

Public Document Pack

Date of meeting Tuesday, 26th March, 2024

Time 7.00 pm

Venue Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL

Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 6)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - SEABRIDGE COMMUNITY EDUCATION CENTRE, ROE LANE, NEWCASTLE UNDER LYME. VISTRY HOMES. 23/00659/REM** (Pages 7 - 20)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - 7 VICTORIA STREET, NEWCASTLE UNDER LYME. MR ANTHONY PODMORE. 23/00784/FUL** (Pages 21 - 34)
This item includes a supplementary report.
- 6 APPLICATION FOR MINOR DEVELOPMENT - OPEN MARKET, HIGH STREET, NEWCASTLE-UNDER-LYME. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 23/00983/DEEM3** (Pages 35 - 46)
This item includes two supplementary reports
- 7 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2** (Pages 47 - 48)
- 8 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972
- 9 DISCLOSURE OF EXEMPT INFORMATION**

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

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

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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PLANNING COMMITTEE

Tuesday, 27th February, 2024
Time of Commencement: 7.20 pm

[View the agenda here](#)

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Present: Councillor Paul Northcott (Chair)

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

Apologies: Councillor(s) D Jones

Officers:	Rachel Killeen	Development Management Manager
	Geoff Durham	Civic & Member Support Officer
	Charles Winnett	Senior Planning Officer
	Craig Jordan	Service Director - Planning
	Anthony Harold	Service Director - Legal & Governance / Monitoring Officer
	Debbie Hulme	Senior Planning Officer

Also in attendance:	Christie Goffe	Staffordshire Highways
	Simon Hawe	Staffordshire Highways

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Unfortunately, due to technical issues, persons watching on YouTube were unable to view the plans being displayed.

1. DECLARATIONS OF INTEREST

Unfortunately, due to technical issues, persons watching on YouTube were unable to view the plans being displayed.

There were no declarations of interest stated.

2. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 30 January, 2024 be agreed as a correct record.

3. APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF MUCKLESTONE WOOD LANE AND EAST OF ROCK LANE, LOGGERHEADS. SHROPSHIRE HOMES LIMITED. 23/00002/OUT

Revised Recommendation proposed by Councillor Bryan and seconded by Councillor Burnett-Faulkner.

Councillor Panter spoke on this application.

Members raised several concerns with this application regarding the unsustainability of the development, the lack of infrastructure and the effect on the character and appearance of the area.

Resolved: That the application be refused for the following reasons:

- (i) Unsustainable location due to lack of infrastructure available locally to support the development and need to travel by car to access higher level services.
- (ii) Loss of best and most versatile agricultural land.
- (iii) Harm to the setting of Whitehouse Farm, a Grade II Listed Building.
- (iv) Harm to the character and appearance of the rural landscape.

[Watch the debate here](#)

4. **APPLICATION FOR MAJOR DEVELOPMENT - 7 VICTORIA STREET, NEWCASTLE UNDER LYME. MR ANTHONY PODMORE. 23/00784/FUL**

The applicant had requested that this item be deferred to a future meeting.

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

[Watch the debate here](#)

5. **APPLICATION FOR MINOR DEVELOPMENT - NEWCASTLE-UNDER-LYME BOROUGH COUNCIL DEPOT, KNOTTON LANE. NEWCASTLE BOROUGH COUNCIL. 23/00949/DEEM3**

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

- (i) Time Limit
- (ii) Approved plans
- (iii) Materials to match existing

[Watch the debate here](#)

6. **APPLICATION FOR MINOR DEVELOPMENT - LAND TO SOUTH OF A52, LIVERPOOL ROAD, NEWCASTLE. MORGAN SINDALL CONSTRUCTION (ON BEHALF OF NEWCASTLE BOROUGH COUNCIL). 24/00017/DEEM3**

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

- (i) 2 year temporary permission
- (ii) Approved plans
- (iii) Height of mound to not exceed 2 metres
- (iv) Compliance with the mitigation measures set out in the Air Quality Assessment, Construction Environmental Management Plan and Air Quality and Dust Improvement Plan

[Watch the debate here](#)

7. 5 BOGGS COTTAGE, KEELE. 14/00036/207C3

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

[Watch the debate here](#)

8. URGENT BUSINESS

There was no Urgent Business.

9. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

**Councillor Paul Northcott
Chair**

Meeting concluded at 9.59 pm

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SEABRIDGE COMMUNITY EDUCATION CENTRE, ROE LANE, NEWCASTLE UNDER LYME
VISTRY HOMES **23/00659/REM**

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 53 dwellings.

This application for the approval of reserved matters follows the granting at appeal of an outline planning permission in November 2020 for up to 55 dwellings on this site (Ref. 19/00515/OUT). Details of the main access from Ash Way was approved as part of the outline consent.

The application site falls within the urban area of the Borough and represents a previously developed brownfield site, as defined on the Local Development Framework Proposals Map. At the time of determining the outline application, the vacant buildings associated with the education centre still stood on site, however the buildings have now been demolished and the site cleared.

The 13 week period for the determination of this application expired on 6th December 2023 but an extension of time has been agreed to 5th April 2024.

RECOMMENDATION

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

- 1. Link to outline planning permission and conditions**
- 2. Approved plans and supporting documents**
- 3. Facing materials**
- 4. Prior approval solar panel specification**
- 5. Boundary treatments**
- 6. Hard surfacing materials**
- 7. Soft landscaping**
- 8. Tree protection**
- 9. Refuse strategy**
- 10. Construction Environmental Management Plan**
- 11. Pedestrian visibility splays**
- 12. Visibility splays**
- 13. Detailed highway design information**
- 14. Full details pedestrian/cycle link, maintenance and closure of existing vehicular access**
- 15. Surfacing materials and surface water drainage**
- 16. Revised parking details**
- 17. Cycle storage**

Reason for Recommendation

The principle of the use of the site for residential development and the use of the main point of access from Ash Way was established through the granting of the outline planning permission. The design and layout of the proposal is considered acceptable and in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. There would be no material adverse impact upon highway safety or residential amenity as a consequence of the internal layout and the proposed landscaping and open space within the site is considered acceptable. There are no other material considerations which would justify a refusal of this reserved matters submission.

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

Additional information and amended plans have been sought and provided and the scheme 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 is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 53 dwellings. The principle of residential development on the site, as well as the vehicular access from Ash Way was established by the granting of outline planning permission 19/00515/OUT at appeal in November 2020.

The application site falls within the urban area of the Borough and represents a previously developed brownfield site, as defined on the Local Development Framework Proposals Map.

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

- Character and appearance of the development,
- Residential amenity,
- Highway safety and parking implications,
- Trees, hedgerows and public open space,
- Flood risk and drainage,
- Affordable housing

Character and appearance of the development

Paragraph 131 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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, will function well and add to the overall quality of the area; 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.

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.

The application site comprises an irregular parcel of land that is bounded by Seabridge Primary School to the north and adjoining residential development to all other boundaries. Vehicular access to

the site would be from Ash Way, as agreed in the outline application, with a pedestrian/cycle way access taken from Roe Lane/Seabridge Primary School to the east.

A mix of 2, 3, 4 and 5 bed dwellings are proposed with a mix of detached, semi-detached and mews style terraces. The dwellings would all be 2 storey in height and would be constructed from brick and tile.

With regard to the layout of the site, vehicular access from Ash Way would extend into a new road running east to west, with three north-south streets accessing from this road, including private drives. The houses are arranged back to back with the existing housing and new housing. The SuDs attenuation basin would be positioned to the east of the main access road, adjacent to the southern boundary of the site.

Prior to the submission of this application, the proposed development was assessed by an independent Design Review Panel where the following summarised comments were raised;

- Pursue opportunities to retain the existing Oak trees which should be a key landscape feature within the proposed scheme
- Provision of a comprehensive landscape strategy approach to existing and new trees, functional and characterful open spaces, provision of play and recreational space.
- Place based approach to water management which should be integrated within the development and provide recreational and ecological benefits.
- Utilise Manual for Streets and Streets for a Healthy Life to strengthen the street hierarchy, approach and design of new streets;
- Undertake dialogue with Seabridge Primary School to seek a solution to the land to the north which benefits the school and community;
- Sustainability as a key driver including approach to the site layout, levels, water management etc.; and
- Provision of a robust package of information including concept sketches to illustrate the approach to views, boundaries, water etc.

The number of dwellings complies with the level considered to be acceptable at the outline stage, and the layout and density is considered to present a suitable layout and appearance for the site that mirrors the built form and densities of the wider locality.

Properties would be set back from the pavement to allow for frontage landscaping with parking provided in front or to the side of the dwellings, with some dwellings also provided with a garage.

All of the house types proposed are two storey in height and whilst a contrast to the single storey dwellings beyond the eastern site boundary on Roe Lane, the scale of the dwellings would largely reflect the character of the surrounding area. Detailing within the chosen house types would be simple and unfussy with gable features, bay windows, lintel and cill brick detailing and porch canopies. House types with bay window detailing will be positioned in prominent locations to provide focal points and architectural interest throughout the development. As highlighted within the comments from the DRP, it is noted that the house types proposed within the scheme are what the applicant would consider 'standard house types' however, this site is landlocked by existing residential development and the scale, proportions and design of the dwellings proposed would assimilate well with the prevailing character and form of the area. The house types are attractive in appearance and raise no concerns in terms of visual amenity.

As originally proposed the materials would comprise a limited palette of red brick and plain tiles. Whilst these materials alone are not considered to be unacceptable, consideration of the materials within the wider locality found a greater variety of materials. When looking at the surrounding housing development along Ash Way, Harrowby Drive and Roe Lane there is a much greater variety of materials which includes buff and orange brickwork as well as some elements of feature render detailing. As such the applicants were approached to consider incorporating more variety in the style of materials and this is something that has been agreed. The material palette for the scheme now also includes a buff colour brick alongside the traditional red brickwork which is considered to offer a greater variety within the appearance that is both reflective of the local area, but also provide a more attractive mix within the development site itself.

With regards to boundary treatments, the existing mixed hedgerow/tree boundary treatments to the eastern, southern and western boundaries would all be retained but would be reinforced with a 1.8m high timber close boarded fence. Property frontages would all benefit from areas of landscaping to include amenity grass, evergreen hedgerows and/or native hedgerows. Dividing boundary treatments between the proposed dwellings would consist of 1.8m high timber larch lap fencing. A 1.2m high post and rail fence would be used to enclose the SuDs basin. The position, type and design of these boundary treatments is considered to be acceptable and these details can be secured through an appropriately worded condition.

The site as existing has rather distinct levels which fall from north to south, and the former development on the site had been built in a series of levels to accommodate this topography of the site. The application proposals would maintain some of the existing levels, but at the more extreme points is seeking to level the site to provide suitable plots, gardens and highway work arrangements.

The comments of the DRP felt that the existing levels of the site should be considered as an asset, rather than a constraint as per the assessment made by the applicant. The panel recommended that south facing gardens, with a change of level could be very attractive and, where necessary, south-facing terracing could be economically engineered. In addressing the comments of the DRP, the applicant has reinforced that the levels on site have posed a technical challenge to the site in terms of drainage, highway provision and the provision of appropriate and usable amenity space. They have noted that the design endeavours to work with the existing site levels as far as is feasible but levels suitable for development must be achieved that will support vehicular movement through the site and provide sympathetic interaction at boundaries that appropriately consider the interface with the existing housing.

Whilst the comments of the panel are noted, it must be accepted that the levels changes in parts are considerable and so it must be reasonable to allow the design to incorporate the technical requirements in terms of drainage and highway provision. To demonstrate the proposed level of re-grading works a further cross section has been provided which shows the extent of cutting and filling alongside required retaining structures that would need to be carried out in order to provide workable levels across the site. It is noted that the most significant retaining structures would be required on the southern boundary adjacent to the rear site boundaries with the properties along Ash Way. Whilst for the most part, the retaining structures and level changes are not considered to be significant, some initial concern was raised by officers on the scale of the retaining structures that would be required at certain points along this boundary. The applicant has since clarified this, with the proposed site sections updated. This does show that the earth will be built up at points along this boundary that would sit approximately level with the existing boundary treatments, and then above this a new 1.8m fence would be installed. This would take the total height of retaining and boundary structures along this boundary to approximately 4.2-4.4m. Subject to conditions to secure full and precise details of the retaining structures, it is not considered that the scale or position of the development would result in any adverse implications on the amenity of the wider area.

Specific details of facing materials and boundary treatments have all been provided and so can be secured through an appropriately worded condition. A condition will be attached to any permission granted to secure full and precise details of hard surfacing arrangements and specific details for the construction of the retaining walls on site.

On balance, and subject to conditions, your officer's view is that the design and layout of the dwellings together with the updated materials palette would provide a consistency throughout the site and would also provide sufficient articulation and focal points to create variety and interest in the street scene. The provision of the pedestrian/cycle link would help the application site to integrate functionally and physically with the local area and so the proposal is considered to be acceptable in terms of design and impact on the form and character of the area.

Residential amenity

The NPPF states at paragraph 135 that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The internal separation distances between the dwellings proposed would all accord with the recommendations of the Space Around Dwellings SPG.

Representations have been received from a number of residents of dwellings along Roe Lane beyond the eastern boundary, namely numbers 40, 42 and 44. These dwellings comprise single storey properties whose rear elevations have a westerly outlook towards the boundary with the application site. Your officer has conducted a site visit to these properties to understand their layout and outlook in relation to the application site. The concerns raised by these local residents focuses on a loss of amenity, privacy and sunlight to their respective properties.

The applicant has provided site sections showing the levels and layout between these dwellings. Whilst the proposed dwellings adjacent to the eastern boundary of the site would be in a slightly elevated position, this would be a very gentle incline and so the dwellings would not be considered overly imposing by virtue of the levels in this location.

It is accepted that the two storey height of dwellings in this location would be a contrast to the single storey properties on Roe Lane, but this does not automatically mean that the dwellings would result in a loss of privacy, outlook and light to the rear elevations and garden spaces of these properties.

The rear elevations of plots 46 and 47 would be sited just over 12m from the shared boundary with numbers 42 and 44 Roe Lane. There would be a separation distance of 24m from the rear facing elevation of these plots, to the rear elevations of Numbers 42 and 44 Roe Lane, which are known to host principle windows. Any ground floor windows of the proposed dwelling would be sufficiently screened by the existing hedgerow boundary that is to be retained and reinforced as part of the proposed development and so these windows are not considered to cause any harm to the residents of these neighbouring properties. There would only be one principle window on the rear elevation of Plot 47 which would serve a principle bedroom; there would be approximately 24m along a direct line of site from this window to the rear elevation of No. 44, however any views towards the rear facing windows of No. 44 would be at an obtuse angle and so these views would not be considered to be direct into facing windows and would not result in any harm to the occupants of the property. This would also be applicable to the proposed relationship between plot 46 and number 42.

It is accepted that the first floor windows would have the opportunity to have limited views down into the rear garden areas of the adjacent properties. However, the siting of the dwellings beyond the shared boundary would ensure that the views achieved would not be overbearing to the extent that would result in the loss of amenity to the occupants of these properties, particularly given that the angle at which such views would be from would make it difficult for any significant views to be achieved to the extent that would result in a loss of privacy.

Plot 43 would be positioned closer to the boundary than plots 46 and 47, with approximately 3.5m to the dividing boundary with the existing dwelling, No. 40, and 17m to the closest part of the rear elevation. However, this plot has been designed and orientated so that the side facing elevation that would be seen from the rear elevation of No. 40 would not contain any principal windows. The separation distance here would comply with the 13.5m recommended by the Council's SPG where principal windows would face a development with no principal windows. The front elevation of Plot 43 would have a direct outlook to the north, across a proposed open area of recreation space.

Despite the development according with the relevant recommendations within the SPG, the applicant was approached to consider changes to the scheme in order to minimise any potential overbearing impact on the single storey properties along Roe Lane. As a result of this the applicant has agreed to modify the roofline on Plot 43 with a hipped arrangement which will assist in bringing the roofscape away from the boundary and lessen the visual impact on the adjacent properties along Roe Lane.

With regards to loss of light, the spacing and positioning of the dwellings within the site is not considered to result in a significant loss of light to principal windows or amenity spaces. Residents of properties along Roe Lane have within their representations referred to a loss of light as a result of the development, namely as a result of the proximity of Plot 43 to the southern boundary. The applicant has provided details to illustrate the path of the sun during both the summer and winter solstice. These details show that the development would not result in the loss of any more sunlight to

rear facing windows of numbers 40 and 42 than the existing arrangement. Whilst it is noted there may be some additional overshadowing through the morning until the afternoon, this would be limited to the garden area and not to the extent that would have a severe impact on the amenity of the existing occupants.

Suitable separation distance are also in place between the rear elevations of the proposed properties and the existing residential development beyond both the southern (Ash Way) and western (Harrowby Drive) boundaries of the site.

With regards to waste collection, the majority of the internal roads within the site are to be constructed to adoptable standards and therefore will be serviced by a Local Authority waste refuse service. However, there are a number of plots located off the turning heads of some of the junctions that would not be accessed via an adoptable road. The applicant has therefore provided a refuse strategy that provides suitably sized and positioned bin storage/collection areas for these plots. These details are considered to be acceptable and would not result in issues of amenity.

The Council's Environmental Health Department (EHD) have considered the details provided with the application in respect of noise and environmental management and raise no objections to the application.

With regards to land contamination, the Council's EHD have requested the submission of details relating to air quality and land contamination. However, such issues were considered at the outline stage and therefore it is not reasonable or necessary to require further details on such matters within this reserved matters application.

One matter of further concern that has been referred to by residents is the proximity of the proposed sub-station to residential boundaries and the implications of this on health and wellbeing. The applicant has been asked to respond to these concerns, and in doing so has stated that the sub-station is required to provide sufficient supporting electrical infrastructure to the development. They detail that the only potential risk to health and safety would be where the equipment inside the sub-station is tampered with, but the development would see the station fully enclosed and appropriately secured. On this basis your officers are satisfied that the development poses no harm to residential amenity, health or wellbeing.

It is therefore considered that given the above, the development would not raise any adverse implications for residential amenity and would accord with the principles of the NPPF.

Highway Safety

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.

NP Policy DC3 expects the form and layout of development to provide ease of movement for pedestrians and cyclists, cater for a people with a range of mobility requirements and avoid severe adverse impacts on the capacity of the highway network

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 46; 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.

The suitability of the main point of access from Ash Way was considered to be acceptable in the determination of application 19/00515/OUT at appeal. Therefore this reserved matters application will focus on the suitability of the internal road layout and provision of parking.

Access to the site is from the approved point at Ash Way which would lead into the site and join the main internal road that runs west to east across the site. Two further adoptable streets extend from this main road which run towards the northern boundary of the site.

Initial consultations with the Highway Authority resulted in requests for amended information in relation to the geometry of the road layout, visibility splays, surfacing arrangements, parking and pedestrian connectivity.

The applicant has proactively addressed all of the issues raised by the HA through amended plans and information and the latest consultation response from the HA no longer raises any objections to the development subject to conditions.

The HA detail that a sufficient shared footway/cycleway has been provided between the internal road layout and the application boundary and that conditions can appropriately secure further details in relation to its detailed design, maintenance and cessation of the existing vehicular access from Roe Lane.

Sufficient off street parking has now been demonstrated for the dwelling proposed. The HA have raised concerns with the parking arrangement for Plot 1, which they feel needs to be relocated by 1m, however such a minor design change can suitably be secured by condition. Therefore there would be no adverse highway safety implications resulting in on street parking from the proposed development.

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

Trees and Hedgerows

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.

An area of open space is proposed in the north-eastern corner of the site to coincide with the provision of the footway/cycle path link which would connect the development to Roe Lane. The applicant does indicate that further open space would be provided to the south of the site, but this is an area largely covered by the attenuation basin and so would be fenced off and inaccessible for members of the public to utilise; nonetheless it provides a welcome area of open land at a key focal point within the development site. The level of open space provided is therefore deemed to be appropriate.

The perimeter of the site is largely comprised of a mixture of hedgerow and trees, all of which would be retained as part of the development proposals.

Throughout the site there are a number of established trees, largely within the southern segment of the site. In total, 16 trees would be removed from the site; 10 of which are of category C classification and 6 category B.

From the submitted tree survey it is accepted that the category C trees outlined for removal are largely ornamental planting of early maturity and average conditions and so their removal from the scheme on balance is not considered to have any adverse implications on the character or quality of the wider landscape.

The category B trees marked for removal include a cluster of four trees (T16, T17, T18 and T19) which are positioned on the north western edge of the site. The accompanying tree survey indicates that individually these trees are of low significance, but collectively make a contribution to the character of the landscape and are prominent in views from the residential dwellings to the south. T15 (Field Maple) is also a category B tree marked for removal.

The Council's Landscape Development Section (LDS) have objected to this tree loss and requested whether amended designs could be considered in order to allow their retention. They also have requested the provision of onsite play facilities, contribution to a MUGA and an off site contribution. With regards to the provision of play facilities and financial contributions, such matters were dealt with at the outline stage for the application. The outline permission did not request specific areas of play, but approved an area of public open space that would need to be appropriately managed. Therefore at this stage it would be unreasonable to introduce a need for further obligations that were not covered within the outline application.

The loss of these trees is unfortunate, particularly given their prominence from views outside of the application site. However, in granting permission for the access from Ash Way and taking into account the gradients of the site, this has made it extremely difficult to retain these trees as part of the development scheme.

The application is accompanied by a landscaping and planting plan which shows that a significant number of new trees will be provided throughout the site as well as a proposed wildflower meadow adjacent to the public footpath link; wetland meadow surrounding the attenuation basin and amenity grass, hedgerows and trees to plot frontages. The applicant's supporting statement indicates that this new tree planting would include over 60 specimens of new planting across the site.

Therefore whilst the initial loss of the trees from the site would have some negative implications on the character and appearance of the landscape, it is considered that given the ambitions of the landscaping and planting plan, sufficient re-planting on the site would compensate for this loss, and in fact, in time, add further variety and interest to the landscaping of the site. It is considered necessary to condition full and precise details for the proposed planting scheme to ensure that a variety of species are planted as well as trees of differing maturity to ensure that some trees have an immediate visual impact to mitigate the loss of the category B trees removed from site.

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 the imposition of appropriately worded conditions.

Flood Risk and Drainage

NPPF Paragraph 167 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 outline application for the site was accompanied by a Flood Risk and Drainage Assessment. Consultees at the time including Severn Trent and the Lead Local Flood Authority raised no objections to the development, subject to a condition to secure a detailed scheme for the disposal of foul and surface water flows. This was secured by condition 14 of the approved outline permission.

As a result, a detailed drainage scheme has not been provided with this application, but must be provided in order to comply with condition 14 of permission 19/00515/OUT before any approved scheme commences.

The Lead Local Flood Authority have raised no objections to the proposed development. They note that the outline drainage design principle is that surface water generated by the site shall be conveyed by gravity to connect into existing Severn Trent Water infrastructure with surface water being attenuated within an on site basin. The submitted plans have shown an appropriate space within the layout to include the attenuation basin.

Therefore in light of the above it is not considered that the proposed development would raise any adverse implications in relation to flooding or drainage and so would accord with the relevant policies of the development plan as well as the NPPF.

Affordable Housing

Policy CSP6 of the Core Spatial Strategy states that for new residential development within the urban area capable of accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate of 25% of the total dwellings to be approved.

The provision of 25% affordable housing was secured through the Section 106 Agreement associated with approved outline planning permission 19/00515/OUT and this would comprise a tenure split of 60% affordable rental units; with the remaining 40% other intermediate tenures.

The submitted layout demonstrates that these levels would be secured through the provision of 8 social rent units and 5 shared ownership properties. This mix would include 2-bed maisonettes, and 3-bed houses, including both terraced and semi-detached properties.

The Council's Housing Strategy Officer has noted that the location of the affordable housing appears to have been pushed towards the periphery of the development which would not sufficiently see the housing pepper-potted throughout the site. The officer has also noted that the affordable housing provision is largely comprised of maisonettes and so has requested that these house types are potentially replaced given that Registered Providers are often reluctant to take on units of this scale.

In response to this the applicant has detailed that the positioning of the affordable housing units accords with the Council's Affordable Housing SPD which states that there should be no more than 10 affordable units in any one cluster. The plans shows that the units have been split up into two areas within the site to ensure that no clusters are of more than 10 dwellings.

With regards to the type of affordable units, the applicant has confirmed that these have been proposed following discussions with registered providers who have made offers to take on the units subject to planning permission being granted.

Officers consider that a sufficient variety of affordable housing provision is proposed that accords with the requirements of the Councils Affordable Housing SPD both in terms of tenure and type of housing.

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 CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation

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

Policy N12: Development and the Protection of Trees.
Policy N13: Felling and Pruning of Trees.
Policy N17: Landscape Character - General Considerations.
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

19/00515/OUT - Outline planning permission for the demolition of all existing buildings and the erection of circa 55 dwellings with associated infrastructure, landscaping and open space. Detailed approval is sought for the means of access only with the details of appearance, landscaping, layout and scale to be reserved for subsequent approval – Refused but allowed at appeal.

21/00967/DEM - Application for prior notification of proposed demolition of The Seabridge Centre – Permitted

Views of Consultees

The **County Council School Organisation Team** note that a Section 106 Agreement was signed when the outline application was granted, and the education contribution amount and terms should be calculated in line with this.

The **Lead Local Flood Authority** raise no objections to the reserved matters application having reviewed the Flood Risk and Drainage Assessment, however Condition 14 of the appeal notice remains to be discharged and officers go on to detail the level of information that will need to be provided in order to satisfy the requirements of that condition.

The **County Highway Authority** has no objections subject to conditions regarding pedestrian visibility splays, visibility splays, detailed highway design information, full details of pedestrian/cycle link, maintenance and closure of existing vehicular access, refuse strategy, Construction Environmental Management Plan, surfacing materials and surface water drainage, revised parking details and cycle storage.

The **Staffordshire Police Designing out Crime Officer** advises that the broad layout principles appear generally acceptable but advises further gains could be made in respect of the type and position of vertical board fencing; incorporation of planted boundary treatments; appropriate street lighting and aim to adhere to the Secured by Design Home 2023 guidance.

The **County Council Mineral and Waste Planning Authority** has no comments to make on the application.

The **Environmental Health Department** raise no objections in relation to the submitted Environmental Noise Report and Construction Environmental Management Plan but requests have been made for conditions relating to Air Quality, Land Contamination, Dust Management and Asbestos.

The **Housing Strategy Officer** notes that the siting of the affordable housing appears to be on the periphery of the scheme and is not pepper potted throughout the site but also that the type of housing provided may not be suitable to registered providers.

Landscape Development Section object to the removal of category B trees and request thought is given to a revised layout to allow their retention. Requests are also made in relation to the provision of POS, play facilities and financial contributions on site.

No comments have been received from the **Council's Waste Services Department** or **Severn Trent Water** by the given deadline and as such it is assumed that they have no comments to make.

Representations

Four representations have been received from three addresses raising the following concerns;

- Loss of privacy
- Overlooking
- Maintenance of boundary hedgerow
- Loss of light
- Poor positioning of sub-station
- Overbearing impact
- Increased traffic impacts on security
- Devaluation of house prices

Applicant's/Agent's submission

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

[23/00659/REM | Residential Development of 53 dwellings \(Amended plans received 06.12.2023\) | Seabridge Community Education Centre Roe Lane Newcastle Under Lyme Staffordshire ST5 2HY \(newcastle-staffs.gov.uk\)](#)

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

12th March 2024

23/00659/REM
Seabridge Community Education Centre
Roe Lane
Newcastle Under Lyme



Newcastle Borough Council



1:2,500

Page 19

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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 application was deferred at the previous meeting of the Planning Committee to allow time for the consideration of the issue of financial viability.

The statutory 13 week determination period for this application expired on the 23rd February and an extension of time has been agreed to the 29th March 2024.

RECOMMENDATIONS

(A) Subject to the applicant entering into a Section 106 obligation by 12th May 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 financial viability, 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 on to 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.

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

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

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

Conclusions

The proposal would provide various social and economic benefits, most notably the 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

Three (3) letters of representation have been received from nearby residents. One requests that swift boxes are incorporated into the proposal, while the other two letters raise 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 March 2024

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th March 2024

Agenda Item 5

Application Ref. 23/00784/FUL

7 Victoria Street, Newcastle under Lyme

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

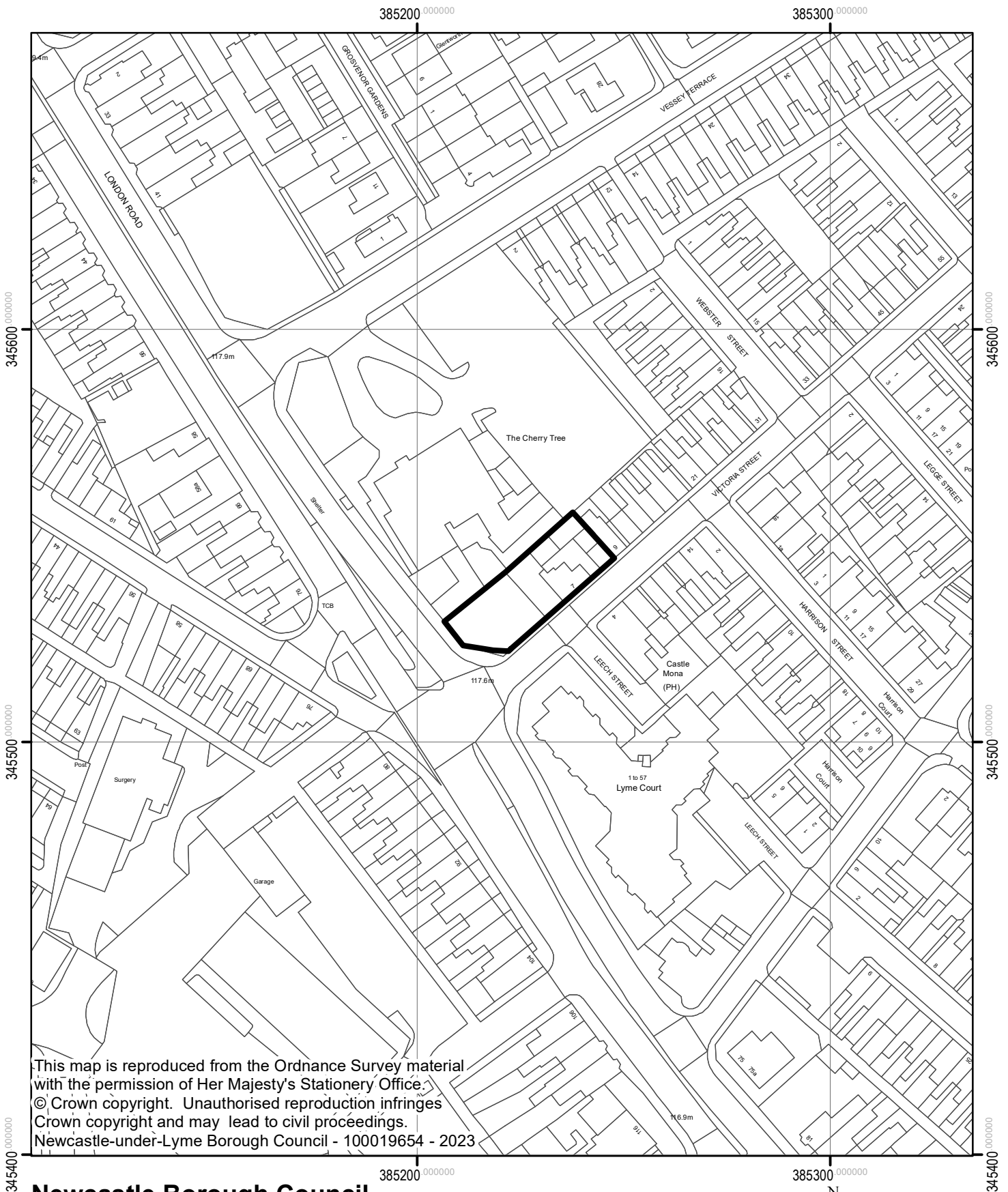
Amended Recommendation

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. 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**

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



Newcastle Borough Council

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Page 33

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OPEN MARKET, HIGH STREET, NEWCASTLE-UNDER-LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

23/00983/DEEM3

The application seeks full planning permission for the relocation of up to five market stalls and the creation of new public realm comprising new surfacing and landscaping arrangements and installation of new street furniture.

The application site comprises an area of High Street that extends from the Guildhall, south-eastwards, along High Street. It is within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The statutory 8-week period for the determination expires on the 1st April 2024.

RECOMMENDATION

Permit, subject to conditions relating to;

- i. Time limit condition**
- ii. Approved plans**
- iii. Materials**
- iv. Prior Approval of Seating**
- v. Demountable Bollard Specification**
- vi. Planter Specification**
- vii. Landscaping Scheme**
- viii. Nipper Parking delineation and surfacing arrangements**

Reason for Recommendation

The proposed development would not have any significant impacts on nearby land uses or on the character and appearance of the Conservation Area and the design of the proposal would accord with the policies of the development plan and the aims and objectives of the NPPF.

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

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

KEY ISSUES

The application seeks full planning permission for the relocation of up to five market stalls and the creation of new public realm comprising new surfacing and landscaping arrangements and installation of new street furniture.

The application site comprises an area of High Street that extends from the Guildhall, south-eastwards, along High Street. It is within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The principle of market stalls in this location is well established, and the creation of public realm upgrades in a town centre location is considered to be appropriate. Therefore the principle of the development is acceptable. In addition, there are not considered to be any amenity issues that would arise from the works proposed. The Highway Authority raise no objections to the proposal on highway safety grounds.

Therefore the sole issue to be considered in the determination of the application is the design and layout of the development and the impact on the Conservation Area.

The area of land subject to this application falls within the Newcastle under Lyme Town Centre Conservation Area and 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 such as a Conservation Area, 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.

Paragraph 208 of 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.

Saved policies B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan all require that development should not result in harm to the character and appearance of conservation areas.

The proposals can be split into two main areas; the relocation of market stalls and public realm improvements, all of which are focussed on an area of High Street that extends from the Guildhall, south-eastwards, along High Street.

The proposal to relocate existing permanent market stalls is an effort to concentrate the siting of these permanent stalls towards the upper/centre of High Street, with the remaining area then used flexibly on busier market days. The current permanent stalls centred between No. 77 and 89 High Street would be removed, and the area made available to provide space for temporary market stalls as and when required.

The new markets stalls would be of a style and design to match the existing market stalls, and in total 5 new stalls are proposed to be provided. Two of these stalls would be sited on the northern side of High Street, forward of numbers 61 and 73 High Street. Three other new stalls would be sited on the south western side of High Street, directly outside the building currently host to Poundland. The design and siting of the stalls are not considered to be harmful to the character and appearance of the conservation area, any more so than the existing arrangement.

High Street then extends south eastwards from the Market Cross between Friars Street and Hassell Street and it is this area that would be subject to the public realm improvements. The main element of these improvements comprises the creation of a new central landscaped area that would be surrounded by a newly red tarmacked surface leading to a raised lawn area with central planters. To the south of this landscaped area new demountable bollards would also be installed to restrict traffic flow.

There would be the installation of additional street furniture which includes three groups of new seats/benches.

In considering the proposed development the Conservation Officer has welcomed the removal of the fixed market stalls, which they consider create a negative and cluttered appearance and the development would go some way to create a more attractive, open, green space. However, they have

some reservations over the level of detail provided within the application includes the delineation of the grassed area, drainage channel and street furniture.

It is accepted that precise details have not been provided in relation to the benches/seating arrangement, however the siting of the furniture is considered to be appropriate and full and precise details of the type and specification of the seating can be appropriately secured through a condition.

The re-positioning of the market stalls would help to concentrate the development within a smaller area of the High Street and so would assist in the reduction of visual clutter and development within a prominent part of the Town Centre Conservation Area. Given that the style and form of the market stalls would match the existing, there would be no harm to the significance of the conservation area. The area of new landscaping would help to soften the visual appearance of the area, introducing a welcome area of green open space within the town centre. It is considered reasonable to request full and precise details of any hard surfacing and boundary arrangements to the scheme and these can be secured via condition.

It is stated within the application that the central landscaped area would be raised above the existing surface level by around 125mm. However, no details of a retaining edging or the drainage channel required have been provided with the application. The applicant has since confirmed that the raised levels will be retained by 125mm conservation kerbs to match the style and type used on other open spaces within the town centre. To provide greater clarity on these materials the applicant will provide further information on this point which will be reported in a supplementary report. With regards to the drainage channel, the applicant has clarified that there is an existing gully that runs down the centre of high street and the development would be built in a manner that would allow the drainage channel to enter the landscaped area, run along the kerb edging and then exit into the gully at the opposite end. This detail will be provided within an additional plan that will be submitted prior to the application going before the committee and a further supplementary report would support this.

Also, on the plans as originally submitted the extent of the new red tarmac area was not clear. It has since been confirmed that it will extend to the point as shown on the submitted drawings and would run no further than the edge of the new landscape and temporary market area.

Subject to this clarifying information being provided, and the conditions being attached as recommended, the development is considered to preserve and enhance the conservation area and would not result in any harm to the character or appearance of the area.

To conclude, the development would be an appropriate form of design that would accord with the policies of the development plan and the aims and objectives of the NPPF and would help to preserve the character and appearance on the Town Centre Conservation Area.

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 and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B9: Prevention of harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy T16: Development – General Parking Requirements

Other material considerations include:

National Planning Policy Framework (2023)

Planning Practice Guidance (PPG) (as updated)

Supplementary Planning Guidance/Documents

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

Newcastle Town Centre SPD (2009)

Newcastle Town Centre Conservation Area Appraisal (August 2008)

Relevant Planning History

13/00185/DEEM3 New market stalls Approved

Views of Consultees

The **Council's Urban Design and Conservation Officer** welcomes the removal of the fixed market stalls which create a negative and cluttered appearance and notes that the application makes attempts to create a more attractive open green space. However they have some reservations on the level of detail provided in certain elements of the scheme and that as a result the new area does not seem to have a clear vision as to what the appearance will be.

The **Highway Authority** raise no objections to the proposal but note that a Traffic Regulation Order will be required for the proposed nipper parking spaces.

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

Cadent Gas raises no objections.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website by searching under the application reference number 23/00983/DEEM3 on the website page that can be accessed by following this link;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00983/DEEM3>

Background Papers

Planning File
Development Plan

Date report prepared

13th March 2024

1st SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th March 2024

Agenda Item 6

Application Ref. 23/00983/DEEM3

Open Market, High Street, Newcastle-under-Lyme

Since the publication of the main agenda report additional supporting plans and information have been provided to address queries raised within the main agenda report.

These additional plans include sectional details to show the construction and composition of the raised landscaping area. The landscaped area would be retained by a conservation kerb which would then lead into a matching block on the ground before transitioning to the proposed tarmacked area. It has been clarified that both the kerb and block would be to the silver/grey colour specification, details of which have also been provided. A specification has also been provided for the red tarmac area NatraTex in the colour Terracotta, to match that used on the surfacing arrangements within Queens Gardens.

A further plan has been provided that gives a greater level of detail on the proposed drainage arrangements for the landscaped area that were described within the main agenda report. This plan indicates that surface water would run along the block trim to be constructed adjacent to the conservation kerb, around the outside of the raised landscaped area to then re-join the existing gulley arrangements within the main High Street. Therefore all of the surface water drainage associated with the site would make use of the existing arrangements.

In addition to the amended plans, since the publication of the main agenda report, comments have been received from the Conservation Advisory Working Party (CAWP). The group was supportive of the scheme but felt that the seating design was an important part of the streetscene in the town centre and a decision should be made to ensure it will be integral and sympathetic to the character of the town centre overall.

Officer Comments

Following the provision of the additional plans and information, your Officers are satisfied that the construction and appearance of the landscaped area would not have any significant adverse impact on the character or significance of the wider conservation area. All of the additional details provided in terms of materials, construction and drainage can all be secured through appropriately worded conditions.

With regards to the comments of the CAWP, your Officer agrees with the view taken in respect of the street furniture, most notably the seating. A condition is recommended to secure full and precise details of the specification for the seating to ensure that the works would be sympathetic to the town centre.

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

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SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th March 2024

Agenda Item 6

Application Ref. 23/00983/DEEM3

Open Market, High Street, Newcastle-under-Lyme

Since the publication of the main agenda report comments have been received from the **Staffordshire Police Designing Out Crime Officer**.

The officer has no objections to the proposals and notes that the loss of a number of permanent market stalls would increase natural and formal surveillance opportunities, reducing opportunities for the misuse of current stalls. They note that the options presented for the seating arrangement have considered factors such as deterring rough sleeping and being resistant to damage. Further advice is also provided with regards to street planting and the bollard specification.

Officer Comments

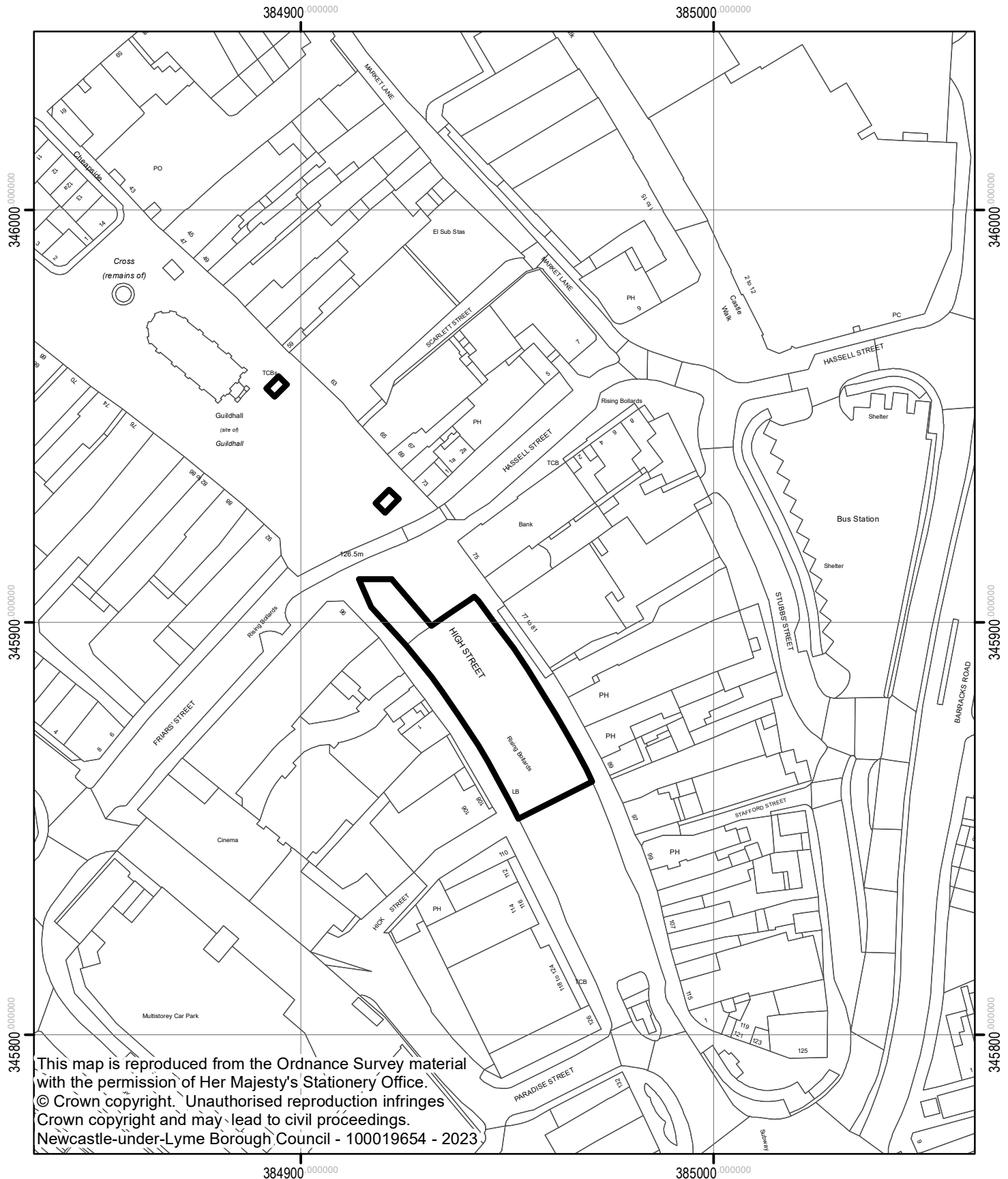
Suitably worded conditions are recommended in relation to both seating and bollard specifications within the main agenda report, and subject to these conditions there are no objections to the scheme.

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

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23/00983/DEEM3

Open Market,
High Street,
Newcastle



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Newcastle-under-Lyme Borough Council - 100019654 - 2023

Newcastle Borough Council



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Page 45

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LAND AT DODDLESPOOL, BETLEY reference 17/00186/207C2

The purpose of this report is to provide Members with an update on the progress of the works being undertaken at this site following the planning application for the retention and completion of a partially constructed agricultural track, approved under planning permission 21/00286/FUL.

RECOMMENDATION

That the information be received.

Latest Information

As previously reported, works to the track are largely complete and the landowner now needs to carry out the approved landscaping works.

Your officers are progressing the appropriate enforcement action against the landowner to ensure that the landscaping works, as required by condition 4 of planning permission 21/00286/FUL, are carried out in accordance with the approved plans at the earliest opportunity.

Date Report Prepared – 14th March 2024

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