

Public Document Pack

Date of meeting Tuesday, 21st May, 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

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 - 8)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND AT HIGH STREET / ACACIA AVENUE, KNUTTON. DURATA DEVELOPMENT. 23/00771/FUL** (Pages 9 - 26)
This item includes two supplementary reports.
- 5 APPLICATION FOR MAJOR DEVELOPMENT - NEWSPAPER HOUSE, CHEMICAL LANE, NEWCASTLE-UNDER-LYME, GIVENERGY. 24/00086/FUL** (Pages 27 - 34)
This item includes a supplementary report.
- 6 APPLICATION FOR OTHER DEVELOPMENT - 4 ROE LANE, NEWCASTLE-UNDER-LYME. MR & MRS HALLIDAY. 24/00261/FUL** (Pages 35 - 40)
- 7 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2** (Pages 41 - 42)
- 8 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.

9 URGENT BUSINESS

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

Members: Councillors Northcott (Chair), Crisp (Vice-Chair), 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 (Leader)	Dymond
	Heesom	Edginton-Plunkett
	Johnson	Grocott
	J Tagg	

If you are unable to attend this meeting and wish to appoint a Substitute to attend on your place you need to identify a Substitute member from the list above who is able to attend on your behalf

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

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Agenda Item 3

Planning Committee - 23/04/24

PLANNING COMMITTEE

Tuesday, 23rd April, 2024
Time of Commencement: 7.00 pm

[View the agenda here](#)

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Present: Councillor Paul Northcott (Chair)

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

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

1. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

2. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 26 March, 2024 be agreed as a correct record.

3. APPLICATION FOR MAJOR DEVELOPMENT - SEABRIDGE COMMUNITY EDUCATION CENTRE, ROE LANE, NEWCASTLE UNDER LYME. VISTRY HOMES. 23/00659/REM

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

- (i) Link to outline planning permission and conditions
- (ii) Approved plans and supporting documents
- (iii) Facing materials
- (iv) Prior approval solar panel specification
- (v) Boundary treatments
- (vi) Hard surfacing materials
- (vii) Soft landscaping
- (viii) Tree protection
- (ix) Refuse strategy
- (x) Construction Environmental Management Plan
- (xi) Pedestrian visibility splays
- (xii) Visibility splays
- (xiii) Detailed highway design information
- (xiv) Full details pedestrian/cycle link, maintenance and closure of existing vehicular access

Planning Committee - 23/04/24

- (xv) Surfacing materials and surface water drainage
- (xvi) Revised parking details
- (xvii) Cycle storage

[Watch the debate here](#)

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

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

- (i) Standard time limit for commencement of development
- (ii) Approved plans
- (iii) Materials
- (iv) Landscaping details
- (v) Waste collection and storage arrangements
- (vi) Vehicular access to be completed in accordance with submitted details
- (vii) Car parking area is to be suitable surfaced and sustainably drained
- (viii) Provision of cycle storage areas
- (ix) Construction Environmental Method Plan
- (x) Electric vehicle charging provision
- (xi) Construction and demolition hours
- (xii) Land contamination investigations and mitigation measures
- (xiii) Design measures set out in the noise assessment to be completed prior to first occupation to ensure internal noise levels are met
- (xiv) Unexpected land contamination
- (xv) Drainage plans for the disposal of foul and surface water Flows

[Watch the debate here](#)

5. APPLICATION FOR MAJOR DEVELOPMENT - ALDI, LIVERPOOL ROAD, KIDSGROVE. ALDI STORES LTD. 24/00071/FUL

Resolved: That the variation of conditions 8, 9 and 10 of planning permission 05/00127/FUL, be approved as follows:

8. There shall be no opening of the store to the public other than between the hours of 8.00 am and 10.00 pm Monday to Saturday and 10.00 am hours to 4.00 pm hours on Sundays.

9. On Sundays, deliveries to the site are only permitted between 7.00 am and 11.00 pm.

10. On Sundays, refrigeration vehicles shall not be parked on the site with cooling equipment in operation outside the hours of 07.00 am and 11.00 pm, unless the cooling equipment is connected to a functioning mains electric hook up.

and subject to the imposition of all other conditions attached to the permission that remain relevant at this time.

[Watch the debate here](#)

6. **APPLICATION FOR MAJOR DEVELOPMENT - PEACOCK HAY RESERVE AREA, PEACOCK HAY ROAD, TALKE. HARWORTH ESTATES INVESTMENTS LTD C/O WSP. 24/00092/FUL**

Resolved: That a decision on the application be deferred to allow further time for the consideration of the highway related matters.

[Watch the debate here](#)

7. **APPLICATION FOR MINOR DEVELOPMENT - SHOPPING MALL, YORK PLACE, NEWCASTLE. CAPITAL & CENTRIC (ON BEHALF OF NEWCASTLE BOROUGH COUNCIL). 24/00146/DEEM3**

Councillor Fear requested that the hoarding around the site be respectful in the vicinity of the war memorial to preserve the serious ambience of Remembrance Sunday, should works still be ongoing in November.

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

- (i) Time limit
- (ii) Approved plans
- (iii) Demolition Environmental Management Plan
- (iv) Details of hoardings

[Watch the debate here](#)

8. **NEWCASTLE-UNDER-LYME BOROUGH COUNCIL FIVE YEAR SUPPLY UPDATE 2023 - 2028**

The Service Director – Planning, Craig Jordan advised that there was a requirement for the Council to determine whether it had a five year housing land supply unless the Council had an up to date Local Plan. Whilst, officers were working swiftly to bring an emerging Local Plan to Council in July for future examination, the current Local Plan for the Borough was adopted in 2009.

To determine the level of housing supply, it was necessary to follow guidance set out in the National Planning Policy Framework (NPPF). In December, 2023 a revised version of the NPPF was published and it contained an important caveat. For Local Authorities with an emerging Local Plan at December 2023 and had reached

Planning Committee - 23/04/24

Regulation 18 stage or examination, only a four year supply needed to be shown for a two year period from the December date.

It was emphasised that any supply should comprise sites that were available now and would bring forward development within five years.

The Council had undertaken an assessment and established that from March 2023 to March 2028 a supply of 5.26 years of supply could be shown against an annual housing need of 340 dwellings. \this equated to 1790 dwellings against a requirement for 1700 or 1360 for four years.

Councillor Bryan asked if student properties were included in this. This was confirmed to be the case.

Resolved: That the content of the five year housing land supply position statement (appendix 1) be noted and agreed that it represents the current housing land supply position and can be used as a material consideration for development management decision taking.

[Watch the debate here](#)

9. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) -ASHLEY CONGREGATIONAL CHURCH. 23/24003/HBG

Resolved: That the following grant be approved:-

£ 1,284 Historic Building Grant be given towards sash window reinstatement.

[Watch the debate here](#)

10. PLANNING COMMITTEE SITE VISIT DATES 2024-25

Resolved: That the list of dates and times, as set out in the report, for possible Planning Committee site visits for 2024/25 be agreed.

[Watch the debate here](#)

11. 5 BOGGS COTTAGE, KEELE. 14/00036/207C3

Officers had no further updates on this item.

Councillor Jones stated that there had been a significant amount of activity on the site lately that had concerned residents. There was a commercial vehicle parked there plus a number of caravans.

The owner had been non-compliant and the Council had said that they were going to take enforcement action but nothing had happened.

The Council's Development Management Manager, Rachel Killeen stated that the Committee could be updated but that would have to be under closed session.

Resolved: (i) That the information be received.

- (ii) That an update report be brought to Committee in two month's time.

[Watch the debate here](#)

12. URGENT BUSINESS

There was no Urgent Business.

13. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs contained within Part 1 of Schedule 12A of the Local Government Act, 1972

A discussion took place in respect of 5 Boggs Cottages, Keele.

**Councillor Paul Northcott
Chair**

Meeting concluded at 8.19 pm

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Classification: NULBC UNCLASSIFIED

**LAND AT HIGH STREET / ACACIA AVENUE, KNUTTON
DURATA DEVELOPMENT**

23/00771/FUL

The application seeks full planning permission for the erection of 54 no. dwellings, including open space, new vehicular access off Acacia Avenue, and associated infrastructure and earthworks.

The application site, of approximately 2.3 hectares in extent, is within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. The site comprises previously developed land.

The statutory 13 week determination period for this application expired on the 30th November 2023 but an extension of time has been agreed to the 24th May 2024.

RECOMMENDATIONS

(A) Subject to the applicant entering into a Section 106 obligation by 19th July 2024 to secure the provision of 100% on-site affordable housing and management of the on-site Public 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. Facing and roofing materials;
4. Boundary treatments
5. Hardstandings;
6. Landscaping Scheme;
7. Provision of access, internal roads, private drives and parking areas;
8. Surfacing materials and surface water drainage for the private drives and parking areas;
9. Secure cycle storage;
10. Electric vehicle charging provision;
11. Highway & Environmental Construction Management Plan (CMP);
12. Any other necessary highway related conditions
13. Tree protection measures;
14. Prior approval of detailed plans for areas of open space and play equipment;
15. Contaminated land;
16. Detailed surface water drainage scheme;
17. Provision of bat and bird boxes and sparrow terraces as per enhancements plan;
18. Waste storage and collection arrangements

(B) Should the matters 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 secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for recommendations

The redevelopment and regeneration of this vacant brownfield 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. It is considered that subject to a number of conditions, the development represents a sustainable form of development and should be supported.

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

The LPA has engaged in pre application discussions with the applicant and officers of the Authority have requested further information throughout the application process and the applicant has subsequently provided amended and additional information.

KEY ISSUES

The application seeks full planning permission for the erection of 54 new houses, including open space, new vehicular access off Acacia Avenue, and associated infrastructure and earthworks. The application site, of approximately 2.3 hectares in extent, is within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. The site comprises previously developed land and was included within the Regeneration Masterplan for Knutton which was commissioned by the Borough Council in 2020.

The key issues in the determination of the application are as follows:

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

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

The National Planning Policy Framework (the Framework) seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

The application site within the Urban area of the Borough within a central part of Knutton.

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

Paragraph 117 of the Framework states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

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.
- (Para 11(d))

The Council has recently updated its five-year housing land supply position which sets out that it is able to demonstrate a housing land supply of 5.26 years. Therefore the Council is currently able to demonstrate an appropriate supply of specific, deliverable housing sites.

CSS Policies SP1 and ASP5, and Local Plan Policy H1 are concerned with meeting housing requirements, and Inspectors in a number of previous appeal decisions, have found that these policies do not reflect an up to date assessment of housing needs, and as such are out of date in respect of detailed housing requirements by virtue of the evidence base upon which they are based.

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

The basket of policies from the development plan most important for determining this application are considered to be LP Policy H1 as well as CSS Policies SP1 and ASP5. As stated above, it has been accepted that the CSS policies are out of date.

Therefore notwithstanding the five year housing land supply position, it is considered that the test in paragraph 11(d) has to be applied to this application given the lack of up to date policies in relation to the provision of housing. Therefore the tilted balance outlined within Paragraph 11(d) of the framework is considered to be engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

The application site is located within a central location of Knutton and would make use of a currently vacant area of brownfield land whilst also providing a good contribution to the Council’s housing supply. The proposed development is therefore considered to be sited in a sustainable location within an urban area of the Borough and so subject to any benefits outweighing any identified harms, the proposal represents sustainable development.

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

Paragraph 130 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 criteria, 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 site is currently open and offers very little in respect of visual quality, comprising large areas of hardstanding and grassed areas. There are some trees in the southern section of the site which do provide a contribution to the street scene of Acacia Avenue.

The proposed houses would be a combination of detached, semi-detached and terraced two storey properties which would be of traditional design. The surrounding area is comprised of a mixture of land uses and property types, with traditional terraced properties being located to the north and north west,

lower density suburban development being located to the south and south west, and commercial properties being located to the north east. The majority of nearby properties are two-storey in height however there are some bungalows which run along Acacia Grove to the south west of the site.

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 a number of amendments and enhancements have been made to the scheme at the request of the case officer to ensure that the scheme demonstrates a high quality design as required by both national and local policies. The site has been designed to include a good number of varied house types with the chosen designs integrating well with the local design vernacular. The proposed materials for all houses are to be traditional red facing brick, with the majority of detailing also being completed in matching brick. Window cills are to be constructed of artificial stone with windows to be white uPVC. The material choice is considered to be appropriate given the local design character.

A number of landscaped areas and new planting will also help to break up new built up frontages and soften the overall visual impact of the development. Boundary treatments for rear garden areas are to be 1.8 vertical close boarded timber fencing, whilst a mixture of brick walls and timber fencing will be used for more prominent positions within the site. The boundary treatments proposed are typical of a residential scheme of this type and are considered to be appropriate in general, however it is considered necessary to use a condition to control the final boundary scheme for the site.

To conclude, subject to conditions, the proposal will help to remove what is currently a vacant brownfield site in the area and replace this with a high quality residential development which will integrate well with surrounding land uses. It is therefore considered that the design of the proposed development is acceptable and subject to conditions, it will comply with design principles and policies of the Council's Urban Design Guidance, policy CSP1 of the CSS and the guidance and requirements of the NPPF.

The impact of the development on highway safety

Paragraph 114 of the NPPF states that in assessing specific applications for development it should be ensured, amongst other things, that appropriate opportunities to promote sustainable transport modes; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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

Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Such a policy is, however, of limited weight as it is not in fully consistent with the Framework given it reference to maximum parking levels.

The proposed development would connect to the existing highway network at two points. To the north of the site there would be access onto High Street via an existing access point, and to the south, access would be onto Acacia Avenue. There are a number of bus stops within walking distance of the site providing access to bus routes which operate on a frequent basis throughout the day and provide access to a range of key destinations.

Objections have been received from residents about the suitability of the access and the level of potential congestion in the area.

The application is accompanied by a Transport Statement (TS) which considers the transport impacts associated with the proposed development. The TS concludes that trip generation and junction modelling from the proposals would be unlikely to cause or exacerbate any highway capacity or safety

issues on the surrounding network and that the proposed development will not have a material impact upon the operation of the Acacia Avenue / B5368 Church Lane priority junction. The development is forecast to produce 28 two-way vehicle trips during a typical weekday morning.

The TS notes that the proposed residential development would, other than for the departure trips in the morning peak, generate less overall vehicle trips than the previous use of the site which was a recreation centre. While the number of anticipated vehicle trips would not meet the threshold for a junction capacity assessment to be provided, such an assessment has been carried out for the junction of Church Lane/ Acacia Avenue and it concludes that the development would have a negligible highway impact.

The layout of the site and provision of areas of unadopted road would mean that 15 properties would have to take their bins out to a bin collection point given their siting on an area of unadopted road. However the unadopted roads incorporated into the proposal are limited in size with most properties being no further than 20m from an adopted road, with the exception of plots 44 and 43 which are located approximately 30m and 25m away from the adopted highway. In consideration of the fact that there is no identified breach of policy, the arrangement as proposed is considered to be sufficient and ensures that the amenity level of future occupants is acceptable from a waste collection perspective.

Clarity was sought by the Highway Authority in relation to the technical information provided within the TS and plans regarding trip generation numbers, footway widths, visibility splays and vehicle tracking models as well as other matters. The applicant has provided additional information to address these concerns and the Highway Authority have now informally advised that they have no objections to the proposal subject to conditions. Their formal response is expected imminently and an update will be provided in a supplementary report.

The proposed residential units would each provide sufficient off street car parking spaces which would be in accordance with the Council's parking standards set out in Appendix A of the Saved Local Plan policies.

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

Acceptable standards of residential amenity

Paragraph 131 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.

There are a number of existing residential properties which share boundaries with the proposed development. One objection has been raised by a local resident who occupies a property on Silverdale Street to the north west of the development site regarding potential loss of privacy as a result of the development.

Although the one objection regarding privacy is noted, all properties within the development site would achieve acceptable separation distances, in accordance with the Council's SPG. All plots will also have an acceptable amount of private amenity space.

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

Therefore subject to the inclusion of appropriate conditions, the development accords with the provisions of the NPPF.

Impact on Trees and Ecology

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

Paragraphs 180 & 185 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

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

No trees within the site are protected, and the majority of the existing trees have been identified as being of low quality. However there is a row of Category B and C silver birch and sycamore trees in the southern section of the site close to Acacia Avenue which would be removed to accommodate the new development. Although none of the trees to be removed are category A, they do provide a contribution to the street scene and their loss must be weighed in the planning balance.

Other trees within the site including those adjacent to the high street at the north of the site will be retained which will help to soften this part of the proposal.

The Preliminary Ecological Appraisal submitted in support of the application notes that the site does provide suitable foraging and nesting opportunities for bird species, however the site has a low potential for bats. Given that the site is largely made up of hardstanding without any ponds, the impact on mammals and amphibious would also be negligible. The proposed landscaping and planting scheme will result in a net gain in the number of trees within the site and the removal of large areas of hardstanding would also create some additional opportunities for biodiversity.

A number of enhancement measures are outlined within this appraisal, which include the provision of bird and bat boxes. Subject to suitably worded planning conditions which would tie in the recommendations of the appraisal, it is considered that the application has demonstrated that the impact and loss of wildlife and biodiversity can be suitably mitigated, in accordance with the provisions of the NPPF.

Flood Risk and sustainable drainage

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

The Lead Local Flood Authority originally raised concerns with the proposed drainage strategy due to the lack of a swale and/or attenuation pond. The applicant has noted that to include this drainage system would require the removal of affordable units from the site and this would create viability issues with the proposal, which the LLFA have acknowledged. The LLFA have accepted that whilst the proposal does not incorporate a swale and/or attenuation pond, the proposed drainage system would still provide the required volume of storage and on this basis they have requested that a pre commencement condition is used to ensure that the final design of the drainage system, inclusive of a management and maintenance plan for the drainage system and a Surface Water Management Plan, is provided.

Subject to this condition, the development will minimise flood risk in accordance with local and national planning policy.

Affordable Housing

Policy CSP6 of the CSS states that residential development within the urban areas will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. This application proposes 100% housing and therefore exceeds the requirements of policy CSP6.

Planning obligations and financial viability

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

- 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.

Public open space is to be provided within the site and therefore no contribution to off-site provision is required. The open space should be maintained by a management company which can be secured by a Section 106 Agreement.

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.

Other Matters

Concerns have been raised by local residents regarding the loss of an area of open space which forms part of the development site. Whilst the loss of this open space does weigh against the proposal, the retention of the open space in its current form would result in less affordable residential units being provided which would have implications for the public realm improvements to the existing play area. It is also noted that there are other large areas of useable public open space nearby at the Wammy site which would mitigate the loss of this land.

It must also be noted that the proposal would result in an improvement and expansion of the play area which is located to the south of the site along Acacia Avenue which will bring with it a public benefit. The proposal is also compliant with the requirements of policy CSP10 of the CSS.

Conclusions and planning balance

The proposal would provide various social and economic benefits, most notably the construction of 54 new residential properties in a sustainable location within the urban area, which will increase the housing mix and make a contribution to boosting affordable housing supply in the Borough. It has also been demonstrated that the design and appearance of the scheme would be of an appropriate quality and would not harm the visual amenity of the area. Onsite planting and biodiversity enhancements have been proposed and other environmental objectives will be secured. Therefore, the three overarching objectives of sustainable development will be achieved.

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 CSP6	Affordable Housing
Policy CSP10	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential development: Sustainable location and protection of the countryside
Policy T16:	Development - General Parking Requirements
Policy C4:	Open Space in New Housing Areas
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees
Policy N17:	Landscape Character – general Considerations
Policy IM1:	Provision of essential supporting infrastructure and community facilities.

Other material considerations include:

National Planning Policy Framework (2023)

Planning Practice Guidance (March 2019, as updated)

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

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

Affordable Housing SPD (2009)

Newcastle-under-Lyme Open Space Strategy – adopted March 2017

Space Around Dwellings SPG (SAD) (July 2004)

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

Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016

Relevant Planning History

16/00804/DEM - Application for prior notification of proposed demolition of Former Knutton Recreation Centre - 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 **County Highway Authority** have informally noted that they raise no objections to the proposal. It is expected that their formal response will be received imminently and an update will be provided in a supplementary report.

The **Lead Local Flood Authority** state that if the LPA recommend the application for approval then a pre-commencement condition for the provision of final detailed design of the drainage system, inclusive of a management and maintenance plan for the drainage system (with a named contractor to provide maintenance) and a Surface Water Management Plan (SWMP) should be secured.

Staffordshire County Council as the **Minerals and Waste Authority** has no comments on the application.

Cadent raise no objections to the proposal but request that an informative is added to the decision notice.

The **Public Rights of Way Officer** notes that if any public right of way needs diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence.

The **Environmental Health Division** raise no objections subject to conditions relating to the submission of a CEMP, internal noise levels for houses being secured, and contamination.

The **Landscape Development Section (LDS)** raise no objections in principle subject to the implementation of root protection for existing trees to be retained. Details for the proposed LEAP and LAP are agreed by condition and that the minimum Fit in Trust standards are met with regards to the re-provision of the play facilities on this site.

The **Crime Prevention Design Advisor** has provided advice on a number of crime prevention design measures, including lighting, contained within the Secured by Design Homes 2019 design guide document.

Severn Trent Water raise no objections to the proposal subject to conditions relating to the submission of a drainage plan, and works to be completed in accordance with the approved details.

Comments were also invited from The **Council's Waste Management Section, National Grid, Staffordshire Wildlife Trust**, and **The Coal Authority**, however in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

5 (Five) letters of representation have been received which raise objections to the proposal, and one comment has been received which raises no objections or support for the development but suggests that swift bricks be incorporated to improve biodiversity within the site.

The objections raised highlight the following concerns:

- Loss of open space/park
- Highway safety and traffic issues
- Loss of trees
- Loss of privacy

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/23/00771/FUL>

Background Papers Planning File

Classification: NULBC **UNCLASSIFIED**

Development Plan

Date report prepared

8th May 2024

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st May 2024

Agenda Item 4

Application Ref. 23/00771/FUL

Land at High Street / Acacia Avenue, Knutton

Since the publication of the main agenda report the applicant has requested that the affordable housing be secured via a condition rather than by a Section 106 agreement. The reason for this is that Homes England will not provide grant funding for a scheme where the affordable housing is secured by a Section 106 and therefore, the scheme would not be delivered.

In addition, two further letters of objection have been received which raise concerns regarding the loss of trees, hedgerows and open space, as well as the impact on highway safety and ecology. Reference is made to 5 mature trees that have recently been lost due to storm damage.

Officer response

It is accepted that Homes England grant funding cannot be used for affordable housing secured via a S106 agreement and that this scheme, which proposes 100% affordable housing, would not be viable without such funding.

It is generally accepted that affordable housing can be either secured by planning condition or by a S106 agreement and this Council has previously accepted the use of a condition in cases similar to this.

With respect of the letters of representation, while it is noted that some trees within the site have been lost due to storm damage, this is beyond the control of either the applicant or the LPA. All other matters raised have already been addressed within the agenda report.

Revised Recommendation

(A) Subject to the applicant entering into a Section 106 obligation by 19th July 2024 to secure the management of the on-site Public 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. Facing and roofing materials;**
- 4. Boundary treatments**
- 5. Hardstandings;**
- 6. Landscaping Scheme;**
- 7. Provision of access, internal roads, private drives and parking areas;**
- 8. Surfacing materials and surface water drainage for the private drives and parking areas;**
- 9. Secure cycle storage;**
- 10. Electric vehicle charging provision;**
- 11. Highway & Environmental Construction Management Plan (CMP);**
- 12. Any other necessary highway related conditions**
- 13. Tree protection measures;**
- 14. Prior approval of detailed plans for areas of open space and play equipment;**
- 15. Contaminated land;**

16. Detailed surface water drainage scheme;
17. Provision of bat and bird boxes and sparrow terraces as per enhancements plan;
18. Waste storage and collection arrangements
19. Affordable Housing Provision

(B) Should the matters 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 secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st May 2024

Agenda Item 4

Application Ref. 23/00771/FUL

Land at High Street / Acacia Avenue, Knutton

Since the publication of the main agenda comments have been received from the Highway Authority who confirm that they have no objections to the proposal subject to conditions relating to submission of technical details, visibility splays, access points, pedestrian crossing, boundary treatments and bicycle storage. A request for a Construction and Environmental Management Plan and highway dilapidation survey to be submitted have also been requested.

In addition to the above a financial contribution of £10,000 to be secured through a Section 106 agreement is also requested which would go towards a residential travel plan monitoring scheme.

Officer response

The conditions and Section106 contribution as requested by the Highway Authority are considered appropriate and necessary to ensure that the proposal would have an acceptable impact on highway safety.

Revised Recommendation

- (A) Subject to the applicant entering into a Section 106 obligation by 19th July 2024 to secure a financial contribution towards travel plan monitoring and the management of the on-site Public Open Space;**

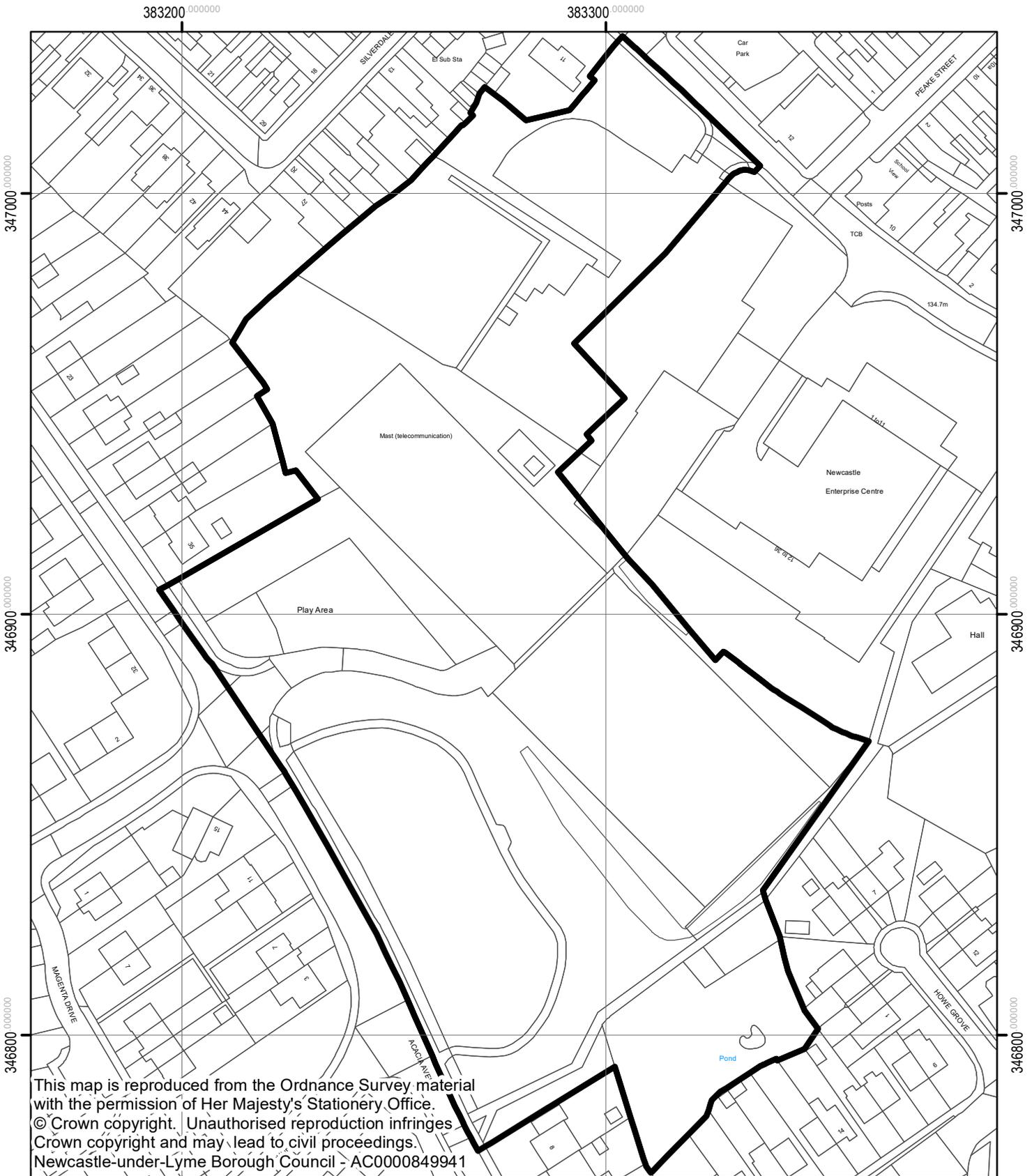
PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard time limit for commencement of development;**
- 2. Approved plans;**
- 3. Facing and roofing materials;**
- 4. Boundary treatments;**
- 5. Hardstandings;**
- 6. Landscaping Scheme;**
- 7. Additional highways details to be provided;**
- 8. Full details of access arrangements to be provided;**
- 9. Footpath /footway improvement works;**
- 10. Road design details;**
- 11. Visibility splay provision;**
- 12. Highway dilapidation survey;**
- 13. Provision of access, internal roads, private drives and parking areas;**
- 14. Surfacing materials and surface water drainage for the private drives and parking areas;**
- 15. Secure cycle storage;**
- 16. Electric vehicle charging provision;**
- 17. Highway & Environmental Construction Management Plan (CEMP);**
- 18. Tree protection measures;**
- 19. Prior approval of detailed plans for areas of open space and play equipment;**
- 20. Contaminated land;**
- 21. Detailed surface water drainage scheme;**
- 22. Provision of bat and bird boxes and sparrow terraces as per enhancements plan;**

- 23. Waste storage and collection arrangements
- 24. Affordable Housing Provision
- 25. Travel Plan

(B) Should the matters 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 secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

23/00771/FUL
Land At High Street / Acacia Avenue
Knutton Newcastle Under Lyme
Staffordshire ST5 6BX



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Classification: NULBC UNCLASSIFIED

**NEWSPAPER HOUSE, CHEMICAL LANE, NEWCASTLE-UNDER-LYME
GIVENERGY**

24/00086/FUL

Full planning permission is sought to vary condition 2 of planning permission 23/00350/FUL to show a reduction in parking spaces from 47 to 17.

The site lies within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map. Chemical Lane predominantly consists of employment development (B1, B2 and B8 uses). The boundary between the Borough and Stoke-on-Trent City Council is to the east of the application site, along the West Coast Main railway line.

The 13 week period for determination of the planning application expires on 15th May 2024.

RECOMMENDATION

REFUSE for the following reason:

The proposed development would result in a significant shortfall of parking spaces for vehicles within the curtilage of the site. This would therefore result in the potential overspill of vehicles parking within the designated service yard/manoeuvrability areas and within the public highway resulting in the increased likelihood of highway danger occurring. The development is therefore contrary to Policy T16 of the Newcastle-under-Lyme Local Plan 2011 and the guidance and requirements of the National Planning Policy Framework 2023.

Reason for Recommendations

The changes to the site layout would result in a significant reduction in parking provision which is not considered to be sufficient to serve the level of B2 general industrial floor space within the site. This reduction in parking would therefore give rise to increased risks of on street parking from the overspill of vehicles and this in turn would present an unacceptable highway safety concern for motorists, pedestrians and cyclists.

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

The applicant was made aware of the concerns raised in respect of the application and afforded an opportunity to comment on or potentially to address these issues. However, no further correspondence has been received and so the applicant has failed to address the concerns of the Council. Therefore the development cannot be considered a sustainable form of development and the application must be refused.

Key Issues

This proposal seeks full planning permission to vary condition 2 of planning permission 23/00350/FUL to show a reduction in parking spaces from 47 to 17.

The sole issue to consider in the determination of the application is the impact on parking and highway safety.

Paragraph 114 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Policy T16 of the Local Plan states that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2. The policy goes on to specify that development which provides significantly less parking than the maximum specified standards will not be permitted if this would create or aggravate a local on street parking or traffic problem.

Planning permission was granted under application reference 22/00467/FUL for the erection of a new industrial unit with a gross floor area of 1128 square metres. 47 parking spaces were provided within the curtilage of the site split across two car parks, one forward of the existing industrial building and one to the rear. This level of parking was compliant with the standards set out within the Local Plan and the Highway Authority raised no objections.

This application is now seeking to revise the layout of the site and associated parking spaces. The car park forward of the existing industrial unit is to be removed entirely. This would leave one car park to the rear of the new unit which would have 17 spaces. Within their submission the applicant has stated that this reduction in parking spaces coincides with a change in the operations of the business and the associated staffing numbers.

They state that the original planning application was originally for 50 members of staff in the building, plus an assumed number of 20 within the existing building which at the time was to remain. A subsequent variation of condition application (reference 23/00350/FUL) changed several design elements of the building which included the re-orientation of the office space and removal of a large number of office desks. These changes would reduce the number of office staff from 35 to 15 and warehouse staff dropping from 15 to 5. Therefore the applicant considers that the total number of staffing on site would now be 20, and on that basis the level of parking provided would be commensurate with the operations of the business.

In reviewing the submission, the Highway Authority (HA) considers that the reduction in parking spaces, when assessed against the scale and floor area of the approved B2 industrial uses both in the new and existing building is a significant shortfall below the Newcastle-under-Lyme Parking Standards, and that this raises a highway safety concern.

Further clarification from the HA states that the parking standards are based on the gross floor area of the building and that the position regarding staffing numbers is not robust to support the relaxation of the parking standards as proposed. In addition, Chemical Lane is of poor condition and geometry, where on street parking is already an issue in places and therefore a potential significant overspill of parking onto the highway would raise an unacceptable highway safety concern. Therefore the HA object to the proposed revisions.

Paragraph 112 of the NPPF states that maximum parking standards for non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework).

The standards outlined within Local Plan appendix Table 3.2 are maximum standards and so it has to be accepted that these standards are not fully compliant with the provisions of the NPPF. It is accepted therefore that some shortfall below these standards may not necessarily result in highway safety issues. However, this application site is host to two general industrial buildings. The building approved by planning permission 23/00350/FUL has a floor area of 1128 square metres. The other existing building on site, which has been retained and therefore has an extant use, has a floor space of 1562 square meters. Therefore, accounting for a worst case scenario here there is a total of 2,690 square metres of operational general industrial space that would only be served by 17 parking spaces.

Whilst the applicant has outlined that due to their personal business model additional parking would not be required, the Local Planning Authority must consider the use class of the building and total floor area that can be utilised. A different operator could take ownership or occupation of the buildings at any given time in the future that may operate the buildings to their full capacity, which would leave a significant shortfall in parking spaces. Therefore given that there is not sufficient parking within the site, this gives rise to an increased risk of vehicles parking directly on Chemical Lane. Chemical Lane is a relatively narrow road serving a number of industrial and commercial units. There are no parking restrictions on Chemical Lane and it is not uncommon for vehicles to park on the highway in association with the business present there. As a result, there is a further risk that overspill parking, given the severe shortfall in parking from the application site, would present a highway safety issue.

Therefore in light of the above, it is considered that the proposed development would result in a significant shortfall of onsite parking to serve the industrial use. As a result this would pose as an increased risk to highway safety of vehicles, pedestrians and cyclists on Chemical Lane by virtue of additional vehicles having to park within the highway. As a result the proposed development is contrary to the policies of the Development Plan and the aims and objectives of the National Planning Policy Framework.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

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

Policy SP3: Spatial principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

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

Policy T16: Development – General Parking Requirements

Other Material Considerations include:

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

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

Relevant Planning History

22/00467/FUL - Erection of Industrial Unit – Permitted

23/00350/FUL - Variation of condition 2 of planning permission 22/00467/FUL to substitute the approved plans with revised plans to amend the design – Permitted

23/00554/FUL - Demolition of Newspaper House and Erection of Warehouse – Withdrawn

Views of Consultees

The Highway Authority object to the proposed development as it fails to provide adequate provision for the parking of vehicles within the site curtilage resulting in the potential overspill of vehicles parking within the designated service yard/ manoeuvrability areas and within the public highway resulting in the increased likelihood of highway danger occurring.

Representations

None received.

Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00086/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st May 2024

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
21st May 2024

Agenda Item 5

Application Ref. 24/00086/FUL

Newspaper House, Chemical Lane

This application has been withdrawn.

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24/00086/FUL
Newspaper House Chemical Lane
Newcastle Under Lyme Staffordshire
ST6 4QZ



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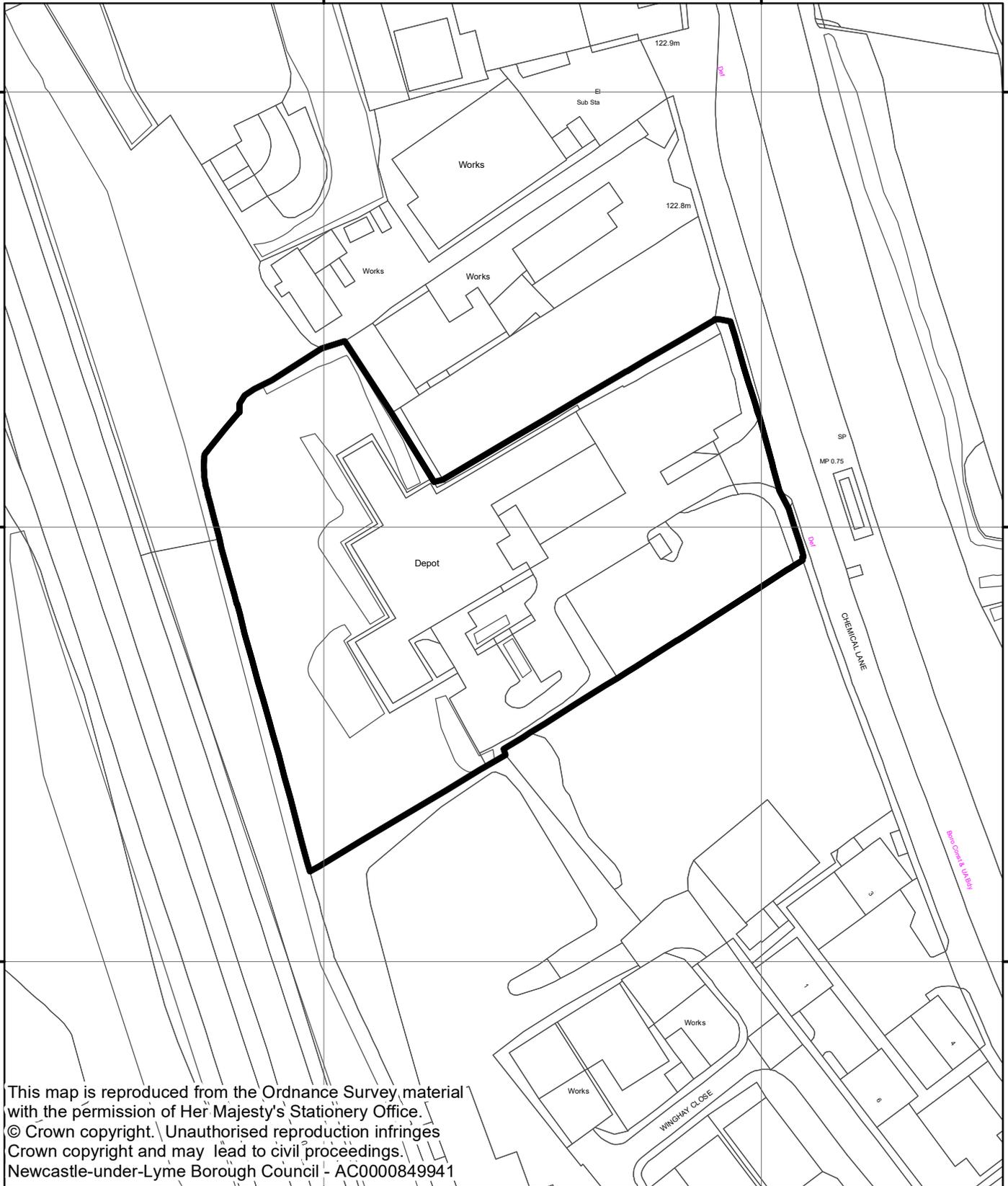
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Newcastle Borough Council



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Page 33

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Classification: NULBC UNCLASSIFIED

4 ROE LANE, NEWCASTLE-UNDER-LYME
MR & MRS HALLIDAY

24/00261/FUL

Full planning permission is sought for a two storey and part single storey extension to the rear and an extension to the garage with a replacement roof together with external and internal alterations at 4 Roe Lane, Newcastle-under-Lyme.

The application site is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

The 8 week period for the determination of this application expires on the 30th May 2024.

RECOMMENDATIONS

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

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

Reason for recommendations

The proposed extensions are considered to be subordinate to the main dwelling and the street scene in line with Policy H18 of the Local Plan and would not have a negative impact on highway safety or neighbouring amenity. In all other respects the development accords with local and national planning policy.

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

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

KEY ISSUES

Full planning permission is sought for a two-storey and part single storey extensions to the rear; extension to the garage with a replacement roof together with external and internal alterations, at 4 Roe Lane, Newcastle-under-Lyme.

The application site is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

The works were permitted previously under application reference number 21/00122/FUL but the permission lapsed as a commencement was not made within the required 3 year time period.

The key issues that need to be considered in the determination of this application are;

1. Whether the design of the proposed development is acceptable
2. Whether the impact upon neighbouring occupiers in terms of amenity is acceptable,
3. Whether the impact on parking and highways is acceptable.

1. Is the design of the proposed development is acceptable?

Paragraph 131 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Strategy requires that the design of the development is respectful to the character of the area.

Policy H18 refers to the design of residential extensions, where subject to planning control. Whilst not directly relating to design of outbuildings, the principles of good residential design within this policy can be used to assess the design of outbuildings. The policy states:

Proposals to extend dwellings will be favourably considered, subject to other policies in the Plan, so long as the following requirements are satisfied:

- i. The form, size and location of each extension should be subordinate to the design of the original dwellings.
- ii. The materials and design of each extension should fit in with those of the dwelling to be extended.
- iii. The extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting.

The application property is a 3 bedroom detached dwelling in an established residential area.

The applicant is seeking permission for a two-storey and part single storey extension to the rear; an extension to the existing garage with a replacement roof and for other external and internal alterations.

The proposed rear extension would extend across the full width of the dwelling. The two-storey element would project 2.91m from the rear elevation of the property and the single-storey element would extend out approximately a further 2.4m to the rear with a lean-to roof. The proposed extension to the garage would extend the width and length of the existing garage by approximately 1.8m, allowing a connection with the main dwelling at ground floor level. In addition, the existing flat roof above the garage would be replaced with a pitched roof with a maximum height of 4.5m. The proposal would also result in a number of internal changes including an additional bedroom and an open plan sitting and dining room.

Whilst relatively large, the extensions are to the rear of the dwelling and their overall scale is considered to be proportionate to the scale of the existing dwelling. The design of the proposals reflects the character of the existing dwelling, and the replacement roof of the garage is considered to be an improvement on the existing flat roof. The proposed materials are to match the existing dwelling. Overall, it is considered that the design and scale of the proposals are subordinate to the main dwelling in line with Policy H18 of the Local Plan.

The development would therefore accord with Policy H18 of the Local Plan, Policy CSP1 of the CSS, and the aims and objectives of the NPPF.

2. Will the impact upon neighbouring occupiers in terms of amenity, be acceptable?

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 high standard of amenity for all existing and future occupants of land and buildings.

SPG (Space Around Dwellings) provides guidance on privacy, daylight standards and environmental considerations.

Given the orientation of the neighbouring dwelling to the north and the location of the garages of both properties, it is not considered that the proposals would have a negative impact in terms of neighbouring amenity. The garage and outrigger element of the property to the south extend beyond the rear building line of the application dwelling and there is approximately 6m distance between the two properties, and there is a 3.5m separation distance between the application property and the shared boundary with the property to the north. Given this, it is not considered that the proposed rear extension or garage

alterations would have an unacceptable impact on the amenity of the occupiers in terms of overbearing impact, overshadowing or loss of privacy.

The proposed development accords with the guidance set out in the SPG and would not be harmful to neighbouring residential amenity levels. It therefore accords with the SPG and the NPPF.

3. Is the impact on parking and highways acceptable?

Paragraph 114 of the NPPF states it should be ensured that safe and suitable access to the site can be achieved and that significant impacts on the transport network or on highway safety can be mitigated.

Policy T16 of the Local Plan asserts 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 or parking problem.

The proposed extension would increase the number of bedrooms from 3 to 4 and therefore the maximum off road parking spaces required is 3. The submitted block plan demonstrates that the front driveway can accommodate parking for 3 cars and therefore is considered acceptable.

Given the above, the development is considered to accord with Policy T16 of the Local Plan and the aims and objectives of the NPPF.

Reducing Inequalities

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

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions. People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

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

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H18: Design of Residential Extensions where subject to planning control
Policy T16: Development – General Parking Requirements

Other material considerations include:

Relevant National Policy Guidance:

National Planning Policy Framework (2023)
Planning Practice Guidance (updated 2019)

Supplementary Planning Guidance:

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

Space around Dwellings (2004)

Relevant Planning History

N8668 – Garage utility and lounge extension. (Permitted).

NNB00646 – The erection of detached house and garage. (Permitted).

21/00122/FUL – Proposed two storey part single storey extensions to rear; extension to garage with replacement roof together with external and internal alterations. (Permitted).

Views of Consultees

None.

Representations

None received.

Applicant/agent's submission

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

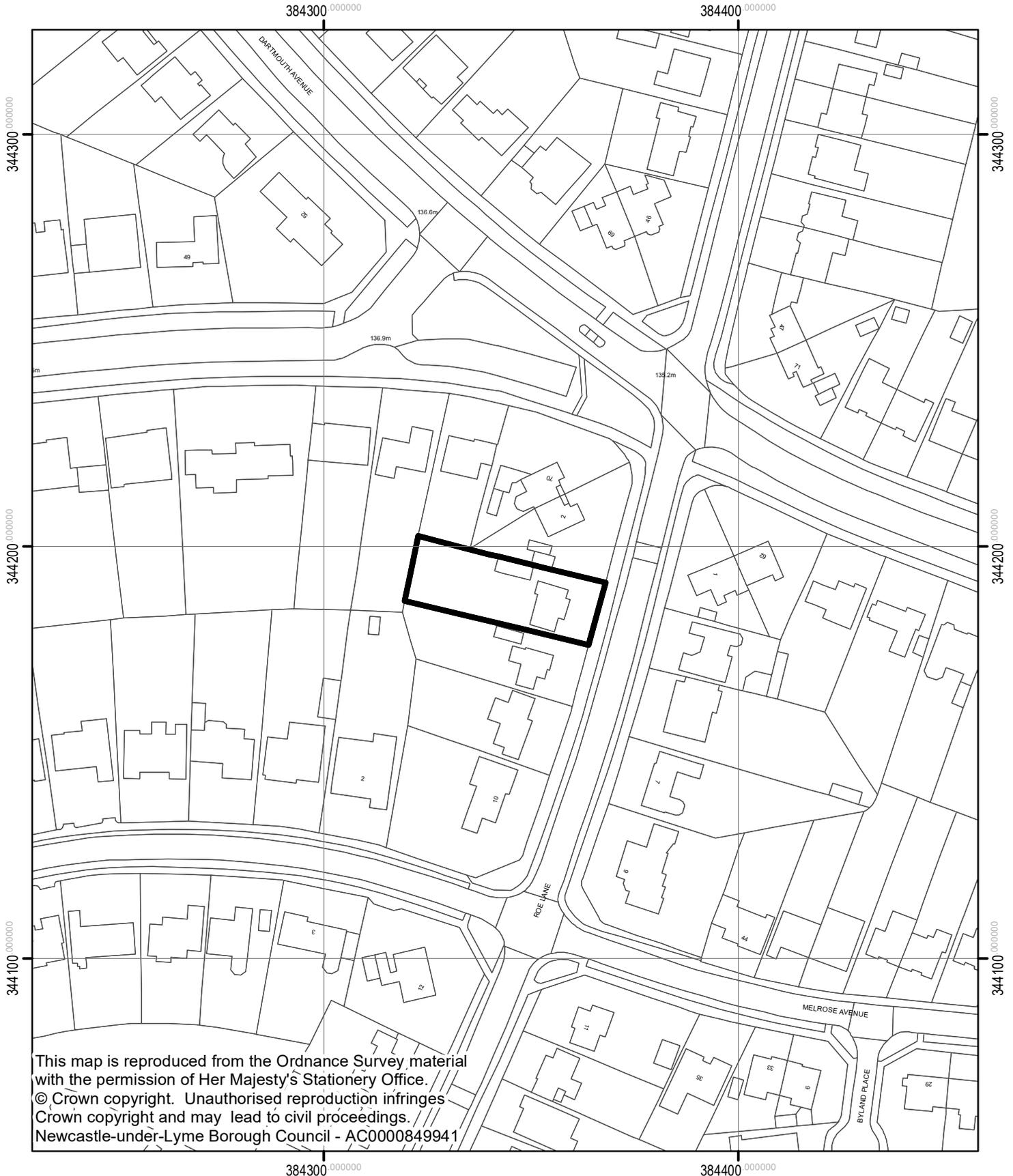
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00261/FUL>

Background Papers

Planning File referred to
Development Plan referred to

Date report prepared

30th April 2024



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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 – 10th May 2024

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