

Public Document Pack

Date of meeting Tuesday, 27th February, 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 - 4)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF MUCKLESTONE WOOD LANE AND EAST OF ROCK LANE, LOGGERHEADS. SHROPSHIRE HOMES LIMITED. 23/00002/OUT** (Pages 5 - 40)
This item includes a supplementary report
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - 7 VICTORIA STREET, NEWCASTLE UNDER LYME. MR ANTHONY PODMORE. 23/00784/FUL** (Pages 41 - 54)
- 6 **APPLICATION FOR MINOR DEVELOPMENT - NEWCASTLE-UNDER-LYME BOROUGH COUNCIL DEPOT, KNUTTON LANE. NEWCASTLE BOROUGH COUNCIL. 23/00949/DEEM3** (Pages 55 - 58)
- 7 **APPLICATION FOR MINOR DEVELOPMENT - LAND TO SOUTH OF A52, LIVERPOOL ROAD, NEWCASTLE. MORGAN SINDALL CONSTRUCTION (ON BEHALF OF NEWCASTLE BOROUGH COUNCIL). 24/00017/DEEM3** (Pages 59 - 68)
This item includes a supplementary report.
- 8 **5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 69 - 70)

9 URGENT BUSINESS

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

10 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.

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 on 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.

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Agenda Item 3

Planning Committee - 30/01/24

PLANNING COMMITTEE

Tuesday, 30th January, 2024
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Paul Northcott (Chair)

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

Apologies: Councillor(s) Holland

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

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 4 January, 2024 be agreed as a correct record.

3. **APPLICATION FOR MINOR DEVELOPMENT - JOLLY POTTERS INN, 9 BARRACKS ROAD, NEWCASTLE-UNDER-LYME. MARK CHARMAN. 23/00184/FUL**

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

- (i) Time Limit
- (ii) Approved Plans
- (iii) Materials
- (iv) Electric Vehicle Provision
- (v) Glazing
- (vi) Acoustic ventilation
- (vii) Parking Layout
- (viii) Construction Environmental Management Plan
- (ix) Tree Protection Plan
- (x) Arboricultural Method Statement
- (xi) Hours of Construction

Planning Committee - 30/01/24

- (xii) Restriction to use class of commercial unit
- (xiii) Agreement of security measures

[Watch the debate here](#)

4. LISTED BUILDINGS AT RISK SURVEY 2022/23

- Resolved:**
- (i) That members accept the findings of the survey for buildings found to be “at risk” and agree that officers work towards getting these buildings removed from the Register.
 - (ii) That officers work with owners of those buildings identified as “requiring monitoring” (shown on Appendix 1) to stop them getting worse and becoming “at risk”.
 - (iii) That officers update the survey, if resources permit, every 5 years.
 - (iv) That the survey of buildings at risk in the Borough is published on the Council’s website.

[Watch the debate here](#)

5. LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2

- Resolved:**
- (i) That the information be received
 - (ii) That a report be brought back to Committee in two months’ time

[Watch the debate here](#)

6. DISCLOSURE OF EXEMPT INFORMATION

There was no confidential business

7. URGENT BUSINESS

There was no Urgent Business.

**Councillor Paul Northcott
Chair**

Meeting concluded at 7.41 pm

LAND NORTH OF MUCKLESTONE WOOD LANE AND EAST OF ROCK LANE, LOGGERHEADS
SHROPSHIRE HOMES LIMITED **23/00002/OUT**

The application is for outline planning permission for the erection of up to 150 dwellings and associated infrastructure at land to the north of Mucklestone Wood Lane and east of Rock Lane, Loggerheads. Vehicular access from the highway network to the site is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and internal access details) reserved for subsequent approval.

The application site lies on the northern side of Mucklestone Wood Lane, outside of the village envelope of Loggerheads and within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map. The site area is approximately 12.27 hectares.

To the east of the development site is White House Farm, a Grade II listed building.

Amended plans have been received during the course of the application that have reduced the extent of the development site and the number of dwellings to 150. Amendments have also been provided in respect of the access arrangements to the site and associated traffic calming and mitigation measures.

The 13 week period for the determination of this application expired on the 5th April 2023 however the applicant has agreed to an extension of time until the 1st March 2024

RECOMMENDATION

(A) Subject to the applicant entering into a Section 106 obligation by 30th April 2024 to secure the following:

- The provision of 30% on-site affordable housing
- A contribution of £589,904 for secondary school places
- A contribution of £97,499 towards local health infrastructure
- A contribution of £100,000 towards an off-site Multi-Use Games Area
- A contribution of £10,000 towards travel plan monitoring
- A contribution of £225,00 towards the delivery of sites LV1 and LV2 within the Loggerheads Neighbourhood Plan
- A management agreement for the long-term maintenance of the open space to the site
- Provision of land to secure off site ecology enhancement/mitigation measures

Permit, subject to conditions relating to the following matters

1. Standard limits for submission of reserved matters and commencement of development
2. Approved plans and supporting documents
3. Reserved matters submission to comply with the principles of the Design and Access Statement
4. Detailed surface water drainage design
5. Control of surface water and contamination/pollution during construction
6. Highway access and footway works to be included in any reserved matters application
7. Visibility splays
8. Highway Improvement Works
9. Off site highway works
10. Travel Plan
11. CEMP
12. Hours of Construction
13. Dust Management Plan
14. Site characterisation
15. Remediation statement
16. Implementation of agreed remediation scheme
17. Report of unexpected contamination
18. Soil importation
19. Noise Mitigation Measures
20. Any extracted sand and gravel to be used within the construction of the proposed development
21. Tree and Hedgerow Protection Measures
22. Arboricultural Method Statement
23. Pre-commencement species surveys
24. Detailed Biodiversity Net Gain Assessment and Plan
25. Biodiversity Construction Management Plan
26. Ecological and biodiversity mitigation and compensation
27. Approval of details of play facilities and timing of provision of open space and these facilities

(B) Should the Section 106 obligations referred to in (A) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured, the development would fail to be acceptable in planning terms and would not achieve sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

Reason for Recommendation

While there would be some localised impact on the character and appearance of the area, reliance on the car to access higher order goods and services and some loss of best and most versatile agricultural land, the residential development of the site would make a significant contribution to the Council's housing supply and would provide affordable housing within the rural area.

It is considered therefore that the adverse impacts do not significantly and demonstrably outweigh the benefits of the proposal and accordingly, planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are imposed, as recommended.

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 supporting documentation have been received during the course of the application to address officer and consultee concerns with respect to the impact on the landscape, listed building and highway safety implications. Following the submission of these amended details, the proposal is considered to represent a sustainable form of development that would comply with the aims and objectives of the NPPF.

Key Issues

The application is for outline planning permission for the construction of up to 150 dwellings. All matters except for access (appearance, landscaping, layout and scale) are reserved for subsequent approval.

The site, which comprises agricultural land, lies within the open countryside and a Landscape Maintenance Area, as indicated on the Local Development Framework Proposals Map. It is located outside of, but immediately adjacent to, the village settlement boundary for Loggerheads as set out within the Loggerheads Neighbourhood Plan.

To the east of the site lies White House Farm which is a Grade II listed building.

Amended plans have been received during the course of the application that have reduced the extent of the development site and number of dwellings from 200 to 150. Amendments have also been provided in respect of the access arrangements to the site and associated traffic calming and mitigation measures.

The key planning matters in the determination of the application are:

- Principle of proposed residential development,
- Landscape and Visual Impacts,
- Heritage and implications on the setting of a listed building,
- Affordable Housing,
- Landscape and Open Space,
- Highway Safety,
- Trees and Hedgerows,
- Ecology and Biodiversity,
- Residential amenity,
- Flood Risk and Drainage,
- Agricultural Land,
- Planning Obligations,
- Other matters and
- Planning Balance.

Principle of the proposed residential development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise."

Paragraph 12 of the NPPF states that “Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

The application site comprises agricultural land historically associated with White House Farm. The site also represents greenfield land that is located beyond, but adjacent to, the defined village envelope for Loggerheads.

Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say 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.

Policy SP3 of the CSS seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

Policy LNPG1 of the Loggerheads Neighbourhood Plan (LNP) states that new housing development will be supported within the village envelope of Loggerheads Village, as defined in the Neighbourhood Plan.

Outside of the village envelope, housing development will be supported where:

- It is a replacement dwelling, or limited infill housing, or within a built frontage of existing dwellings; and
- It will reflect the character of surrounding dwellings and will not lead to significant loss of garden space; and
- It will not cause significant harm to residential amenity; or
- It is a new isolated home in the countryside that meets the special circumstances described in paragraph 55 of the Framework.

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

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

(Para 11(d))

Footnote 8 which relates to paragraph 11(d) states that this includes, for applications involving the provision of housing, situations where (a) the local planning authority cannot demonstrate a 5 year supply (or 4 year supply, if applicable as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77 and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous 3 years.

The First Draft Local Plan (Regulation 18) was consulted upon from the 19 June to the 14 August 2023. The Local Plan sets the vision and framework for how the Borough will grow up to 2040. The Local Plan, once adopted, will set out targets for the number of jobs and homes to be delivered in the Borough and an overarching spatial strategy to guide development to sustainable locations. The First Draft Local Plan included a number of draft allocations, including at LW53, Land Corner of Mucklestone Wood Lane & Rock Lane, Loggerheads for around 130 dwellings. Given that the Local Plan is still at an early stage (Regulation 18) and that there are unresolved objections to it, including the site LW53, then the Plan should be afforded limited weight in decision taking (in line with paragraph 48 of the National Planning Policy Framework).

Paragraph 226 of the Framework states that from the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.

As the Local Authority has reached Regulation 18 of the emerging local plan process then paragraph 226 of the Framework applies.

The government has recently (05 February 2024) updated the planning practice guidance on five year supply confirming that local planning authorities will be required to identify a four years supply of housing against a five year housing land supply requirement. The Council are in the process of reviewing the housing land supply position in the light of the revised guidance.

In relation to the criteria set out in footnote 8 of the Framework, the 2022 Housing Delivery Test Result published by the Department of Levelling Up, Housing and Communities on the 19 December 2023 confirmed a housing delivery test result of 168% for Newcastle-under-Lyme Borough Council.

For 5 years supply, the last published figure in relation to housing supply indicated a supply of 7.3 years. However, as a result of a public inquiry at Baldwins Gate Farm (App ref 21/01041/OUT), this identified that the Council could not currently demonstrate a five year supply of deliverable housing sites. On that basis, the Council currently cannot demonstrate a deliverable supply of housing as per the requirements of the Framework which means that the tilted balance as per Paragraph 11(d) of the Framework is engaged by reference to the Council's five year supply position.

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

The Loggerheads Neighbourhood Plan was made on the 15th February 2019. Therefore at the time of this application being considered by the Planning Committee, the neighbourhood plan will be more than five years old. As a result, the neighbourhood plan does not comply with the relevant measures outlined within Paragraph 14 and so it cannot be concluded that the adverse impact of allowing development that conflicts with the neighbourhood plan is, in itself, likely to significantly and demonstrably outweigh the benefits.

CSS Policies SP1 and ASP6, and Local Plan Policy H1 are concerned with meeting housing requirements, and Inspectors in a number of previous appeal decisions, have found that these policies do not reflect an up to date assessment of housing needs, and as such are out of date in respect of detailed housing requirements by virtue of the evidence base upon which they are based.

In *Paul Newman New Homes Ltd v SSHCLG & Aylesbury Vale DC* [2019] EWHC 2367 (Admin) the judgement looks at how decision makers should assess whether “the policies which are most important for determining the application are out-of-date”. It states that the first step is to identify the “basket of policies from the development plan which constitute those most important for determining the application”. The second task is to “decide whether that basket, viewed overall, is out of date”. The basket of policies can be out of date for reasons set out in the NPPF to do with housing supply and delivery, but also if (as a matter of planning judgement) the basket of policies has been overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason.

The basket of policies from the development plan most important for determining this application are considered to be LP Policy H1, CSS Policies SP1 and ASP6 and Policy LNPG1 of the LNP. As stated above, it has been accepted that the LP and CSS policies are out of date. The LNP was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6. This change in the local planning context has a bearing on the weight to be applied to the Neighbourhood Plan policies and therefore it is considered reasonable to conclude that the ‘basket of policies’ overall, is out of date.

In the absence of a required housing land supply, and lack of up to date policies in relation to the provision of housing, the tilted balance outlined within Paragraph 11(d) of the framework is considered to be engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

In sustainability terms, although the site is outside the village envelope of Loggerheads, the village is considered to represent a relatively sustainable location. It has a primary school, post office and pharmacy, library, butchers, convenience store, pub/restaurant, Indian restaurant/takeaway, fish and chip takeaway, barbers, community fire station with rooms to hire, hairdressers and dance studio. There are no churches within the village envelope of Loggerheads itself, but it is recognised that within the nearby village of Ashley there are three churches along with a doctor’s surgery and village hall.

There is a bus service that runs through the village linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury. The timetable, correct as of the 3rd December 2023, identifies that on Monday to Friday there would be six services that run through loggerheads which would then proceed to Newcastle and Hanley town centres. There would on the same days be five services offered from Loggerheads to Market Drayton and then Shrewsbury.

On Saturdays there are five services from Loggerheads, four of which go on to both Newcastle Town Centre and Hanley, however the last service of the day here would terminate at Newcastle. On this same day five services to Market Drayton. There are no services running on Sundays.

Objections from local residents consider that the existing bus service is not fit for purpose, and that any journeys made to other employment centres have to begin hours in advance in light of the limited timetable. As a result residents are forced to make essential journeys by car and the objections consider that the development would exacerbate this issue, ultimately resulting in environmental harm.

In considering the accessibility of this bus route in relation to the Public Inquiry for development at Baldwins Gate Farm (21/01041/OUT) the inspector considered that the services available via this bus route would allow same day return trips to settlements and would enable opportunities to access employment, shopping and leisure facilities. The Inspector also accepted that opportunities to maximise sustainable transport will vary between urban and rural areas, and whilst the service from the No. 64 is less frequent than larger urban areas, in the context of a rural village the service provides the choice to utilise a non-car mode of transport. Therefore he concluded that the existing

services offered a genuine choice of transport for future occupiers. Given that there have been no material changes in the number or type of bus services being offered by the No. 64 bus services, significant weight must be attached to the Inspector's conclusions in this case. Therefore on balance, the bus service through Loggerheads is considered to offer occupants of the proposed development a genuine non-car mode of transport.

It is the case that the occupiers of the proposed dwellings will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. Top-up shopping for example, would be obtainable from within the village and accessible from the application site by foot or cycle. It is acknowledged that the bus service does not operate in the evenings or on Sundays but it is considered that the bus service would provide an alternative for those without access to a car for certain trips. There are bus stops within walking distance of the application site.

The majority of representations received in objecting to the proposal refer to the lack of appropriate supporting infrastructure and services to serve the existing population, let alone the potential new occupants of the proposed development. Issues relating to healthcare and education provision will be dealt with later in this report.

Loggerheads has over the years been the subject of several planning appeals where the Local Planning Authority's position as to whether or not it is a sustainable location for residential development has been considered. The decision of these appeals must be afforded significant weight in the consideration of this application.

In considering an appeal for the development of the former Tagedale Quarry, which is sited immediately west of the application site, the Inspector discussed the high reliance that occupants would have on the use of the private motor vehicle to access services and facilities, particularly for bulk food and comparison goods shopping, evening entertainment, secondary and further education and hospital trips. The Inspector therefore concluded that there would be a heavy reliance on the private car for access to certain services.

In determining the sustainability of residential development on Gravel Bank (17/00787/OUT) which is sited 270m to the west of the application site, the Inspector noted that the only local services and facilities that would exceed the guidance within Manual for Streets would be the primary school and church in Mucklestone and that it would be possible to occupants to access the local facilities on foot or via bicycle. However, it was still maintained that the majority of trips to higher order services would need to be made by car. Despite this, the Inspector concluded that given the rural location of the site the development would occupy a sustainable location.

Inspectors have therefore taken the view that whilst there are sufficient facilities and services within Loggerheads itself to provide prospective residents with sufficient day-to-day services, residents would be heavily reliant on the use of the private motor car to access higher level goods and services. This scenario would still be applicable to the application site, and so this reliance on the car for community and higher education must be afforded harm within the planning balance.

Although this site is outside the village envelope, it would still be close to existing facilities. It is located approximately 770m from the village centre where the nearest bus stops are also situated. Manual for Streets advises that walkable neighbourhoods are typically characterised as having facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. This, in addition to the level of services provided within the existing village centre means that there is a good level of facilities available for the day to day needs of prospective residents of the development site.

A Travel Plan has been prepared to reinforce the alternative modes of transport available. It sets out a package of measures which are designed to increase the use of sustainable modes of transport and minimise single-occupancy car journeys. This includes making residents aware of cycle, bus and walking routes, providing electric charging points and secure cycle parking.

These points undoubtedly weigh in favour of a conclusion that in terms of access to some facilities and a choice of mode of transport, the site can be described as being in a sustainable location.

Paragraph 8 of the NPPF states that there are three overarching objectives to achieving sustainable development: economic, social and environmental. The applicant considers that this scheme would deliver the following:

Economic

- Creation of local jobs during and post construction;
- Increased local spending from new population within the local area;
- Increased spending with local companies in terms of construction materials etc;
- Delivery of open market and affordable housing will attract economically active households to the area;

Social

- Provision of a mix of 150 open market and affordable housing;
- Provision of 45 affordable homes which would assist in addressing the needs of those on the Council's affordable housing waiting list.
- 10% provision of the development as bungalows;
- Provision of play space, parkland and amenity greenspace that exceeds the recommendations of the Council's Open Space Strategy;
- Financial contribution towards the delivery of a MUGA on sites LV1 and LV2 identified for the provision of community facilities within the Neighbourhood Plan;
- Provision of a bus waiting facility at the front of the proposed development for the school bus service

Environmental

- Commitment to provide 10% Biodiversity Net Gain within the reserved matters application

It is agreed that the economic, social and environmental factors referred to by the applicant are valid. In particular it is the case that the development would fulfil a social role by delivering a mix of market housing and affordable housing.

It is acknowledged that both local and national planning policy seeks to provide new housing development within existing development boundaries on previously developed land where available. It is accepted that residential development on this greenfield site outside the settlement boundary would be contrary to this preferred approach. Nevertheless, this site would contribute to meeting the housing need for the borough over the emerging plan period in a sustainable and accessible location which would help to significantly boost the supply of homes in the borough.

The consideration of whether any adverse impacts exist that would outweigh the benefits of the proposed scheme shall be considered later in this report.

Landscape and Visual Impacts

Paragraph 131 of the National Planning Policy Framework (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.

Paragraph 135 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.

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. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate

vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

Policy LNPP1 of the LNP states that to be supported, new development must demonstrate high standards of design. This includes, amongst other points, comprising site-specific design solutions to complement, but not necessarily imitate, the surrounding context; Complementing the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces and responding positively to local topography.

RE5 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) states that new development in the rural area should amongst other things respond to the typical forms of buildings in the village or locality and that new buildings should respond to the materials, details and colours that may be distinctive to a locality.

R12 of that same document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area. R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

With regards to impact on the landscape, CSS Policy CSP4 indicates that the location, scale, and nature of all development should avoid and mitigate adverse impacts (on) the area's distinctive natural assets and landscape character. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

NLP Policy N17 expects development to be informed by and be sympathetic to landscape character and quality which should contribute, as appropriate, to the regeneration, restoration, enhancement, maintenance or active conservation of the landscape likely to be affected.

NLP Policy N19 states that within landscape maintenance areas the council will seek to maintain the high quality and characteristic landscape. Where development is permitted, it will be expected to contribute this aim.

Although an indicative layout has been submitted to show how the site may be developed, layout, scale, appearance and internal access arrangements are all matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail on or consider the layout submitted.

Notwithstanding this, prior to the submission of the planning application the indicative layout was considered by an independent Design Review Panel (DRP). Comments from the DRP largely focussed on any future application deriving a more landscape responsive approach to inform potential character areas, open space and drainage strategies as well as strengthening connectivity, the importance of views and place making strategies.

The applicant has amended the indicative layout and approach in line with some of the comments received from the DRP, which is a positive and well-received approach to design and place making. In addition, during the consideration of this application the applicant has provided a further amended scheme, reducing the development envelope and number of dwellings following receipt of concerns raised by officers.

The application site covers 12.27ha of arable farmland. The southern boundary of the site is defined by Muckleston Wood Lane and the western boundary by Rock Lane. The site is bounded by a mature hedgerow on both of the aforementioned boundaries and in addition, there is a further established hedgerow along the eastern boundary.

To the east of the site lies White House Farm, a Grade II listed building. It is at this eastern edge where the land sits at its highest point, with the topography then sloping down towards Rock Lane at the western boundary of the site.

Directly opposite the site, the southern side of Mucklestone Wood Lane is host to residential development of varying scale and character. However, it is clear that when travelling from the application site in a north-easterly direction along Mucklestone Wood Lane, the nature and character of the land along the northern side of the highway is open, agricultural land, often wooded in nature and so offers an attractive, rural backdrop at the edge of the Loggerheads village envelope.

A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application. The LVIA states that because of the strong field boundary vegetation and good levels of tree cover within the surrounding landscape, the limited extent of the local Public Rights of Way network in the vicinity of the site, and the context provided by existing nearby residential development means that notable adverse effects on visual amenity are predominantly limited to within approximately 100m of the site. Such effects would be experienced by;

- Users of Rock Lane
- Occupiers of residential properties on or adjacent to Mucklestone Wood Lane and Rock Lane,
- Road users on Mucklestone Wood Lane and users of the White House Farm caravan park.

In terms of landscape impacts, the LVIA summarises that there would be a moderate to major adverse effect on the character of the site in isolation, but only moderate adverse when considered in its local landscape context.

Objections from local residents have raised a number of concerns about the harm of the proposed development to the landscape, namely the intrinsic rural character of this part of Mucklestone Wood Lane and the further expansion of development into the countryside. Comments also make reference to the harm from local and wider viewpoints.

Officers accept the conclusions that harm from the proposed development would be localised, however, even though the harm would be at the lower end of the scale, there will ultimately still be some harm to the character and appearance of the landscape. The proposed development would result in the introduction of new built form into an area of currently undeveloped agricultural land on the edge of Loggerheads.

However, built development is not considered to be an alien feature within the wider landscape surrounding the application site. Further west of Rock Lane is a new residential development scheme currently under construction on the former Tagedale Quarry Site. (Ref. 15/00015/OUT and 20/00201/REM). Directly opposite the site, the southern side of Mucklestone Wood Lane is host to residential development of varying scale and character.

In order to ensure that the development would not appear overly urban within the edge of village location, the applicant has incorporated a good proportion of green infrastructure into the indicative layout. Features of this include a strong green buffer around the perimeter of the site; the retention of the majority of the existing natural landscape features; tree lined focal streets and the use of green lanes to create attractive pedestrian routes throughout the development as well as a pedestrian link onto Rock Lane. All of these factors will help to provide a development that respects the surrounding landscape and ultimately provide a scheme that takes a strong, landscape led approach that will greatly assist in allowing development to assimilate with the character and appearance of this part of the landscape. Whilst it is accepted that this masterplan is indicative, development can be permitted that is subject to any reserved matters scheme following the broad principles presented within the masterplan and the design and access statement.

The density of the overall site when including the open space would be 12 dwellings per hectare. Your Officer's view is that given the location of the site, the density of the proposed scheme is appropriate. There is a mix of dwelling size and style in the area and the lower density of development being pursued here is considered to be the most appropriate given the edge of village location of the site and characteristics of the wider landscape. The dwellings set out across the frontage with Mucklestone Wood Lane are also to be set back approximately 30m beyond the edge of the highway,

ensuring that the new built development would not be intrusive or overbearing in immediate views from Mucklestone Wood Lane and retaining an aspect of the more open nature that the site, and this side of Mucklestone Wood Lane, currently provides.

It is accepted that the application site has a distinct relationship with the Grade II listed building of White House Farm which is sited beyond the eastern boundary of the site. The heritage impacts of the development on this listed building will be considered later in this report. However, in terms of the consideration of the impacts of the development on visual amenity and landscape, White House Farm has to be considered as a relevant receptor that is susceptible to the proposed development. The Landscape Character Appraisal which has been conducted alongside the production of the emerging Local Plan refers to views within parish of Loggerheads and that one of the most panoramic is that from White House Farm. The proposed development as per the amended plans would now be situated on the parcel of land at the lowest point of the site, and so indicative views that have been provided show that the Farm House and land surrounding it would maintain the long distance views that are so distinctive for the site. In addition the indicative layout has introduced the use of focal squares and green spaces that allow for the provision of internal visual links towards White House Farm which will ensure that the development seeks to maintain this important visual and landscape feature for existing and future residents to enjoy.

The reduction in the number of units and the provision of strong green infrastructure throughout the site has ensured that the development scheme would provide a strong transition between the rural landscape and the built development at the edge of the village. In addition, the development would not be seen in total isolation from other existing built development within the area. Despite there being screening in place along the boundaries of Rock Lane, the development under way on this site can be seen extending above the retained treescape and boundary treatments, and the development would be set against this backdrop as well as the established development along the opposite side of Mucklestone Wood Lane.

However, the development would undoubtedly introduce a suburban form of built development into a parcel of the landscape that is currently comprised of attractive, open, arable land that makes a positive contribution to the landscape and visual amenities of the immediate area. Therefore the proposed development would result in harm to the landscape at a localised level and so this must be taken into consideration within the tilted balance which will be considered later in this report.

Affordable Housing and Housing Mix

CSS Policy CSP6 sets out that within the rural areas, on sites of 5 dwellings or more, 25% of the total dwellings must be affordable housing units and be fully integrated with the market housing, be built to the same design, quality and space standards and should not be visually distinguishable from other development on the site.

The proposed scheme would seek to provide 30% affordable housing on site which is above the level required by policy. This would equate to 45 units which would then be split into affordable rent and intermediate housing (shared ownership). The supporting documentation also indicates that the affordable housing would be 'pepper-potted' around the site.

As the proposed development would exceed the policy compliant provision of 25%, the proposed development is considered to be acceptable and would accord with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Up to 150 new dwellings are proposed comprising a variety of house types.

Policy LNPG2 of the LNP states that to be supported, proposals for ten houses or more must include a mix of types of accommodation to meet the requirements identified within the local housing needs, including accommodation for first time buyers and the elderly. At least a third of new homes, unless it can be demonstrated there is not a need for this level of provision must comprise a combination of:

- One or two bedroomed properties and
- One or two bedroomed properties suitable to provide independent living for the elderly

The Newcastle-under-Lyme Housing and Economic Needs Assessment Update, dated March 2023, still considers that there is a broad mix of housing required but there is a slight shift towards a need for larger homes when compared with the previously published 2020 Housing Needs Assessment.

It is considered that a broad mix of housing proposed as part of this development seeks to provide the type of dwellings for one person households, couples without children, households with dependent children, families with other adults and other types of households. In this regard the mix, type and size of dwellings is acceptable.

Landscape and Open Space

CSS Strategic Aim 2 seeks to facilitate the delivery of the best of healthy urban living in the development of the conurbation and to ensure that new development makes adequate provision for all necessary community facilities, including health care, education, sports, recreation and leisure.

CSS Policy CSP1 expects new development to contribute positively to healthy lifestyles.

NLP Policy C4 states that an appropriate amount of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured. The design and location of new play areas must take into account community safety issues.

Policy LNPP1 of the Neighbourhood Plan states that to be supported new development must, amongst other points, create a strong green infrastructure buffer on the interface between urban and rural to buffer surrounding landscaping from development and design open spaces to be safe, attractive and functional as an integral part of layout.

Within the development there would be the provision of 3.5ha of open space (excluding the attenuation basins) which is comprised of a mix of areas of amenity green space, a local area of play (LAP), a Locally Equipped Area of Play (LEAP), pocket park with woodland planting, linear open space corridors and footpaths around the perimeter of the site.

The size of the children's play area proposals meet the minimum requirements outlined within Fields in Trust in terms of the LAP and LEAP provisions and overall, the provision of open space exceeds the required standards set out within the Councils Open Space Strategy. Therefore the development would make a successful contribution in the creation of healthy lifestyles for occupants of the proposed development as well as existing residents within the village.

In addition to the aforementioned on-site provision, developments of between 10 and 200 dwellings require a contribution for a multi-use games area (MUGA). This can be secured as part of the S106 agreement and the applicant has confirmed that they are willing to provide this contribution.

In addition to the policy compliant contribution towards an off-site MUGA, the applicant has also confirmed a willingness to contribute a sum of £225,000 to the Parish Council towards the development of sites LV1 and LV2 within the Loggerheads Neighbourhood Plan which are allocated for community sport and recreational uses. Policy LNPS2 of the Neighbourhood Plan states that Site LV1 is allocated for built development for a mixed use community and sports facility whilst site LV2 is allocated for sport pitches. Such a contribution would be of significant local benefit in assisting to deliver these allocated sites and a contribution of this nature can be secured through a Section 106 agreement.

The Landscape Development Section has no objection in principle to the proposed development and is supportive of the open space proposals.

For the reasons outlined above, the proposals are considered to accord with development plan policy the guidance set out within the NPPF.

Highway Safety

NPPF Paragraph 114 notes that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) 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.

Paragraph 115 advises 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.

Paragraph 116 states that applications for development should;

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

CSS Policy SP3 addresses the need to secure more choice of, and create better access to, sustainable modes of transport whilst discouraging less sustainable modes. CSP1 expects new development to be accessible to all users and to be safe, uncluttered, varied, and attractive.

Policy LNPT1 of the LNP states that new development comprising new homes must demonstrate a balanced and sustainable approach to transport, including:

- Providing for different modes of transport, including walking and cycling including incorporating secure, covered storage space for cycles
- Providing electric car charging points
- Ensuring there is no significant negative impact on road safety and severe traffic congestion
- Providing safe and suitable access for both vehicles and pedestrians
- Incorporating well-connected and permeable pedestrian networks; where not already in place, footways (pavements) are provided to link the site to the existing footway network

As initially submitted the proposed vehicular access to the site was to be taken from Mucklestone Wood Lane, opposite the junction with Hunters Point. It was also proposed to install a mini-roundabout.

The Highway Authority (HA) raised concerns with this arrangement and the impacts of the development on the surrounding highway network, most notably the Mucklestone Wood Lane/A53/Gravelly Hill Crossroads junction which is approximately 1,200m east of the application site. The HA also raised concerns in relation to the detail contained within the Transport Assessment, Travel Plan and Access Arrangement Plan.

A consultation response from the HA received on the 9th August 2023 identified that the applicant and their transport consultant have been liaising with the HA to address the concerns raised and identify appropriate mitigation measures. This has resulted in the submission of a revised scheme that has moved the proposed point of access towards the south-eastern corner of the site which would include the implementation of design measures to ensure that residents of the application site would not be able to turn left onto Mucklestone Wood Lane. The scheme also now includes traffic calming measures along Mucklestone Wood Lane and a traffic calming gateway feature on the approach to Loggerheads on the A53 near to the Gravelly Hill junction. Each of these features shall be addressed in turn below.

Transport Assessment and Travel Plan summary

A Transport Assessment and Travel Plan have been submitted with the application.

The Transport Assessment has assessed the potential transport impact on the local highway network and puts forward mitigation to improve highway safety and capacity issues. As part of this assessment 5 key junctions have been assessed in terms of capacity terms;

1. Proposed site access – Mucklestone Wood Lane/ Hunter's Point
2. Mucklestone Wood Lane/ B5026 Eccleshall Road/ B5026 Mucklestone Road
3. Mucklestone Wood Lane/ A53/ Gravelly Hill
4. A53/ B5026/ Eccleshall Road double mini roundabouts
5. A53 Newcastle Road/ A51 eastern and western junctions

Whilst the information as submitted has demonstrated that the junctions of 1-4 would operate within the appropriate capacities, the development would materially impact the safety and capacity of junction 5, A53 Newcastle Road/ A51 eastern and western junctions. This therefore warrants off-site mitigation works.

Within their response the HA have also noted that due to the recent government decision to no longer pursue phase 2a of the HS2 route, it is unlikely that the HS2 A51/A43 Blackbrook Junction mitigation scheme will come forward and so a worst case scenario must be considered. In considering the proposed development at Baldwins Gate Farm (21/01041/OUT) that was allowed at appeal, it was also a requirement to mitigate the impact of development on the capacity of this junction. In their consideration of this proposal, the applicant has appropriately assessed the capacity of this junction and confirmed that the approved mitigation works from the Baldwins Gate Farm scheme would be sufficient to fully mitigate the impact of both the proposed development traffic and consented Baldwins Gate development traffic.

The Transport Assessment includes personal injury collision data (PIC) which was obtained from Staffordshire County Council for the latest five-year period. The data from within the search area indicated that within that period there were five recorded collisions, two considered to be serious and three slight in severity. The County Council have reviewed this data and concluded that there does not appear to be any commonality with any of the recorded incidents, other than they are generally attributable to driver error and poor weather conditions. They are satisfied that the volume and causation of collisions does not suggest that there are any existing adverse safety problems within the study area.

The residents' committee considers that the information provided by the applicant is not reliable or an accurate representation of the highway safety risks within the locality. They have submitted a number of first hand accounts from members of the public following a request for any accident information data on Facebook. However, this as an information source is not an official database of recorded information. It refers to first hand, individual accounts of varying specificity and presented in this format, it cannot be given any weight.

More data is presented from a website called crashmap.co.uk and indicates the year, type of incident, number of vehicles and casualties involved. However, the representation goes on to detail that while useful, they consider the data from this source to be incomplete as it does not accurately reflect the number of incidents and so cannot be used as a reliable way to gauge if junctions within the village are hazardous or not.

Planning Practice Guidance on Travel Plans, Transport Assessments and Statements details that a Transport Assessment should include “*an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area*”. Officers have also sought clarification from the Highway Authority on the requirements for collision data. Officers indicate that the site utilised by residents contains more recent data, but this data has not been verified by Staffordshire Police and therefore may not be accurate. With regards to timescales, over the years the road environment and driver behaviour can change and therefore a request is always made for the most recent road safety information to best represent the current safety of the road network that may be impacted by the development.

As will be detailed within this report it is accepted that certain key junctions surrounding the development site are nearing capacity and/or are of limited visibility and as such mitigation works would be required to offset any harm resulting from the increase traffic movements that would come from the development.

With regards to the Travel Plan, the HA accept the objectives, measures and targets outlined and request a financial contribution of £10,000 through a S106 agreement to secure monitoring of the Travel Plan over a 5 year period. The travel plan provides a summary of existing alternative modes of travel including pedestrian, cycling and public transport. It then goes on to detail how these existing modes of sustainable travel will be reinforced by the Travel Plan which sets out measures and initiatives to promote sustainable travel to and from the site.

Access arrangements

Access to the site will be taken from Mucklestone Wood Lane via a priority junction. Following discussions with the HA this has been designed to discourage vehicles from turning left out of the site onto Mucklestone Wood Lane and towards the junction with the A53. The applicant has provided tracking plans for the access proposals that details an overrun area to accommodate the turning of larger vehicles into the site, such as refuse vehicles.

Objections questions the safety of discouraging drivers from turning left onto Mucklestone Wood Lane and that vehicles may perform U-turns at other dangerous points along the highway or simply ignore the signage altogether. Concerns are also raised about the impact that this would have on the safety and capacity of the double mini-roundabout junction within Loggerheads given that this is where vehicles from the estate would be routed too.

The access would be afforded with the appropriate visibility splays that are commensurate with the recorded 85th percentile speeds limits of the road, and so it is considered to be a safe and suitable access. The HA have raised no objections to the proposed means of access to the site and the accompanying traffic data has concluded that the capacity of the double mini-roundabout junction can cope with the additional traffic from the development as well as the other committed development within Loggerheads.

Amendments to the scheme have also seen the need for a secondary point of access to be introduced, but this will only be utilised as an emergency point of access and the detailed design stage would ensure that the highway is designed in a way as to not allow this access to be used as a further main point of access to the site.

The internal site layout is at this stage indicative, however it is considered that there is sufficient space within the site to accommodate an acceptable road layout and parking and turning arrangements for the number of dwellings proposed.

Traffic Calming Measures on Mucklestone Wood Lane

The submitted Transport Statement, details that the proposed development would result in the number of vehicles using Mucklestone Wood Lane as a result of the development increasing by 14 vehicles during the morning peak and 8 in the evening peak which would equate to 1 vehicle every 4-8 minutes which is considered to be a modest increase.

The submission also details that Mucklestone Wood Lane, by virtue of the traffic flows and speed of vehicles, would be in accordance with the requirements for a 'quiet lane' which are characterised by vehicle movements of less than 1000 per day and is a shared space by vehicles, pedestrians cyclists and horse riders.

Whilst the access arrangements would ensure that any vehicle movements in a south-easterly direction along Mucklestone Wood Lane are reduced, the applicant is also proposing a number of additional highway improvements along Mucklestone Wood Lane. This includes the provision of occasional footway/areas of hardstanding which are wholly within the public highway and will not affect existing points of access. The aim is for these areas to be used by pedestrians, provided them with a point of refuge to step out of the way of approaching vehicles. These mitigation works, in terms of pedestrian safety, are considered to be a betterment to pedestrians using Mucklestone Wood Lane.

Further traffic calming measures are proposed along Mucklestone Wood Lane in the form of priority chicanes which would again assist in slowing the speed of traffic travelling along the highway. The submitted Transport Assessment includes a vehicle tracking drawing showing plans for these chicane measures and them being utilised by articulated refused vehicles and cars towing caravans.

Local residents have objected to these traffic calming measures, referring to increased driver and pedestrian hazards as well as a further detrimental impact on the rural character of Mucklestone Wood Lane. The Highway Authority has considered in full the submission and supporting evidence from the applicant and considers that such measures would assist in offsetting any harm from additional vehicle movements as well as offering betterment to pedestrians. Whilst these works would introduce a more engineered feature to the lane, it is not considered that this would be severely harmful to the character of the area.

Traffic Calming Gateway Feature

The Highway Authority have as part of their consideration of the application expressed concerns at the suitability of the Mucklestone Wood Lane/A53/Gravelly Hill junction as a result of the development. To respond to this the applicant has proposed a scheme of mitigation works to act as a gateway feature into the village on the A53. This includes the provision of chicane features and informative signage to the north east of the junction point with the aim of reducing vehicle speeds and traffic flows when approaching the Gravelly Hill junction. This is accompanied by a vehicle tracking exercise to demonstrate that the features could be installed and still allow for articulated vehicles to pass.

Objections from local residents raise a number of highway safety and practicality concerns with these proposed traffic calming gateway features. Many consider that the works would lead to increased congestion of vehicles waiting to pass the build outs as well as increased driver frustration and the likelihood of drivers finding alternative 'rat run' routes to avoid the measures. Objections also raise concerns regarding the increased confusion and highway safety issues from vehicles leaving Mucklestone Wood Lane to join the A53.

In considering the provision of these off-site mitigation measures, the Highway Authority raise no objections. They note that the scheme has been subject to a Stage 1 Road Safety Audit that has raised no fundamental safety issues that cannot be detail with at the detailed design stage.

Conclusion

It is considered that a safe and suitable access to the site for all users would be achieved and that any impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety would be mitigated to an acceptable degree.

The traffic calming measures put forward by the applicant are considered to be supported by sufficient evidence to demonstrate that existing junctions within and near to the village can accommodate the development proposed, with these measures also being subject to a Stage 1 Road Safety Audit.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF subject to conditions and financial contributions to be secured through a S106 agreement.

Trees and Hedgerows

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets.

NLP Policy N12 seeks to 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. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

There are no trees on the site which are protected by Tree Preservation Orders. However, there are numerous visually significant trees and mature hedgerows throughout the application site, most notably within the perimeter boundary lines and also within the internal hedge line that forms the eastern boundary of the site. They are all positive features that contribute positively to the character and appearance of the site and its wider setting.

The part removal of the hedgerow along Mucklestone Wood Lane to provide the new point of access is unavoidable. However, it is considered that a minimal amount of this hedge line has to be removed in order to provide this access point and the remaining site proposes to maintain and enhance the existing trees and vegetation on site, and a detailed landscaping and green infrastructure plan would be considered as part of any reserved matters application.

During the course of the application amended plans have been received that have amended the access details, and as a result a secondary point of access has been introduced in the south eastern corner of the site, onto Mucklestone Wood Lane. Unfortunately the provision of the requisite visibility for this access has resulted in further loss of hedgerow and three trees, at a much greater extent than previously proposed. However, the applicant has shown an updated landscaping plan that shows that a new hedgerow would be replanted behind the agreed visibility splays. The trees that would be lost for this visibility splay include one category B tree and two category C trees. Sufficient replanting will be required for trees of equal stature and species to compensate for this loss, and this can be secured through a condition.

Whilst it is accepted that this application is for outline consent, with matters of details to be agreed at a later date, it is considered that such indicative details emphasise that appropriate landscaping would safeguard any long term harm resulting from the removal of this hedge. Conditions can appropriately secure the species and maturity of the planting to ensure that the replanted hedgerow has an immediate visual impact.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Ecology and Biodiversity

Paragraph 180 of the NPPF states that planning policies and decision should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 186 of the Framework states that when determining planning applications, LPAs should apply the following principles;

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets including enhancing the areas natural habitats and biodiversity to achieve the outcomes and targets set out within the UK and Staffordshire Biodiversity Action Plans and Staffordshire Geodiversity Action Plan. Development should avoid and/or mitigate adverse impacts, and wherever possible, enhance the area's natural assets, landscape character, waterways, green corridors and priority species and habitats.

An Ecological Assessment (EA) has been submitted alongside the application proposals.

The LPA consulted with Natural England and Staffordshire Wildlife Trust as part of the application process but received no comments on these matters. As a result the LPA have sought the independent advice of the County Ecologist to consider the information put forward with the application.

In respect of Bats, the EA included a ground-based assessment of the site for bat-roosting potential. This survey identified that ten trees within the site have suitability for roosting bats; four of high suitability, three moderate and three of low suitability. It also concluded that the trees, coppice and hedgerow situated along Rock Lane offer good commuting and foraging habitats for bats, with the hedgerows along the eastern and southern boundaries also offering some commuting and foraging opportunities, but the latter is likely compromised by the existing street lighting. These foraging, roosting and commuting opportunities have been acknowledged and the applicant has sought to retain all of the trees and majority of the hedgerows within the site which would ensure that these opportunities and the bats are not adversely impacted by the development. The hedgerow that is to be lost along the southern boundary would result in commuting habitats becoming fragmented in this location.

The EA has also considered the suitability of the site and adjacent land for amphibians, including Great Crested Newts, reptiles, invertebrates and other mammals and concludes that the scheme would have negligible impacts on these species, but recommends a number of enhancement measures.

Protected birds have also been considered as part of the proposals and the EA has identified that habitats within and adjacent to the site provide suitable nesting habitat for a range and species.

Objections have been received from local residents largely surrounding the impact on bats and protected birds. They note that Rock Lane acts as a corridor for bats and consider that the lack of further specific bat activity surveys is required to consider the potential impacts of the scheme. In addition it was felt that the extent of hedgerow loss on Mucklestone Wood Lane would have unacceptable impacts on bats, and as per the initial comments of the County Ecologist, would trigger a requirement for bat activity surveys. In respect of birds, local residents have reported a number of sighting of protected species including lapwing, skylark and grey partridge and concerns are raised about the loss of habitat in relation to these bird species.

The habitat along Rock Lane will be maintained with no tree or hedgerow loss proposed along this boundary of the site. It is accepted that lighting may have impacts on bats along this area of the site and so a suitably worded condition can effectively control the lighting scheme across the site. The indicative layout does show a landscaped buffer around the perimeter of the site which will further assist in offsetting any new lighting that would be introduced as part of the scheme. The County Ecologist has confirmed that given the conditions of the site it is common place to assume that bats will be present. The hedgerow that is to be removed on the southern boundary would not provide roosting opportunity for bats, but would offer commuting links. It is therefore recommended that a pre-commencement condition is attached to any permission granted to provide mitigatory landscaping to ensure that these commuting corridors are retained before any works relating to development commence.

With regards to birds, the EA recommends that all vegetation clearance works take place outside of bird nesting season and if this cannot be the case, a nesting bird check would be required. In order to address the potential loss of habitat for farmland birds the applicant is proposing to allocate additional land that is within the control of the applicant to be made available and managed for these farmland bird species. Compensatory habitats would be provided on this land which will be informed by a suitable mitigation plan. Such measures can be appropriately secured through conditions and a S106 agreement and this would ensure that the proposed development would not result in a loss of habitat or harm to protected measures and it's likely, with appropriate management, would provide biodiversity enhancements.

The updated EA has also addressed the comments of the County Ecologist in respect of the hazel dormouse. This details that despite the poor connectivity across the site and presence of species-poor hedgerows, evidence suggests that hazel dormice populations in the area are more likely to use suboptimal habitats within the wider area and so their absence on site cannot be confidently ruled out. Therefore there is a small potential for direct impacts to occur during hedgerow removal works. The recommendations of the EA include the requirement for a hazel dormouse nest tube survey and (regardless of presence) enhancement measures to allow the development to have a positive contribution to future conservation efforts for hazel dormice in the area.

The EA goes on to make a number of recommendations for mitigations and advisory measures that would be adhered to throughout the development as well as biodiversity enhancement measures through a robust landscaping scheme.

The comments of the County Ecologist have raised no objections to the approach taken within the EA and consider that the implementation of suitable pre-commencement conditions for mitigatory landscaping and further survey efforts are acceptable based on the specifics of the site and the results presented within the EA.

With regards to Biodiversity Net Gain, as this application was made prior to the legislation being made mandatory on the 12th February 2024, the Local Planning Authority cannot impose a mandatory requirement for BNG on the site. However, the applicant has submitted with the application a feasibility stage BNG assessment. This has concluded that based on the indicative masterplan layout and the features of the site it will be possible to provide a 10% net gain on site. Any reserved matters application shall include a detailed BNG Design Stage Assessment which will include detailed landscaping proposals and a 30 year habitat management plan.

Subject to the imposition of a number of conditions requiring appropriate mitigation, it is not considered that an objection could be sustained on the grounds of ecological impact. For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Residential Amenity

Paragraph 180 of the NPPF advises that, planning policies and decisions should contribute to and enhance the natural and local environment by "...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans

Paragraph 191 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 192 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

The application is supported by an Air Quality Assessment which concludes that the resulting air quality effect of the proposed development on the surrounding area is not considered to be significant and no mitigation measures are necessary.

Objections received have referred to a loss of quality of life from the drawn out construction process, noise and disruption that would go hand in hand with a largescale development site.

A Noise Assessment has also been submitted which acknowledges that there was, at times, faint barking dogs audible at the location close to Ranworth Lodge Kennels which is positioned beyond the far north-western corner of the application site. As such the report recommends modest noise mitigation measures for houses and gardens that will be nearest to the kennels. In all other aspects, mainly relating to traffic noise, there are not considered to be any impacts on future occupants of the development.

With respect to noise, the Council's Environmental Health Officer has indicated that the submitted Noise Assessment has used BS8233 to assess noise in relation to the proposed development. However, they request that a further Noise Assessment to BS4142:2014 would be required in order to assess the impact from other potential noise sources which will allow for characteristics of noise, especially from the kennels, to be assessed. This is to ensure that the mitigation measures required are suitable. This can be appropriately secured via a condition.

Conditions have also been requested to control the hours of construction and for the submission of a Construction Environmental Management Plan (CEMP). It is considered that these measures would suitably control any disturbance to existing residents during the construction phase of the development.

In light of the above, it is considered that the air quality for the development is acceptable and subject to conditions, the proposed development can be attenuated to achieve acceptable external and internal sound levels. For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Now turning to land contamination. The application is supported by a Phase 1 Ground Investigation (GI). It identifies sources of potential contamination from localised source areas including a former well, potentially infilled clay/gravel pits, an existing slurry tank and areas of waste and probable fuel storage. However, with the exception of the former well, all of these locations are outside the current

development area. Ground gases also have the potential to migrate to the site from the liquid waste lagoons located adjacent to the south-west boundary of the site as well as from materials used to infill the former well.

In identifying the above constraints a scheme of further ground investigation is recommended, and this is supported by the Council's Environmental Health Officers who have requested a number of conditions in relation to site investigation, remediation and mitigation measures. Subject to these conditions and given the low risk presented by the identified contamination, the proposal is considered to be acceptable and compliant with the relevant guidelines of the NPPF.

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. It is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between both existing and proposed dwellings and that sufficient private amenity space would be provided to comply with the Council's Space Around Dwellings SPG.

Flood Risk and Drainage

NPPF Paragraph 173 outlines that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The site lies in Flood Zone 1 which is land/property with the lowest risk of flooding.

The application is accompanied by a Flood Risk Assessment and Drainage Strategy (FRADS) which has been updated in line with the revisions to the site area and house number reduction during the consideration of this application.

The design put forward by the applicant has assumed that no surface water infiltration will be possible and so the required volume of attenuation storage will be provided through a mixture of attenuation tanks, swales and basins not allowing for infiltration. However, on-site infiltration testing has suggested that partial volumes of surface water may be able to discharge to ground via infiltration.

The FRADS indicates that satisfactory disposal of surface and foul water are provided for and suitable sustainable drainage features will be included within the site proposals. The required surface water attenuation volume will be catered for in the form of attenuation basins with additional underground tanked storage. The indicative masterplan shows that these basins will be sited along the south east and south western edges of the site with further sustainable drainage features throughout the site.

In considering this, the Lead Local Flood Authority have no objections to the application at this stage subject to pre-commencement conditions being attached to any permission granted, to ensure that the full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk occurs during the construction phase.

Severn Trent Water have advised that whilst there are known issues within the area, there are improvements planned within the next 2 years and as a result of this, and subject to the drainage proposals not changing, Severn Trent have no objections to the proposals.

The Environment Agency do not wish to provide specific comments on the proposals and have referred to standing advice.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Agricultural Land Quality

Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The NPPF identifies that best and most versatile agricultural land in grades 1, 2 and 3a of the Agricultural Land Classification.

The Agricultural Land Classification Assessment (ALCA) submitted with the application identifies that the site contains 10.1ha of Grade 3a, 'Good' quality agricultural land and 2.2ha of Grade 3b 'Moderate' agricultural land. Consequently, the development results in a loss of approximately 10ha of the Best and Most Versatile Agricultural Land (BMVAL).

The ALCA identifies that the sloping gradient, flooding and the land climate of the land are not limitations to production in this instance. The ALCA goes on to detail that the soil texture of the site on its own is not limiting to production but the main limitation across the site relates to droughtiness and stoniness relating to the soils.

Objections received have noted the loss of versatile agricultural land which would limit the self-sufficiency of crop production within the locality and lead to further environmental harm.

In considering the loss of BMVAL during an appeal at Baldwins Gate Farm, the inspector noted that the land quality was not unusual for this area of the Borough and that many sites adjacent to the community are likely to contain a portion of BMVAL. There was also no evidence that the bulk of the BMVAL in the holding would be lost, however, the inspector acknowledged that the proportions of the loss would represent a significant proportion of the overall site area and affords them some harm.

The site forms part of White House Farm and the land associated with the agricultural holding extends to approximately 165 acres which is split between arable and pastureland with some amenity woodland. The land that is subject to this application is arable land, however given the remaining land available within the agricultural holding it is not considered that the loss of the area of land that is subject to this planning application would impact the remaining agricultural enterprise to the point where it would no longer be viable or productive.

Although it is acknowledged that the site is only a very small part of the wider landholding, the site comprises best and most versatile land and therefore your Officer considers that it must be concluded that the loss of this land is a material consideration which weighs against the proposal. Whether this and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report.

Impact of the heritage significance and setting of White House Farm

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 207 of the Framework states that Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should

refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 208 of the Framework details that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy CSP2 of the CSS states that the Council will seek to preserve and enhance the character and appearance of the historic heritage of the Borough.

Policy LNPP2 of the Neighbourhood Plan states that new development must complement and reinforce the local character of the area and non-designated heritage, including conserving buildings and their setting and comprising high-quality, site-specific design. A balanced judgement will be required having regard to the scale of any harm or loss to a non-designated heritage asset and the significance of the heritage asset.

To the east of the application site lies White House Farm, a Grade II listed farmhouse with associated barn structures and curtilage. The application site has historically been used as agricultural land associated with the farm. The farmhouse sits in a prominent position above the adjacent farmland and so prevails in views from a number of wider vantage points, and this visual prominence and the views afforded to the building and its setting are referred to specifically within the listing description for the building.

The official list entry for White House Farmhouse reads as follows;

“Farmhouse. Probably c.1800 with later C19 additions. Brick, rendered except to rear, plain tile hipped roof with ridge stacks to left and right. 2 storeys, late C20 wood modillion eaves cornice; 3 windows, glazing bar sashes with stone cills; central late C19 door with c.1800 fanlight and late C20 brick and timber porch. 2-storeyed lean-to addition to rear, formerly with datestone (said to be c.1860), 3 casements under cambered heads. Mid-C19 cast iron pump also to rear. Included partly as an imposing and prominent feature in the landscape.”

The original application for 200 dwellings was accompanied by a Heritage Impact Assessment. At 6.15 of this assessment it stated that;

“The surrounding landscape to the north, east and west is predominantly made up of land which is in agricultural or pastoral use. This area is open and devoid of development, therefore making this rural landscape a key factor in the setting of the Farmhouse.”

The report went on to accept that this element of the setting will be impacted by the proposed development which will change the way in which the asset is experienced. The applicant offset this level of harm somewhat in detailing that an area of open land to the eastern side of the site will be retained, which offers some mitigation. It also goes on to state that the following design measures also help to mitigate against any harm to the setting of the asset;

- presence of green buffer at eastern edge of application site
- placement of single storey properties to the east, then gradually increasing in scale away from this boundary
- engineered layout to offer views of asset from within public vantage points within the site

In light of the above the applicant concludes that the proposal will result in less than substantial harm to this designated heritage asset.

However, the Council's Conservation Officer (CO) raised objections to the scheme as initially submitted. The CO highlighted that the landscape to the East of White House Farm is not complex and so any change here would have a great impact. The relationship between this landscape and the Farmhouse is key as to how one will experience the asset, and the development would see this landscape change from informal farmland to formal and suburban character that will ultimately change this element of the significance of the farmhouse and its setting, resulting in harm.

The inclusion of reference to views within the listing description sets a high bar for the contribution that the setting makes to the special character and significance of the listed building through its associative interest. It was therefore considered that the development would result in less than substantial harm that on a sliding scale is at least at a medium level of less than substantial harm.

Having taken on board the concerns raised by your officers, the applicant submitted a revised scheme that reduced the extent of the development site boundary and as a result the number of dwellings. The extent of built development has been moved to now sit below the existing hedgerow which is to be retained along the eastern edge of the site. This has removed development from the most prominent area of the site in terms of topography and notably removed the proposals much further away from the immediate setting of White House Farm.

An update to the applicant's supporting Heritage Impact Assessment based on this revised scheme details that *"Although the loss of the fields themselves will result in a change to the rural landscape through the proposed development, the experience of Whitehouse Farm will neither increase nor decrease as a result of the now reduced scheme with appropriate landscape mitigation."* It also details that *"the land drops away from the heritage asset, and affords long distance views from the farmhouse, therefore limiting the visual impact of the proposed development."*

In considering these amendments the CO notes that the reduction in houses and the setting back of the development behind the hedgerow considerably reduces the level of harm to the setting of the listed building by moving it away from the Eastern Field. In addition, the topography from the field boundary westwards drops considerably to further reduce the visual impact from the house.

Objections from local residents consider that the proposed development would have a significantly harmful impact on the setting and significance of the Grade II listed White House Farm and the land that makes up its curtilage.

Your officers still accept that the development will alter the landscape and result in less than substantial harm to the setting of the listed building because this asset derives a considerable proportion of its significance from its setting. However, the CO is now satisfied that this level of harm would now be at the lower end of less than substantial.

The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The provision of 150 residential houses, 30% of which would be affordable is a significant public benefit of the scheme. It must also be noted that the proposals have resulted in less than substantial harm at the very low end of the scale. The listed building itself and its curtilage structures would be retained and the changes to the layout of the scheme have notably reduced any unacceptable implications on the setting of the Listed Building.

Detailed design matters, landscaping and boundary treatments can all be secured at the reserved matters stage, but this can be sensitively approached to further limit and mitigate the impacts of the proposal on the setting of White House Farm.

For the reasons listed above, the development is therefore considered to demonstrate the necessary public benefits to accords with the requirements of the NPPF.

Planning Obligations

CSP10 'Planning Obligations' requires developers to have regard to the consequences that may arise from development. The policy sets out a number of areas which should be considered including transport, infrastructure, affordable housing, education and community facilities, open spaces, sports and recreation facilities and environmental improvements and mitigation.

Section 122 of the Community Infrastructure Levy (CIL) Regulations states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The applicant has confirmed their willingness to agree to the provision of 30% on-site affordable housing which would be above the policy compliant level of 25% and can be appropriately secured through a S106 agreement.

The application site also provides the requisite levels of on-site open space. The appropriate provision and managements of these spaces can be secured through a S106 agreement.

Other financial contributions have been requested from the following consultees;

- Staffordshire County Council as the Education Authority has requested a sum of £589,904 for secondary school places
- Staffordshire and Stoke on Trent Clinical Commissioning Groups has requested a sum of £97,499 towards local health infrastructure
- The Council's Landscape Development Section has requested a contribution of £100,000 towards an off-site Multi-Use Games Area.
- Staffordshire County Council as the Highway Authority has requested a travel plan monitoring fee of £10,000 and a contribution of £150,000 towards improving the No. 64 Bus service in Loggerheads.

It is acknowledged that the objections from residents raise a number of concerns regarding the capacity of the school and health infrastructure in the area. From consulting the relative statutory bodies, these parties consider that the additional impact from the development in terms of school places and doctors surgeries can be appropriately mitigated against through appropriate financial contributions.

With regards to the financial contribution relating to the bus service, the Highway Authority consider that the current level of access to public transport is poor, particularly for commuters. It also notes that the limited amenities, facilities and employment opportunities within Loggerheads itself, the enhancement of the bus service is essential to reduce the reliance on the private car.

A similar request was made by the County Highway Authority for a financial contribution towards securing the longevity of the existing bus service when considering the planning application for up to 200 houses at Baldwins Gate Farm (21/01041/OUT). In considering such a request, the inspector concluded that the service already provided a commutable service to Market Drayton and Newcastle Under Lyme and that this provided a genuine non-car mode of transport. At the time of determining this appeal the No. 64 service in Baldwins Gate consisted of 6 buses per day to Newcastle-under-Lyme and Market Drayton on weekdays, with 5 per day on weekends. This level of provision is directly comparable to that now available via the same service through Loggerheads. Given that this previous decision found the request for such a contribution to be unnecessary based on the existing level of service, it would not be considered reasonable again in the scenario presented with this application to request such a contribution.

In addition to the policy compliant contributions referred to above which are required to mitigate the impacts of the proposed development, the applicant has also confirmed their willingness to contribute a sum towards the provision of a MUGA facility as noted within the Loggerheads Neighbourhood Plan. Whilst this is not a policy requirement, such a contribution would be a notable benefit of the scheme for not only future occupants of the site but existing residents within Loggerheads.

These are all considered to meet the tests identified in the NPPF and are compliant with Section 122 of the CIL Regulations.

Planning Balance

As stated above, it is considered that the test in paragraph 11(d) of the NPPF has to be applied and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

The provision of 150 houses on the site would make a substantial contribution towards the Borough's housing land supply, particularly in the context of a development plan that is not up to date in terms of housing need and where a suitable supply of housing cannot be demonstrated. This benefit must therefore be attributed with substantial weight.

In addition, the application would provide 30% affordable housing on site, a provision that is above the policy compliant level of 25%. This would again made a significant contribution towards the provision of affordable housing within the Borough and also meeting the identified needs of residents of loggerheads. Again, this factor must be afforded significant weight.

The indicative masterplan and layout of the site also proposes that above policy compliant levels of Public Open Space would be provided on the site, something that would enhance the lifestyle and health of future occupants of the scheme and existing residents. Moderate weight should be afforded to this benefit.

Finally, the applicant has confirmed a willingness to contribute £225,000, on top of any policy compliant contributions towards the development of sites LV1 and LV2 within the Loggerheads Neighbourhood Plan which are allocated for community sport and recreational uses. This is considered to be a significant benefit of the scheme as work as part of the Neighbourhood Plan identified a significant deficiency in terms of play and sports facilities within the Neighbourhood Plan area.

Now turning to the harms of the development. It is accepted that occupants of the proposed development would still be reliant on the use of the private car to access higher order services and facilities and this must be afforded moderate weight. There is also the loss of BMVAL as a result of the proposals, however, it is clear from the evidence provided that the loss of the land subject to this application would not make the land within the reimagining holding unviable and unproductive. Therefore only limited weight is attached to the loss on this occasion. There would also be some local impact to the character and appearance of the area.

The aforementioned harms are acknowledged, however it is considered that the benefits of the scheme, most notably the contribution to local market and affordable housing needs are substantial benefits of the scheme and these harms, on this occasion, are not sufficient to significantly and demonstrably outweigh the identified harms of the scheme. On this basis planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are imposed, as recommended.

Reducing Inequalities

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

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

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

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

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

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

The development will not have a differential impact on those with protected characteristics.

APPENDIX

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

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
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 B5:	Control of Development Affecting the Setting of a Listed Building
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N17	Landscape Character – General Considerations
Policy N19:	Landscape Maintenance Areas
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy B3	Other Archaeological Sites
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

[Loggerheads Neighbourhood Plan 2013 - 2033](#)

Policy LNPG1:	New Housing Growth
Policy LNPG2:	Housing Mix
Policy LNPP1:	Urban Design and Environment
Policy LNPP2:	Local Character and Heritage
Policy LNPT1:	Sustainable Transport
Policy LNPS1:	Community Infrastructure
Policy LNPE3:	Broadband

Other Material Considerations include:

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

[Planning Practice Guidance](#) (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)

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

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

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

Relevant Planning History

There is no relevant planning history for the site.

Views of Consultees

The **Environmental Health Division** have raised no objections subject to conditions regarding a Construction Management Plan, Noise Assessment and land contamination.

Staffordshire and Stoke on Trent Clinical Commissioning Groups have requested a financial contribution of £97,499 to support the future adaptation/refurbishment/expansion of primary care services in the Newcastle South Primary Care Network (PCN). This would be targeted towards supporting the future adaptation/refurbishment/expansion of Ashley Surgery and in line with strategic estates planning for the PCNs as appropriate. This is on the basis of the development having a likely impact of an additional 360 patients within the locality.

Staffordshire County Council Education Authority have considered the impact on school places at the St Mary's CE (VA) Primary School, Mucklestone, Hugo Meynell CE (VC) Primary School, Loggerheads and Madeley High School. In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 200 dwellings would require 42 primary school places and 30 secondary places. They advise that there are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at the secondary phase of education.

The project to provide the additional places required has not yet been fully determined, and so a financial contribution has been calculated utilising the latest cost multipliers. This has resulted in a request for a contribution of £589,904 being sought in line with secondary school provision which should be secured via a S106 agreement.

Severn Trent Water raise no objections to the proposal.

The **Staffordshire County Council Ecologist** raises no objections to the proposal subject to a number of species specific pre-commencement surveys, landscape mitigation measures, enhancement measures, a biodiversity CEMP and detailed landscape management plans.

The **Council's Conservation Officer** considers that the development will alter the landscape and detract from the setting of the listed building but accepts that the amended plans have reduced the harm to the lower end of less than substantial harm. They note that changes to a more informal rural plan with variety would be preferable.

The **Highway Authority** raise no objections to the development subject to conditions to secure further details via any reserved matters application, implementation of the access, off site highway works, travel plan and a CEMP. Financial contributions are also requested to be secured via a S106 agreement for travel plan monitoring and enhancement of bus services.

The **Lead Local Flood Authority** raises no objections subject to a number of conditions to ensure that the full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk occurs during the construction phase and that mitigation measures control the potential for release of sediment/ contaminants/ pollutants to downstream receptors. This includes the submission of a detailed surface water drainage scheme.

Staffordshire County Council as the **Mineral and Waste Planning Authority** has no objection subject to a condition being prepared requiring that any 'incidental extraction' of sand and gravel is used within the construction of the proposed development.

The **Environment Agency** has no comments to make on the application.

The **Landscape Development Section** raise no objections subject to the following conditions;

- Retention and protection in accordance with the information provided of all trees and hedgerows in accordance with BS5837:2012
- Dimensioned Tree Protection Plan
- Arboricultural Method Statement to BS5837:2012
- Schedule of works to retained trees
- Detailed hard and soft landscaping design (including detail of LEAP/LAP)
- Tree and landscape Management plan

The officer also notes that a LAP will need to be added to the site layout and that the position of SUDs may need to be adjusted given the proximity of retained trees.

In terms of S106 contributions, there would be a requirement for a MUGA and a contribution to a NEAP which is considered to be a much needed facility, given the extent of development in the locality.

The **Council's Housing Strategy Section** acknowledges that there is proposed to be a provision of 30% affordable housing on site (60 homes in total) that would be split as 60% affordable rent and 40% intermediate Housing. The Council's preference is for this split to be 60% social rented and 40% shared ownership, transferred to a Registered Social Landlord (RSL) upon completion.

Loggerheads Parish Council object to the proposed development. They consider that the development is directly contrary to Policies LNPP2, LNPP2, LNPP3, LNPT1 and LNSP1 of the Loggerheads Neighbourhood Plan. They also go on to raise the following points;

Housing Needs:

- The proposed development increases the assessed housing need within Loggerheads by a further 50% which is considered to result in excessive over-development during the neighbourhood plan period which identified a housing need figure of 396 to cover the neighbourhood plan period

Loss of Farm Land

- Site is Grade 3 Farm Land suitable for arable crops

Sustainability and Infrastructure:

- Increased pressure on local services in addition to the development already approved/commenced within Loggerheads
- GP surgery (Ashley Surgery) close to capacity with residents using a practise in Market Drayton, which is also beginning to have capacity issues.
- Cross Border issues between Market Drayton (Shropshire Health) and Staffordshire Health
- Limited public transport options for health appointments

Open Space Strategy and Sports and Recreation

- No NEAP or MUGA within the village; NULBC Open Space Strategy details that these should be in place when development exceeds 501 houses.
- Existing open space and sports facilities within the parish fall below Fields in Trust Guidelines. A plan to address existing shortcomings should prioritise further development.

Transport:

- Unacceptable increase in vehicle numbers on village road network
- Not sufficient parking at local shops as existing, so will not be able to sustain proposed development
- Insufficient bus service
- Development will exacerbate disruption on the road network that is already underway from HS2 development.

Maer & Aston Parish Council object to the proposed development, raising the following points for consideration;

- Speculative development on agricultural land in the rural area

- Increased pressure on access to existing infrastructure, notably GPs and schools.
- Increased vehicle numbers and associated highway safety and traffic implications
- Unsuitable road infrastructure to accommodate development and predicted vehicle movements from HS2

The **Police Crime Prevention Design Advisor** acknowledges that whilst at outline stage, consideration has been given to the designing out of criminal and anti-social opportunity.

No comments have been received from the Council's **Waste Management Section, Staffordshire Wildlife Trust** or **Natural England** by the given deadline and so it is assumed that they have no comments to make on the application.

Representations

426 letters of objection have been received raising concerns on the following grounds:

- Contrary to policies of the development plan
- Unsustainable location for development
- Reliance on the private car
- Does not confirm with policies of the Neighbourhood Plan
- Lack of employment opportunities
- Substantial environmental harm
- Loss of greenfield land
- Encroachment into open countryside
- Loss of best and most versatile agricultural land
- Harm to the setting of a Grade II listed building
- Landscape and visual harm
- Overdevelopment of Loggerheads village
- Lack of appropriate supporting infrastructure
- Collision data is not accurate representation of local conditions
- Impact on safety and capacity of local road junctions
- Traffic calming measures not justified or appropriate
- Traffic calming will encourage rat runs
- Unsuitable access arrangements
- Increase in traffic and congestion
- Highway safety concerns
- Lack of appropriate ecology surveys
- Loss of hedgerow
- Unsustainable and unsuitable public transport service
- Poor accessibility to services, facilities and public transport via pedestrian routes
- Harm to biodiversity
- No need for additional housing in Loggerheads
- Air pollution
- Noise pollution
- Lighting pollution
- Contrary to net zero targets
- Harm to wildlife corridors
- Harm to local residents quality of life
- Loss of tourism and employment at White House Farm Caravan Park
- Lack of safe pedestrian facilities
- Increased pressure on waste collection services
- Precedent for other development if approved

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00002/OUT>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

16th February 2024

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
27th February 2024

Agenda Item 4

Application Ref. 23/00002/OUT

Land North of Mucklestone Wood Lane, Loggerheads

Since the publication of the main agenda report a further 4 representations have been received objecting to the proposals. These comments are summarised as follows;

- Rock Lane is not a safe pedestrian route to the schools
- Cumulative impacts of approved development on the safety and capacity of the A53, Swan with 2 Necks Junction
- Video submission of congestion on the A53, adjacent to the junction with Mucklestone Wood Lane, demonstrates the congestion and highway safety issues that the build outs will bring
- Traffic data is not accurate
- The application does not provide sufficient detail regarding access to the site
- Failure to demonstrate pedestrian and cycle connection to the village centre and communal facilities
- The application is misleading with regards to the extent of hedgerow removal
- Further requests for bat surveys prior to the determination of the application.
- Excessive ecology conditions demonstrate inadequacy of the proposals.
- Querying ability to secure and monitor financial contributions

Officer Comments

Highway Safety

A number of the concerns raised in relation to the capacity of surrounding road junctions and mitigation work improvements were addressed in the main agenda report.

It is noted that the representations include a recent traffic breakdown incident of a vehicle on the A53 within the proposed area of mitigation works adjacent to the junction with Mucklestone Wood Lane. It was felt that the video demonstrates the impact that the build outs would have on traffic flow on the highway, leading to serious concerns for congestion and highway safety matters. Officers have viewed this video and note its content, however the highway mitigation works put forward as part of the application have been subject to a Road Safety Audit confirming the solution is safe and viable, with Officers of Staffordshire County Council as the Highway Authority concluding that such works are appropriate and safe to offset traffic implications from the proposed development.

Comments relating to the mitigation works on Mucklestone Wood Lane have noted that this route would not be the main pedestrian/cycle route to the services of the Village, which instead would be via Mucklestone Road. It is accepted that Mucklestone Road would be a route for occupants of the site to utilise to access the village on foot, however, the submitted Transport Assessment has considered the impact of future pedestrian and cycle movements along Mucklestone Wood Lane, not only to access the village should they wish to travel this way, but also for recreational walks and the like. As within the main agenda report, the Highway Authority has fully considered the proposals from a highway and pedestrian safety perspective and consider that the implementation of the pedestrian refuges on Mucklestone Wood Lane would be a betterment to pedestrian safety and mitigate against the anticipated additional vehicle movements from the site.

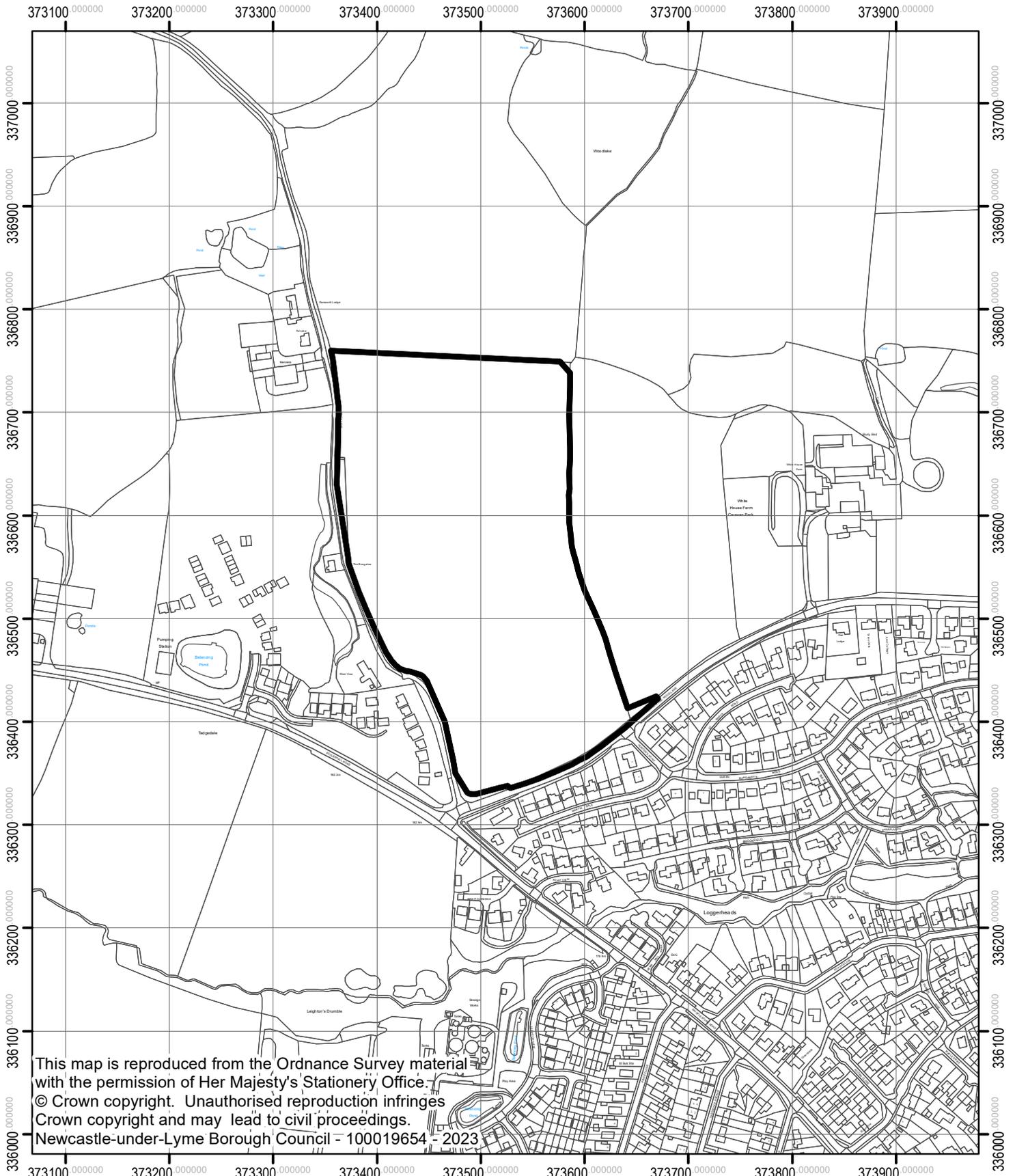
The objectors also do not consider that the applicant has provided sufficient information for detailed access arrangements. The Highway Authority have fully considered the proposals put forward for the main access to the site and this information demonstrates that sufficient visibility is available as well as acceptable geometry and design of the access to facilitate vehicle movements associated with the proposed development. Whilst it is accepted that precise detail regarding the secondary access has not been provided within the application, it has to be noted that this access is for emergency use only and therefore does not form part of the main access route to the site. Therefore in considering this information the Highway Authority considers that the scheme would be acceptable, and not result in any undue highway safety risks subject to a condition requiring the full details of this should permission be granted.

Ecology

The main agenda report addresses the ecology issues and concerns raised and this includes addressing why Officers feel that a bat survey can be appropriately secured as a pre-commencement condition. The clearing of hedgerows is shown on the submitted arboricultural assessment in respect of both the main access and the secondary access. The impacts of this hedgerow loss have been fully considered by Officers and the Staffordshire County Council Ecologist and it is considered that the loss of the hedgerow can be suitably mitigated against through appropriate landscaping and suitably worded conditions to secure appropriate mitigation and monitoring measures.

For this reason the **RECOMMENDATION** remains as set out in the main agenda report.

23/00002/OUT
Land north of Mucklestone Wood Lane
And East Of Rock Lane
Loggerheads



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Newcastle Borough Council



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7 VICTORIA STREET, NEWCASTLE UNDER LYME
MR ANTHONY PODMORE

23/00784/FUL

The application seeks full planning permission for the demolition of no. 7 Victoria Street and its replacement with an apartment block comprising 12 residential units.

The application site 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 23rd February and an extension of time has been agreed to the 1st March 2024.

RECOMMENDATIONS

(A) Subject to the applicant entering into a Section 106 obligation by 12th April 2024 to secure a contribution of £62,426 towards offsite open space,

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Landscaping details**
- 5. Waste collection and storage arrangements**
- 6. Vehicular access to be completed in accordance with submitted details**
- 7. Car parking area is to be suitable surfaced and sustainably drained**
- 8. Provision of cycle storage areas**
- 9. Construction Environmental Method Plan**
- 10. Electric vehicle charging provision**
- 11. Construction and demolition hours**
- 12. Land contamination investigations and mitigation measures**
- 13. Design measures set out in the noise assessment to be completed prior to first occupation to ensure internal noise levels are met**
- 14. Unexpected land contamination**
- 15. Drainage plans for the disposal of foul and surface water flows**

(B) Should the Section 106 obligation referred to in (A) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured, the development would fail to be acceptable in planning terms and would not achieve sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations 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 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 demolition of no. 7 Victoria Street and its replacement with an apartment block comprising 12 residential units.

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

The proposed application raises the following key issues:

1. The acceptability of 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. Planning obligations and
6. Conclusions.

The acceptability of the principle of the development of this site for residential purposes

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located close to the town centre of Newcastle.

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.

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 five year supply (or a four year supply, if applicable).

The Council is currently unable to demonstrate that it has the required supply of housing. Therefore in the absence of a deliverable supply of housing the tilted balance as outlined in Paragraph 11(d) of the Framework is engaged.

The planning history of the site shows that a previous permission was granted in 2007 for the residential development of the site with 8 dwellings. The site is located in the urban area of the Borough in close proximity to the town centre of Newcastle 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 is comprised of 7 one bed apartments and 5 two bed open market apartments and 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 131 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 135 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.

The surrounding area is comprised of a variety of different property styles, which include traditional two storey terraced dwellings, a nearby public house and restaurant of attractive design and a large three storey apartment building of more limited architectural quality. The vast majority of buildings do however follow a more traditional appearance and are constructed of red brick and render. The adjacent public house has a flat roof design, although acknowledgment is given to the fact that most nearby properties feature dual pitched roof arrangements.

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 proposed apartment building is to be a three storey structure, the north eastern section would feature a dual pitched roof and would be constructed of a mixture of vertical zinc cladding and traditional red brick and would have a more contemporary appearance. The south-western section by contrast would feature a flat roof arrangement and would be entirely constructed of red brick. The plans originally submitted with the application included a parking area to the front of the building facing onto Victoria Street, however this would have caused the building to contrast with the established building line set by other nearby properties and would have created a car dominated frontage to the scheme. Following amendments to the proposal, the parking area is now proposed to the rear of the site and the apartment building would follow the same building line as nearby properties to the north east.

The height of the building at its north eastern point is similar to that of no.9 Victoria Street at 8.7m tall, however the roof would then continue at this same height towards the south west. This roof arrangement is considered acceptable due to the sloping topography of the site, which would allow the building to appear as prominent but not dominating feature within the street scene, particularly when viewed from the A34 which is an important gateway area to the town centre.

Additional concerns were raised by officers regarding the design of the flat roofed section of the proposed apartment block due to the limited fenestration and lack of detailing. The original proposal contained large areas of bare brickwork and a centrally positioned rain water gutter which detracted from the quality of the building. In addition to this the windows were considered to be too small to provide an attractive fenestration which was considered important for this part of the proposal given the prominence it would have within the street scene.

Amended plans have been submitted in support of the proposal which have resulted in a number of design alterations. The changes include an increased level of fenestration and the removal of the unsightly rainwater goods. A section of projecting detailed brickwork and a new aluminium coping has also been proposed as well as a section of vertical stack brickwork below the ridge of the building. These alterations are welcomed from a design perspective and will add a strong level of detailing and variety to the proposal which will ensure that the scheme demonstrates a high quality design as required by both national and local policies.

Subject to appropriate planting, the communal garden positioned to close to the highway of the A34 would act as a small visual buffer between the development and the highway and will help the proposal to maintain the building line set by the nearby properties of 'The Cherry Tree' and Lyme Court.

To conclude, subject to a condition regarding the control of external facing materials, 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

The NPPF, at paragraph 115, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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 it reference to maximum parking levels.

One objection has been received from a local resident regarding additional traffic and the impact that this would have on the surrounding highways.

Policy T16 of the Local Plan states that the maximum parking standards for residential developments is 1 space per one bedroom dwelling (plus one space per three dwellings for visitors) and two spaces for a two or three bedroom dwelling. Therefore the maximum level of policy compliant parking would be 19 off street car parking spaces.

The application is accompanied by a Transport Statement which considers the transport impacts associated with the proposed development. The Transport Statement notes that the trip generation of the proposed development is anticipated to be 2 x two way trips in the Weekday AM and four two-way trips in the PM peak hours and goes onto conclude that this level of traffic is not considered to be significant. The Statement also notes that survey data from the 2021 census shows that car ownership for this area is 38 or 39% and on that basis 19 x 0.39 spaces would be required, which equates to 7 cars being owned by future occupants of the building. A total of 6 parking spaces are currently proposed.

Concerns were initially raised by the Highway Authority on the grounds that the parking spaces provided did not meet the minimum space sizes. In addition, the information provided regarding car ownership for the area was taken from the census data for 2021, and it was recommended that a similar analysis be carried out for the 2011 census due to Covid impacts in the 2021 data. Clarity was also sought on the exact number of cycle spaces.

Amended details have been submitted in support of the application which clearly sets out the number of cycle spaces within the site (24 spaces), and the plans have also resulted in the car parking spaces being enlarged to meet the minimum space standards. With regards to the census data the agent of the application has noted that as more people now work from home as a result of the Covid Pandemic, a comparison of 2011 census data against that of the 2021 data would not be beneficial. The Highways Authority have acknowledged the response regarding the census data and have raised no further comments on this point. The HA have now confirmed that they now raise no objections to the proposal subject to a number of conditions.

It must be recognised that there is on street parking available on Victoria Street and the previous application for 8 dwellings granted in 2007 offered no off street parking provision. Although new development should avoid on street parking where possible, in this case the Highways Authority have acknowledged that the census data can be used as a framework for an assessment of parking provision. On this basis there is only a lack of 1 offsite parking space, however this does still weigh against the benefits of the development.

There are a number of bus stops within easy walking distance of the site, including bus stops along the A34, the nearest of which is only 34m from the application site. The site is also within walking distance of Newcastle's bus station which is located approximately 400m to the north

west which equates to around an 8 minute walk. The site is therefore considered to be in a highly sustainable location.

The plans submitted with the application show that a designated bin storage area would be included within the scheme. The exact details of this bin store area in respect of its boundary treatments still need to be submitted in support of the proposal, but this can be addressed through an appropriately worded condition.

Despite the shortfall in parking spaces below the maximum standards outlined within the development plan, the application site is situated in a highly sustainable location within close proximity to the Bus Station that provides services throughout and beyond the borough. There is also on street parking available on the nearby highways. Therefore in the absence of any objections from the Highway Authority and given the highly sustainable location of the site, subject to conditions, the proposal is considered to comply with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Acceptable standards of residential amenity

Paragraph 135 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 191 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.

The proposed development demonstrates acceptable separation distances and relationships between the proposed apartments and nearby surrounding properties.

All flats would have a good level of outlook towards either Victoria Street to the south east or the A34 to the south west. While the views towards the car park to the rear are not overly attractive, given the urban nature of the site, the overall quality of outlook is considered appropriate. All flats would also receive an acceptable level of daylight.

A communal garden measuring 82m² is proposed which would face onto the A34 to the south of the new apartment building. Although this communal garden could be used by residents of the development, given its proximity to the nearby highway it would not be overly desirable. Notwithstanding the above there are a number of parks and green spaces in close proximity to the site which future occupiers could access; the limited onsite provision in this case is therefore considered to be acceptable.

A detailed Noise Impact Assessment has been submitted in support of the application which recommends that a number of noise mitigation methods are included within the scheme.

Subject to noise mitigation and the conditions suggested by the Council's Environmental Health Division which relate to land contamination, construction management and air quality, the development is considered to be in accordance with the NPPF with regard to residential amenity.

Planning obligations and financial viability

Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The Landscape Development Section have requested a financial contribution of £5,579 per dwelling which will be used for improvements to public open space and public realm. However, your officers do not consider that this level of financial contribution is reasonable for the nature of the development. The scheme includes seven, 1 bedroom units and therefore these units would not be considered to provide family accommodation. Therefore the inclusion of the £512 within the requested sum that would go towards play spaces for children and young people is not considered to be reasonable or necessary. Therefore a total of £4,522 should be deducted from the total sum requested by the LDS which would take the overall contribution to £62,426.

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 proposal does not meet the threshold for a contribution towards affordable housing.

Conclusions

The proposal would provide various social and economic benefits, most notably the provision of 12 new residential units 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.

On this basis planning permission should be granted provided the required S106 obligations are secured to address infrastructure requirements, alongside appropriate planning conditions, as recommended.

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 CSP10: Planning Obligations

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

Policy H1: Residential development: Sustainable location and protection of the countryside
Policy IM1: Provision of essential supporting infrastructure and community facilities
Policy T16: Development - General Parking Requirements

Other material considerations include:

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

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

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

[Supplementary Planning Guidance/Documents](#)

Developer contributions SPD (September 2007)

Open Space and Green Infrastructure Strategy (April 2022)

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](#)

04/00960/FUL - Demolition of existing house and erection of seven 2 storey houses – refused

06/00749/FUL - Demolition of existing buildings and construction of 8 two storey houses – permitted

07/01145/FUL - Demolition of existing building and construction of eight two storey, two bedroom houses (amended scheme) – permitted

[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 conditions relating to the provision of the proposed access, surfacing materials, drainage, cycle storage provision and the submission of a Construction Environmental Management Plan.

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

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

The **Landscape Development Section** raise no objection to this proposal subject to a financial contribution for an offsite open space of £4,427 per dwelling, in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years, making a total contribution of £66,948.

Severn Trent Water raise no objections subject to the submission of drainage plans for the disposal of foul and surface water flows.

The Council's **Housing Strategy Section** have no comments on the proposal.

No comments have been received from **United Utilities**.

Representations

Two (2) letters of representation have been received from nearby residents. One requests that swift boxes are incorporated into the proposal, while the other letter raises the following concerns:

- The proposal will result in an increase in traffic and congestion
- Local residents were not given the opportunity to discuss the proposed plans with the developer prior to the application being submitted
- Further clarity is needed on the submitted details with regards to the distance of the proposal from the adjacent neighbouring property.

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link.

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00784/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

14th February 2024

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
27th February 2024

Agenda Item 5

Application Ref. 23/00784/FUL

7 Victoria Street, Newcastle under Lyme

Since the publication of the agenda, the applicant has confirmed that the off-site open space contribution requested by the Council's Landscape Development Team would make the scheme financially unviable. Subsequently the applicant has requested that the application be deferred to a later meeting to allow time for a viability assessment to be submitted in support of the proposal and for that information to be sent to an independent valuer for consideration.

Amended Recommendation

That a decision on the application be deferred to allow further time for the consideration of the issue of financial viability.

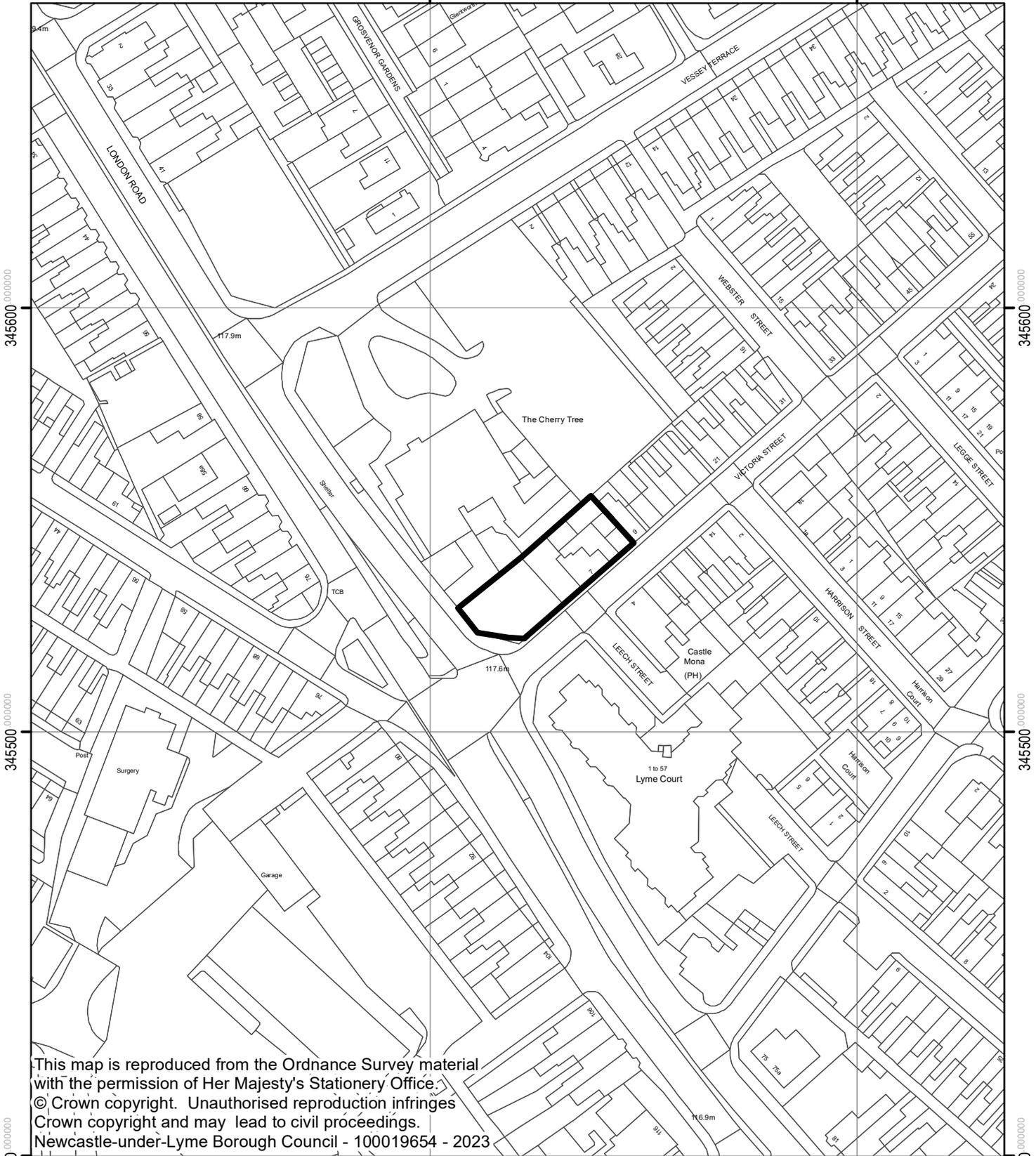
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23/00784/FUL
7 Victoria Street
Newcastle Under Lyme
Staffordshire
ST5 1NU



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Newcastle Borough Council



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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL DEPOT, KNUTTON LANE

NEWCASTLE BOROUGH COUNCIL

23/00949/DEEM3

The application is for minor alterations to the elevations of the 'middle store' section of the Borough Council Depot.

The site lies within the Urban Area of Newcastle as specified on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on 22nd January but an extension of time to 29th February has been agreed.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Time Limit**
- 2. Approved plans**
- 3. Materials to match existing**

Reason for Recommendation

The proposal raises no issues of impact on the overall appearance of the site, residential amenity or highway safety.

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

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

Key Issues

The application is for minor alterations to the elevations of the 'middle store' section of the Borough Council Depot on Knutton Lane. The alterations comprise a new roller shutter door, a new double pedestrian door and the bricking up of windows.

The site lies within the Urban Area of Newcastle as specified on the Local Development Framework Proposals Map.

The proposal would not result in an increase in vehicular movements and as such it would not give rise to any concerns regarding highway safety. There would be no impact on residential amenity and therefore the sole issue for consideration is the impact of the proposal on the character and appearance of the area.

A new roller shutter door and a pair of aluminium doors are proposed on the front (north-east) elevation and to the rear (south-west), a new door is proposed and existing windows would be removed and infilled in brick. The materials would match the existing.

The alterations would have a very limited impact on the overall appearance of the site when viewed from public vantage points and therefore it is not considered that there would be any adverse impact on the character and appearance of the area.

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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

[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](#) (December 2023)

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

Relevant Planning History

15/00615/DEEM3	Proposed materials recycling facility	Approved
19/00852/DEEM3	Partial demolition and reconstruction of existing building to accommodate new waste transfer working practices. Construction of new street sweeping bay	Approved

Views of Consultees

Staffordshire Police Designing out Crime Officer makes a number of recommendations regarding security.

Representations

None

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link:

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00949/DEEM3>

Background Papers

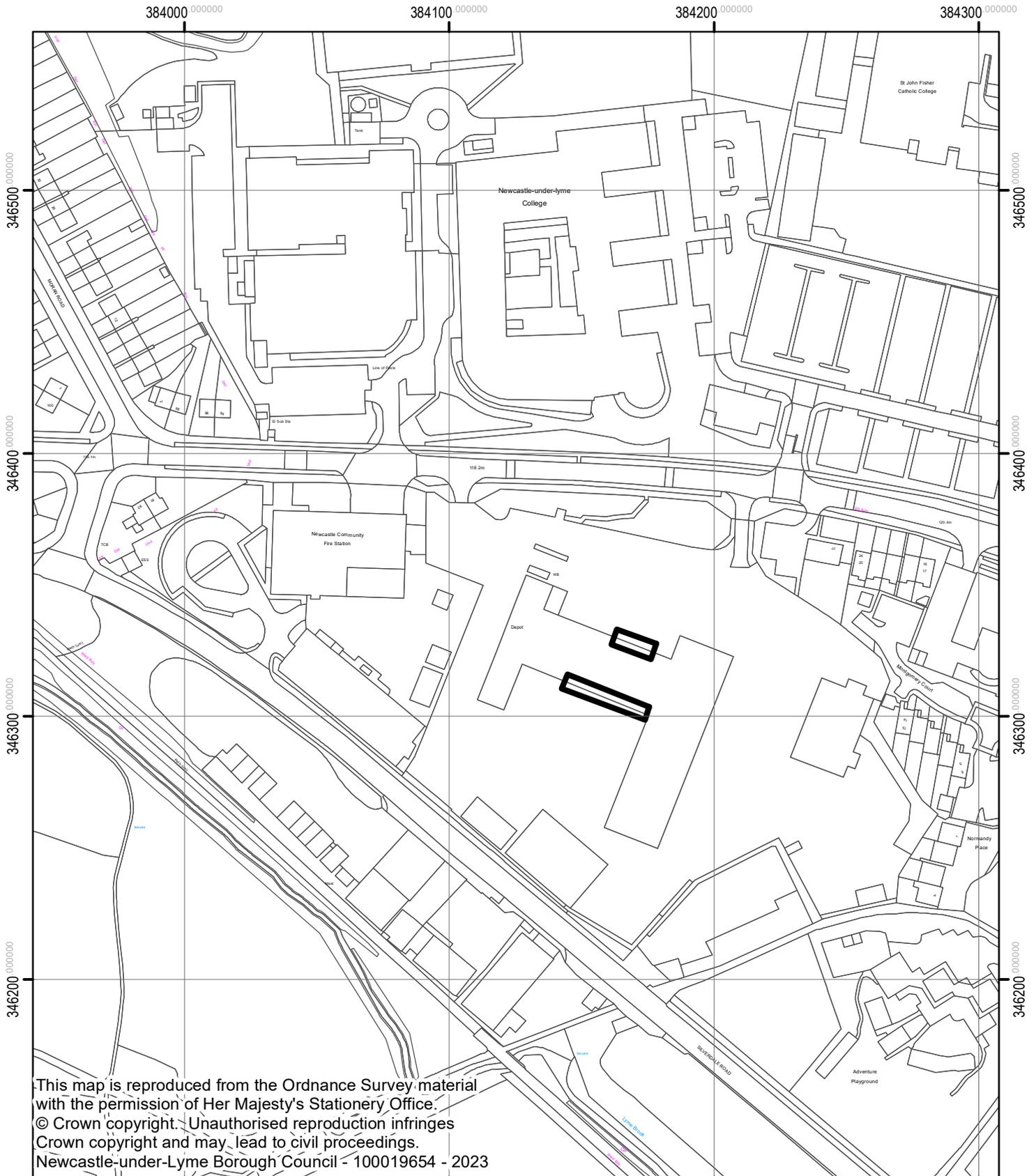
Planning File
Planning Documents referred to

Date Report Prepared

15th February 2024

23/00949/DEEM3

Newcastle Under Lyme Borough Council Depot
Knutton Lane
Knutton



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Newcastle-under-Lyme Borough Council - 100019654 - 2023

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LAND TO SOUTH OF A52, LIVERPOOL ROAD, NEWCASTLE
MORGAN SINDALL CONSTRUCTION (ON BEHALF OF NEWCASTLE BOROUGH
COUNCIL) **24/00017/DEEM3**

The application is for full planning application for the temporary transfer and storage of excavated materials from the multi-storey car park (MSCP) development site to the adjacent civic building demolition plot for a period of 2 years.

The site lies within the Urban Area of Newcastle as specified on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on 7th March.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. 2 year temporary permission**
- 2. Approved plans**
- 3. Height of mound to not exceed 2 metres**
- 4. Compliance with the mitigation measures set out in the Air Quality Assessment, Construction Environmental Management Plan and Air Quality and Dust Improvement Plan**

Reason for Recommendation

It is not considered that there would be any adverse impact on the setting of any listed buildings or on the character of the Conservation Area and subject to conditions, the proposal would have no detrimental impact on the environment or highway safety.

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

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

Key Issues

This application follows the granting of planning permission for the erection of a multi-storey car park in the north-western part of the wider Ryecroft site (Ref. 23/00192/DEEM3). The application is for full planning permission for the temporary transfer and storage of excavated materials from the multi-storey car park (MSCP) development site to the adjacent civic building demolition plot for a period of 2 years for future use in the construction of development plateau across the wider Ryecroft site. The submitted plans indicate that the height of the stored material would be approximately 2 metres.

The site lies within the Urban Area of Newcastle as specified on the Local Development Framework Proposals Map. The site does not contain any listed buildings or non-designated heritage assets, however, the Newcastle-under-Lyme Town Centre Conservation Area is directly south of the site and there are listed buildings located in close proximity.

The key issues in the determination of the application are considered to be:

- Would there be any impact on the setting of any listed buildings or on the character of the Conservation Area?
- Is the proposal acceptable in terms of highway safety?
- Would there be any issues of air quality and noise impact?

Would there be any impact on the setting of any listed buildings or on the character of the Conservation Area?

The site is not located in a conservation area, however, Newcastle Town Centre Conservation Area lies close to the south. There are no listed buildings within the site, but there are a number nearby.

In considering development affecting Listed Buildings, special regard will be given to the desirability of preserving the building, its setting or any features of special architectural or historic interest (Section 66, Planning [Listed Buildings and Conservation Areas] Act 1990).

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

The NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

Saved Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a listed building.

A Heritage Statement that accompanies the application concludes that although the siting of the proposed mound may have an impact upon the setting of these heritage assets, it is considered that any impact would be minimal and temporary.

The proposal is temporary and it is acknowledged that the site currently makes no positive contribution to the setting of the heritage assets. To conclude, it is not considered that there would be any adverse impact on the setting of any listed buildings or on the character of the Conservation Area.

Is the proposal acceptable in terms of highway safety?

The NPPF, at paragraph 115, 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 proposed development will result in a total of 280 vehicle movements, using the external road network immediately adjacent to the site to transfer material between the two sites. A Construction Environmental Management Plan (CEMP) that accompanies the application states that material will be transported using eight wheeled tipper trucks which will access the site from the A52 (Ryecroft), Liverpool Road, entering the site from Corporation Street. The vehicles will be loaded with an excavator and then will exit the site via Corporation Street and

enter the tipping location via the gate off Corporation Street. The materials will then be tipped out of the wagons to the agreed location. The trucks will then exit the tipping location via the gate off Corporation Street.

To manage construction vehicle access to and from site, a security control cabin will be placed at the vehicular point of entry/exit to/from the site and there will be a temporary banksman to manage vehicle access into the site where the materials will be tipped.

The Highway Authority is satisfied that the traffic impact of the proposal will be minimal and raises no objections to the proposal.

Subject to the recommended conditions, it is considered that there would be no adverse impact on highway safety.

Environmental Impacts

The application is accompanied by an Air Quality Assessment, a Noise Impact Assessment and a Contamination Phase 1 Preliminary Risk Assessment.

Regarding noise and air quality, the Environmental Health Division has no objections subject to the imposition of conditions.

Comments are awaited from the Contaminated Land Officer and will be reported to Members in a supplementary report.

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 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](#)

None

Other material considerations include:

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

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

Relevant Planning History

06/01181/OUT	Demolition of existing buildings and erection of 6 non-food retail units (Class A1) with associated car parking, access and landscaping works	Approved
14/00657/FUL	Temporary Winter Wonderland consisting of an ice rink, bar, German market units and fair	Approved
17/00959/FUL	Temporary circus consisting of three big tops, box office/bar tent, café tent, company catering tent, toilets and showers and space for caravans and trailers	Approved
19/00470/DEEM3	Temporary ad-hoc use of cleared site of former supermarket for the holding of licenced events such as circuses, fairgrounds, ice rinks etc.	Approved
23/00192/DEEM3	Erection of a Multi-Storey Car Park (MSCP) with associated access, servicing and landscape works	Approved
23/00192/NMA	Application for a non-material amendment of planning permission 23/00192/DEEM3 for amendments to size of the parking bays, size of vehicle impact barriers, omission of suicide prevention measures, rationalisation of EV charging points and omission of motorcycle hoops	Approved

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding compliance with the Construction Environmental Management Plan and the Dust Management Plan and amendment of the boundary to include the entirety of the access/egress onto Corporation Street.

The **Environmental Health Division** has no objections subject to conditions requiring implementation of the mitigation measures set out in the Air Quality Assessment, Construction Environmental Management Plan and Air Quality and Dust Improvement Plan.

Cadent Gas Ltd has no objections.

Representations

One letter of objection has been received expressing concern regarding the delays in developing the site and the impact on businesses on Merrial Street.

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/24/00017/DEEM3>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

15th February 2024

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
27th February 2024

Agenda Item 7

Application Ref. 24/00017/DEEM3

Land to south of A52, Liverpool Road, Newcastle-under-Lyme

Since the publication of the main agenda report further comments have been received from the Council's **Environmental Health Division** recommending the imposition of contaminated land conditions.

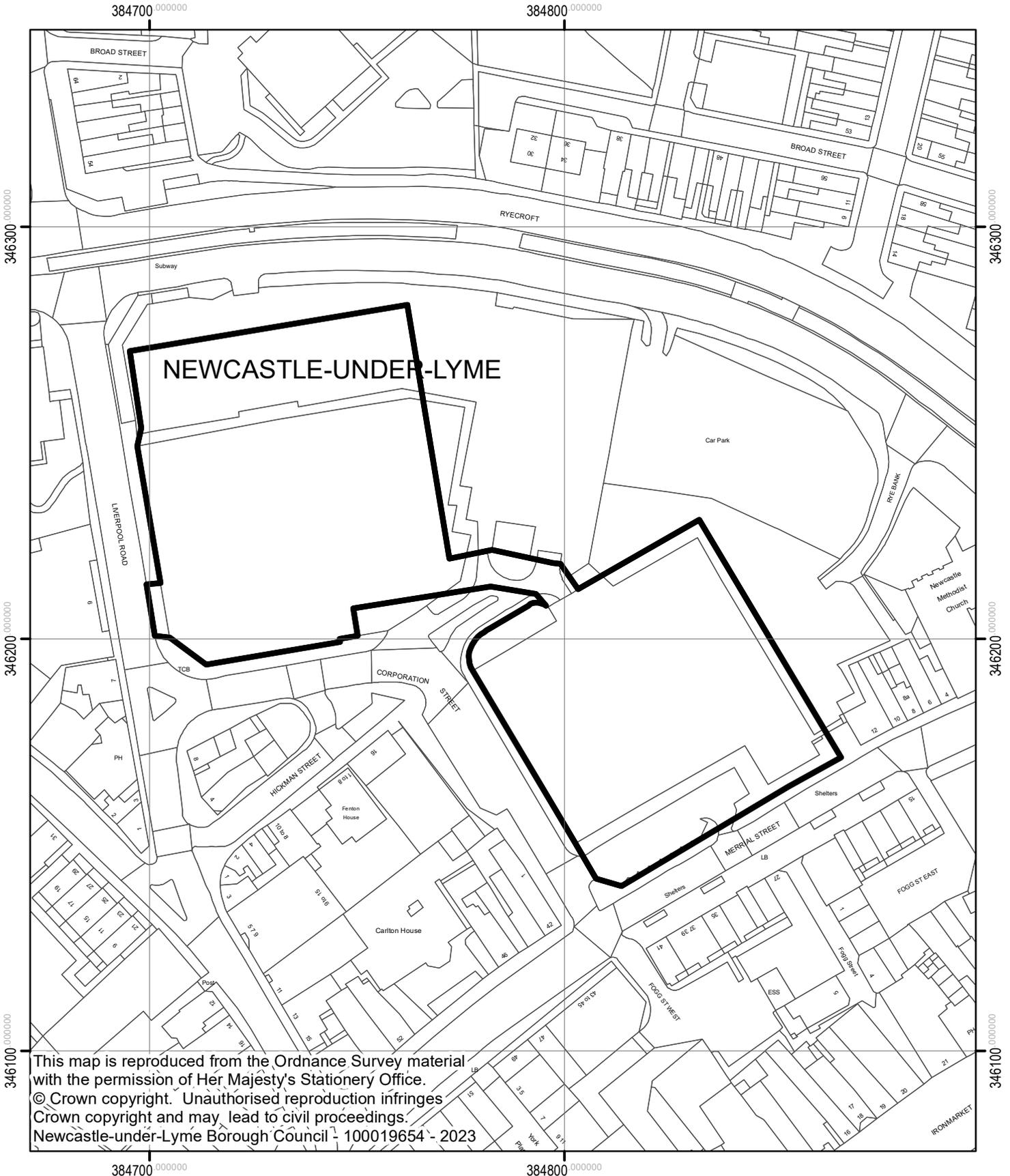
Officer Comments

The application for the Multi Storey Car Park was accompanied by both a Phase 1 desktop study and a Phase 2 geo-environmental study and therefore, the material to be moved has already been tested. On that basis, it is not considered necessary to attach contaminated land conditions for this application.

For this reason the **RECOMMENDATION** remains as set out in the main agenda report.

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24/00017/DEEM3
Land To South Of A52
Liverpool Road
Newcastle



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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 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 – 15th February 2024

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