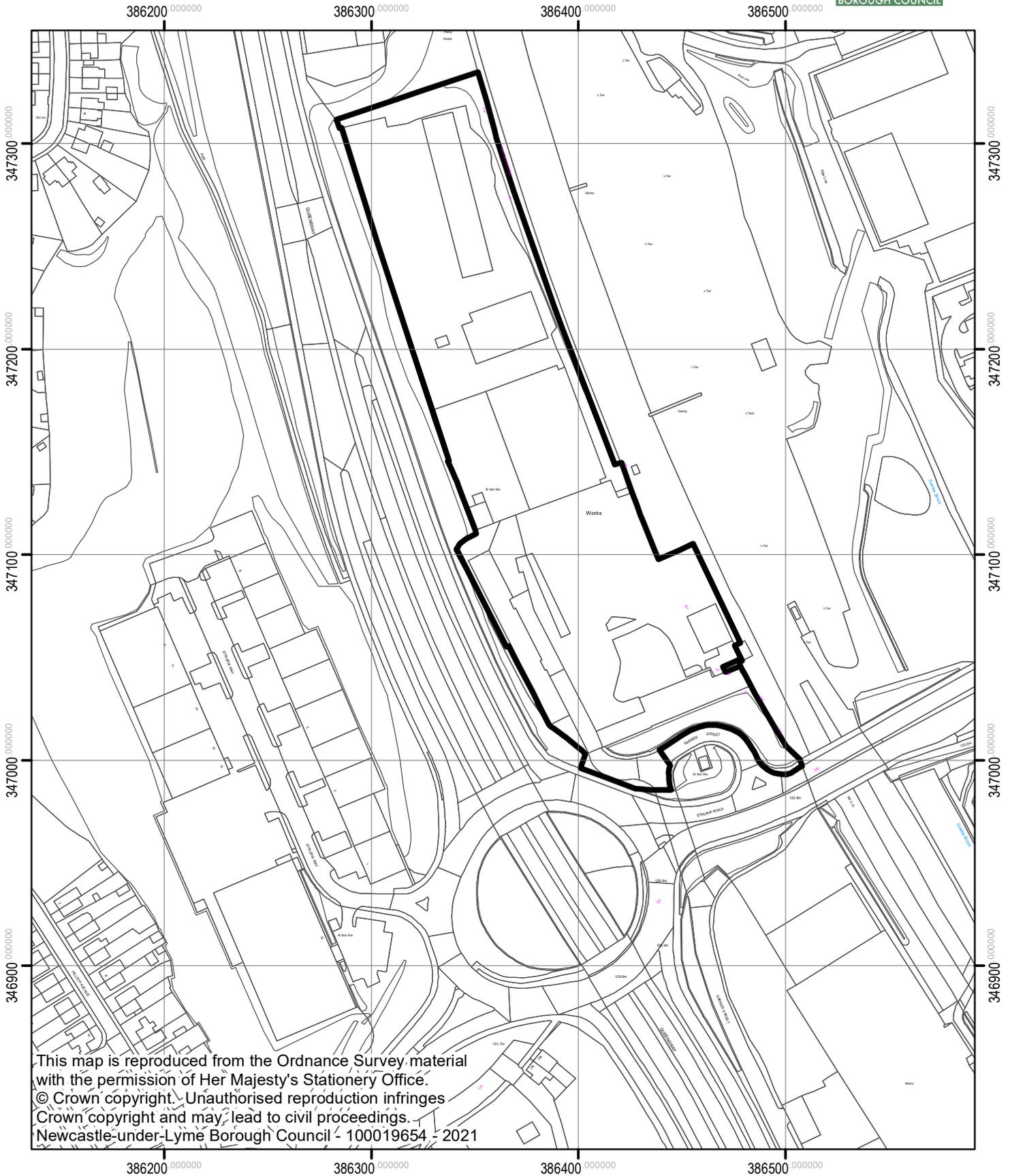
Since the publication of the main agenda, a revised National Planning Policy Framework (NPPF) has been published. The changes made to the NPPF are not relevant to the determination of this application, however a number of paragraph numbers within the agenda report are no longer up to date. The updated paragraph numbers which refer to the latest version of the NPPF are summarised below.

- Paragraph 81 is now paragraph 85
- Paragraph 126 is now paragraph 131
- Paragraph 130 is now paragraph 135

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

This page is intentionally left blank

23/00694/FUL
Ham Baker Slow Control
Garner Street, ST4 7BH



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 - 2021

This page is intentionally left blank

Classification: NULBC UNCLASSIFIED

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

23/00891/DEEM3

Full planning permission is sought for the demolition of an existing commercial garage and vehicle repair shop, and the erection of community hub, a new garage and associated car parking provision. The proposal is a resubmission of application 23/00638/DEEM3 which was approved in October 2023.

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

The 13 week period for the determination of this application expires on 22nd January.

RECOMMENDATION

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

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

Reason for Recommendation

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

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

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

Key Issues

Full planning permission is sought for the demolition of an existing garage and vehicle repair shop and the erection of community hub and garage with first floor mezzanine, along with alterations to the existing car parking provision within the site. The site lies on the edge of Kidsgrove Town Centre and falls within the Urban Area of Borough as indicated on the Local Development Framework Proposals Map.

The proposal is a resubmission of application 23/00638/DEEM3 which was approved in October 2023. The principle of development has already been accepted under the previous permission and the revised scheme raises no new issues relating to coal mining risk, landscaping, amenity and highway safety.

Therefore the sole issue for consideration is whether the proposed changes have any impact on the design of the development.

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

Paragraph 130 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change. Paragraph 134 of the Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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

The only visual difference between this current proposal and the previous permission is the removal of a small outdoor play area and its replacement with an integral bin store area and plant room. To accommodate these two new rooms, a small ground floor section of the building measuring approximately 3m x 8.9m in plan would be constructed. This small infill development would not extend beyond the existing footprint of the building and would therefore have only a negligible impact on the overall form and appearance of the building.

Subject to a condition requiring the submission of details of the proposed external materials, which as requested under the previous permission would require all facing brick work to be of a red brick type, the overall design of the proposals and their impact on the surrounding area and street scene are considered to be acceptable. The proposal is therefore in compliance with policy CSP1 of the Core Spatial Strategy, and the relevant sections of the NPPF which support good design.

Reducing Inequalities

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

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

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

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

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

- Eliminate unlawful discrimination

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

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

APPENDIX

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Other Material Considerations include:

National Planning Policy Framework (2023)

Planning Practice Guidance (2019 as updated)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

23/00638/DEEM3 - Demolition of existing garage, erection of community hub and erection of garage with first floor mezzanine, reconfiguration of existing car parking – permitted

Views of Consultees

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

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

Staffordshire Police have no objection to the principle of development and have provided guidance on a number of security matters.

No representations have yet been received from **Kidsgrove Town Council**, the **Landscape Development Section**, the **Environmental Health Team**, the **Canal and River Trust** or the **Highway Authority**. Any comments received will be set out in a supplementary report to Committee.

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/23/00891/DEEM3>

Background papers

Planning files referred to

Classification: NULBC **UNCLASSIFIED**

Planning Documents referred to

Date report prepared

14th December 2023

This page is intentionally left blank

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
4th January 2024

Agenda Item 5

Application Ref. 23/00891/DEEM3

Car Park, Meadows Road, Kidsgrove

Since the publication of the main agenda, a revised National Planning Policy Framework (NPPF) has been published. The changes made to the NPPF are not relevant to the determination of this application, however a number of paragraph numbers within the agenda report are no longer up to date. The updated paragraph numbers which refer to the latest version of the NPPF are summarised below.

- Paragraph 126 is now paragraph 131
- Paragraph 130 is now paragraph 135
- Paragraph 134 is now paragraph 139

Comments have also been received from **The Canal and River Trust** who have confirmed that they raise no additional points beyond those submitted under the original application (23/00638/DEEM3). These comments are summarised as follows;

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

The **Highway Authority** have also now provided comments raising no objections to the application subject to conditions. These conditions include details of signage for the one-way access system and the revised access being provided in accordance with the approved details. An informative is also recommended.

Officer Comments

Whilst the Canal and River Trust have recommended that the LPA consider the requirement of an ecological report to be submitted in support of the application, given that the proposal would only result in the removal of four small trees which have limited ecological value, and the demolition of a sealed building that has no openings which could be utilised by bats, it is not considered reasonable to request an ecological report in this instance.

A condition will be used however to require a hard and soft landscaping scheme to be submitted in support of the application to ensure that replanting takes place to mitigate the loss of the trees from the site.

In addition to the above, a Demolition and Construction Environmental Management Plan will be secured through a condition. Subject to these conditions it is considered that the comments of the Canal and River Trust have been addressed.

Turning to the Highway Authority, the recommendation for the signage scheme can be appropriately integrated into the condition for the revised access details as set out within the main agenda report, and as per the previous approval for the scheme. On this basis it is therefore considered that the comments of the Highway Authority have been appropriately addressed.

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

This page is intentionally left blank

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 3rd 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 previously reported, 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 20th 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 – 19th December 2023

This page is intentionally left blank