

Public Document Pack

Date of meeting Tuesday, 16th July, 2024
Time 7.00 pm
Venue Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 4)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - RELIANCE MEDICAL, LAND OFF WEST AVENUE, KIDSGROVE. RELIANCE MEDICAL HOLDINGS LTD. 22/01067/FUL** (Pages 5 - 18)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - DIGLAKE FARM, BIGNALL END ROAD, BIGNALL END. ROBIN WARD - GRAHAM WARD FARMS LTD. 23/00505/FUL** (Pages 19 - 26)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - MORSTON HOUSE, THE MIDWAY, NEWCASTLE-UNDER-LYME.THE DIRECTOR - WUKPG. 24/00202/FUL** (Pages 27 - 40)
This item includes a supplementary report.
- 7 **APPLICATION FOR MAJOR DEVELOPMENT - THORP PRECAST LTD, APEDALE ROAD. THORP PRECAST LTD. 24/00232/FUL** (Pages 41 - 48)
- 8 **APPLICATION FOR MINOR DEVELOPMENT - PEAKS FARM, STATION ROAD. MR MOSS. 24/00129/FUL** (Pages 49 - 58)
This item includes a supplementary report

9 APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - OFFLEY WELL HEAD, MANOR ROAD, MADELEY. 24/25002/HBG (Pages 59 - 60)

10 LAND AT DODDLEPOOL, BETLEY, 17/00186/207C2 (Pages 61 - 62)

11 URGENT BUSINESS

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

12 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, Burnett-Faulkner, Bryan, Fear, Gorton, Holland, D Jones, J Williams and G 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)	Edginton-Plunkett
	Heesom	Grocott
	Johnson	Dymond
	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 - 18/06/24

PLANNING COMMITTEE

Tuesday, 18th June, 2024
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Paul Northcott (Chair)

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

Apologies: Councillor(s) Brockie

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 21 May, 2024 be agreed as a correct record.

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

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

- (i) Time limit
- (ii) Approved plans
- (iii) All works to be carried out in accordance with the submitted Aboricultural Statement
- (iv) Biodiversity Net Gain Plan and Monitoring Plan
- (v) Works to be completed in accordance with recommendations of the Coal Mining Risk Assessment
- (vi) Construction and Environmental Management Plan
- (vii) Access gate to open inwards only
- (viii) Site shall not be brought into use until the alternative field access has been provided.

[Watch the debate here](#)

4. **APPLICATION FOR MINOR DEVELOPMENT - LAND AT HIGH STREET, KNUITON. NEWCASTLE UNDER LYME BOROUGH COUNCIL. 23/00974/DEEM3**

Resolved: That a decision on the application be deferred to allow further time for the submission and consideration of a Noise Assessment.

[Watch the debate here](#)

5. **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - BULL PEN AND STABLE. AUDLEYS CROSS FARM, NEWCASTLE ROAD, MARKET DRAYTON. 24/25001/HBG**

Resolved: That a grant of £4,670 be given towards roof repairs.

[Watch the debate here](#)

6. **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](#)

7. **URGENT BUSINESS**

There was no Urgent Business.

8. **DISCLOSURE OF EXEMPT INFORMATION**

There were no confidential items.

**Councillor Paul Northcott
Chair**

Meeting concluded at 7.15 pm

Classification: NULBC UNCLASSIFIED

RELIANCE MEDICAL, LAND OFF WEST AVENUE, KIDSGROVE
RELIANCE MEDICAL HOLDINGS LTD

22/01067/FUL

The application seeks full planning permission for the erection of 55 no. dwellings, including open space, a new vehicular access off West Avenue, and associated infrastructure and earthworks.

The application site, of approximately 1.39 hectares in extent, is within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. The site also falls within a High Coal Risk Area and is classed as brownfield land.

The statutory 13-week determination period for this application expired on the 30th November 2023 and a subsequent extension of time to the statutory determination period has been agreed to the 19th July 2024.

RECOMMENDATIONS

- A) Subject to the applicant entering into a Section 106 obligation by 20th September 2024 to secure 25% affordable housing, financial contributions of £48,303 towards local health services and facilities and £10,000 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. Provision of access, internal roads, private drives, pedestrian connections and parking areas and improvements on West Avenue and Bowling Street**
- 7. Visibility Splays**
- 8. Private drives to be ungated**
- 9. Residential Travel Plan Framework**
- 10. Secure cycle storage**
- 11. Highway & Environmental Construction Management Plan (CEMP)**
- 12. Electric vehicle charging provision**
- 13. Tree protection measures**
- 14. Hard and soft landscaping scheme**
- 15. Management strategy for open space and play area**
- 16. Arboriculture Impact Assessment and Tree Retention/Removal Plan**
- 17. Contaminated land**
- 18. Detailed drainage and surface water maintenance and management plan**
- 19. Provision of bat, bird boxes, swift bricks and sparrow terraces as per enhancements plan**
- 20. Waste storage and collection arrangements**
- 21. Internal noise levels for dwellings**

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 on residential amenity. The site has

no major constraints, and it is considered that 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 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 55 no. dwellings, including open space, new vehicular access off Bowling Alley Street, and associated infrastructure and earthworks. The application site, of approximately 1.39 hectares in extent, is within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. The site also falls within a High Coal Risk Area and is classed as brownfield land.

The proposed application raises the following key issues:

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

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 123 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))

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

The Council has now updated its five-year housing land supply position and has demonstrated 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 given that these policies do not reflect an up-to-date assessment of housing needs, they are considered to be out of date in respect of detailed housing requirements by virtue of the evidence base upon which they are based.

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 site is located in the urban area of the Borough adjacent to an established residential area 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 site has good access to regular bus services to destinations around the borough and beyond.

Subject to any adverse impacts outweighing the benefits it is considered that the proposal is acceptable in principle.

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 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. 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. The site is also classed as brownfield land and has had previous approvals for residential development, although these permissions have now lapsed.

A total of 55 dwellings are proposed on the site which will be comprised of a mixture of detached, semi-detached, terraced and apartments that will range from 2 to 3 bedroomed properties.

Existing residential development can be found to the north, west and east of the site, whilst a commercial unit is located to the south. The majority of nearby dwellings are two-storey however there are some three storey apartments located to the northeast of the site along West Avenue Grove, and the nearby commercial units are similar in height to a 4-storey building.

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. The site has been designed to include a good number of varied house types with the chosen designs being considered to be acceptable additions to the local design vernacular. The inclusion of the apartment buildings within the scheme will provide a staggered height frontage along West Avenue which will help to soften visual impacts of the neighbouring commercial unit of Reliance Medical which lies to the south of the site.

The proposed materials for the properties are to be a mixture of red facing brick and white render with the majority of detailing also being completed in a darker red brick. Window cills are to be constructed of 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 1.2m high metal railings and 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, 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 sustainable modes of transport are prompted and seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 highlights 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.

The application is accompanied by a Transport Statement which outlines that there will be 38 two way trips in the peak am/pm times distributed across routes both north and south on West Avenue, based on 59 units. Amended plans now specify that there will be 55 units, therefore this is expected to generate a maximum of 35 peak time trips. The Highway Authority considers this level would not create any capacity issues and a junction capacity assessment would not be required to support this application.

All dwellings would have a sufficient level of parking as required by saved policy T16.

The scheme will have a lesser traffic impact than that of the previously approved planning application (18/00239/FUL) and the Highway Authority considers that it is unlikely to give rise to any significant operational or highway safety issues.

The layout of the site and provision of areas of unadopted road would mean that all residents of the two storey dwellings would be able to take bins to the highway directly outside their properties. There is an area of unadopted highway which is the parking area for the apartment buildings. This would mean that a communal bin area would be required, details of which will be secured through a condition. The overall arrangement as proposed is considered to be sufficient and ensures that the amenity level of future occupants is acceptable from a waste collection perspective.

Overall, it is considered that the proposal would not 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 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 site is predominately surrounded by residential properties stretching closely from its northwest perimeter to broadly its southeast boundary. Directly to the south and west are two distribution warehouses utilised by pharmaceuticals companies.

All properties within the development site would achieve acceptable separation distances, in accordance with the Council's SPG and the proposal raises no issues with respect to loss of privacy. All plots will have an acceptable amount of private amenity space. The proposed Locally Equipped Area of Play (LEAP) will also be surrounded by several dwellings which will provide the benefit of providing a good level of surveillance for this part of the site.

The Council's Environmental Health Division have raised concerns regarding the impact of artificial light and potential noise from the adjacent Medical Reliance and have requested that noise and light assessments are submitted as part of the proposal. The adjacent Medical Reliance unit has a noise limit condition set on its permission for all activities at the development, other than HGV movements which are limited, by condition, to a maximum of 6 entering and leaving the site before 6am or after 8pm on any day. Previous permissions on this site have required details of design measures to ensure appropriate levels of internal noise levels by way of a planning condition, and this approach is therefore also considered appropriate in this case.

Regarding impact from light nuisance, there are a number of free-standing lights on the adjacent Medical Reliance site, however these are not dissimilar in scale or illuminance to nearby street lights, and given the separation distance between the proposed dwellings and these lights and the fact that a light assessment has not previously been requested on previous applications, it is not considered reasonable or necessary in this case to request the submission of this assessment.

Conditions relating to land contamination, piling, internal noise levels for dwellings, construction management and hours of construction will however be attached to any permission in order to ensure that these works do not have an unacceptable impact on the amenity of neighbouring properties.

Therefore, subject to the inclusion of appropriate conditions, the development is considered to be in compliance 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 set out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

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

The main part of the site is comprised of open grassland and contains no mature or high-quality trees. However, there is a group of existing mature trees located adjacent to the site's eastern boundary on a higher area of ground which make a contribution to the quality of the street scene and overall area. No trees within the site are protected and no trees of any significant value require removal. However, Plots 10 and 11 will encroach within the RPA of tree number 7 by a maximum of 3m and the use of pile and beam foundation to prevent damage to any underlying tree roots if present may be necessary to mitigate this impact.

Overall, the proposed landscaping and planting scheme will result in a net gain in the number of trees within the site and the removal of areas of hardstanding would also create some additional opportunities for biodiversity.

The Preliminary Ecological Appraisal submitted in support of the application notes that the site principally comprises a large, open grassland field, which was created following the clearance of a large industrial unit and areas of hardstanding from the site in the early 2010s. The grassland is considered to represent a species-poor, neutral grassland habitat. Species present comprise of frequent common bent with occasional false oat-grass, tufted hair-grass, perennial rye grass, red fescue, cock's foot and Yorkshire fog. The cluster of trees along the sites eastern boundary was recognised as providing a suitable nesting bird habitat and would be used as a foraging area for common bat species and hedgehogs. Given the proposal does not seek to remove the adjacent area of woodland, the impact of proposal on ecology is limited.

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), which includes a drainage strategy. The drainage strategy incorporates a sustainable urban drainage strategy scheme (SuDS) in the form of permeable paving where feasible, filtration trenches and an attenuation pond with aquatic planting and low flow channels with permanent wet area.

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. To address this concern a revised drainage scheme was submitted in support of the proposal, which saw the alteration of the site layout to allow the inclusion of an attenuation pond at the northern part of the site. The LLFA have considered the revised drainage strategy and have confirmed that they have no objections to the proposal subject to a condition which would require the submission of a detailed drainage and surface water maintenance and management

plan. Subject to conditions, the development would be acceptable in drainage terms and would 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 25% affordable housing and therefore meets the requirements of policy CSP6.

It is generally accepted that affordable housing can be either secured by planning condition or by a S106 agreement, in this case the council would control the affordable housing element of the scheme through a S106 agreement.

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.

The Integrated Care Board (NHS) have requested a total some of £48,303 towards health and care facilities.

The Highway Authority have requested a contribution of £10,000 toward travel plan monitoring which will be secured by a S106 agreement.

Conclusions and planning balance

The proposal would provide various social and economic benefits, most notably the construction of 55 new houses in a sustainable location within the urban area, which will increase the housing mix and make a contribution to boosting housing supply in the Borough. It has also been demonstrated that the design and appearance of the scheme would be of an appropriate quality and would not harm the visual amenity of the area. Onsite replanting 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

05/00551/OUT - Mixed employment and housing development – refused

06/00777/OUT - Mixed employment and housing development – refused, allowed at appeal.

08/00691/REM - Erection of 87 dwellings – refused, appeal dismissed

10/00244/REM - Erection of 81 dwellings - access, appearance, layout and scale – permitted

15/00368/OUT - Outline planning application for residential development for 44 dwellings at West Avenue, Kidsgrove (Phase 4) – permitted

18/00239/FUL - Erection of 63 dwellings, associated landscaping and access works – refused

Views of Consultees

The **Education Authority** notes 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 **Highway Authority** raise no objection to the proposal subject to the following conditions and S.106 financial contributions being secured:

- Provision of access, internal roads, pedestrian connections, private drives and parking areas,
- Visibility splays provided,
- Surfacing materials and surface water drainage of private drives, and parking areas,
- Private drives remain ungated,
- Residential Travel Plan Framework,
- Waterproof cycle storage,
- Construction Environmental Management Plan (CEMP)

A travel plan monitoring fee of £10,000 is requested and secured via a S106 Agreement.

The **Lead Local Flood Authority (LLFA)** have confirmed that they raise no objections to the proposals subject to a condition which would require the submission of a detailed drainage and surface water maintenance and management plan.

United Utilities raises no objection to the proposal but request that a drainage condition is attached to any subsequent approval.

The **Environmental Health Division** objects to the proposals because the application has failed to demonstrate that residential amenity will not be adversely affected by noise or artificial light associated with activities from the adjacent industrial building. Further, it is also considered that the existing industrial use could be placed at risk of complaint and the applicant must demonstrate that their proposal will not affect this activity.

The **Landscape Development Section (LDS)** note concerns for trees on and adjacent to the development site and request the submission of a revised Arboriculture Impact Assessment and Tree Retention/Removal Plan. They outline that permission should be subject to the submission of a landscaping scheme and they seek a condition that safeguards open space and play area provision through a management strategy.

The **Police Crime Prevention Design Advisor** recognises that the proposals appear generally well considered with regard to addressing the potential for crime and anti-social behaviour. A number of crime prevention measures are advised, with main design vulnerabilities mentioned being in relation to ungated communal access.

The **Coal Authority** raises no objection to the proposal but recognises that the legacy of coal mining in the area potentially poses a risk to the proposed development and that a condition should be used to ensure that intrusive site investigation works be undertaken prior to development in order to establish the exact situation.

Severn Trent Water considered the development site outside their wastewater area and thus had no comment to make.

The **Integrated Care Board (NHS)** have requested a contribution of £48,303 towards health and care facilities.

No comments have been received from the Council's **Waste Section, Manchester Airport** and **Kidsgrove Town Council** and 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

One letter in support of the application and one objection letter have been received. The concerns set out in the objection letter are summarised below:

- Inaccuracies within the submitted Design and Access Statement
- Impacts of construction on nearby residents
- Traffic impacts
- Highway safety
- Street lighting should be limited

Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/01067/FUL>

Background Papers

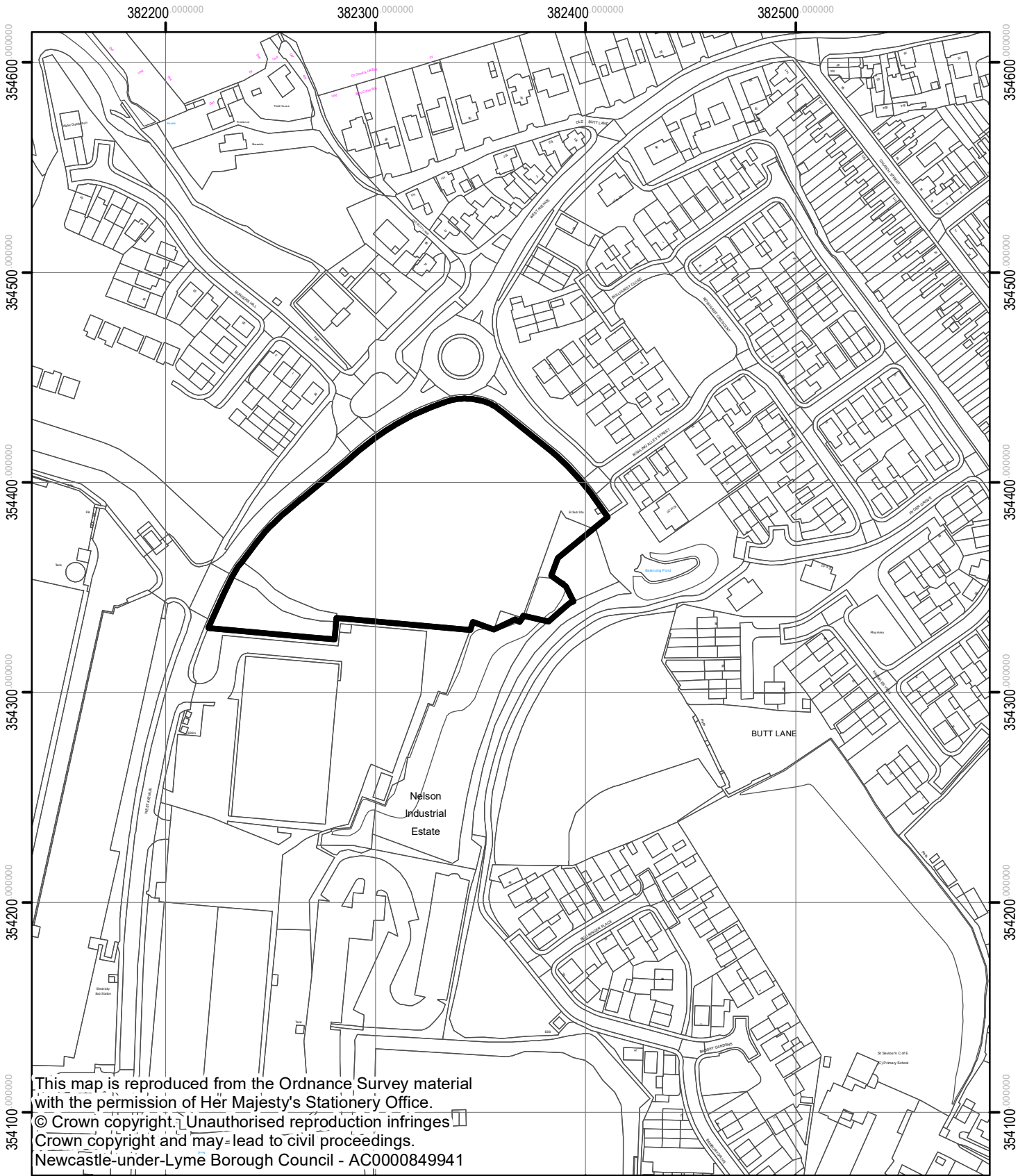
Planning File
Development Plan

Date report prepared

28th June 2024

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22/01067/FUL
Reliance Medical
Land Off West Avenue
Kidsgrove



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DIGLAKE FARM, BIGNALL END ROAD, BIGNALL END
ROBIN WARD - GRAHAM WARD FARMS LTD

23/00505/FUL

The development comprises four new agricultural buildings, a silage clamp and a slurry lagoon with associated access and hardstanding which would form a new dairy unit at land off Bignall End Road.

The application site falls within the rural area of the Borough in an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site also falls within the Green Belt and is within a High Coal Risk Mining area.

The 13-week period for the determination of this application expired on 10th November last year however an extension of time has been agreed until 19th July 2024.

RECOMMENDATIONS

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

1. Time limit
2. Approved plans
3. Materials
4. Tree protection
5. Planting scheme
6. Scheme of investigation to establish Coal Mining Risk Assessment
7. Contaminated land
8. Construction and Environmental Management Plan
9. Surface water drainage scheme
10. Lighting scheme
11. Drainage, surfacing and retention of proposed parking, turning and circulation areas
12. Dust management plan
13. Details of a scheme of works to improve the vehicle access and access track
14. Visibility splays
15. Recommendations of ecological appraisal

Reason for Recommendation

The location of the application site represents a sustainable location for new agricultural development within the Borough and is considered to be an accepted form of development within the Green Belt. In all respects it has been demonstrated that the proposed development, subject to appropriate planning conditions, represents a sustainable form of development that would not harm the character of the area, the amenity of nearby properties or cause any drainage or highway safety impact. The proposals accord with development plan policies and the guidance and requirements of the NPPF.

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

Additional information has been provided in support of the application and the development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

The application site falls within the rural area of the Borough in an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site also falls within the Green Belt and is within a High Coal Risk Mining area. Although a Public Right of Way (Audley 80) runs adjacent to the western edge of the application, it will not be affected by the proposal.

Subject to conditions there are not considered to be any coal mining issues or drainage matters which are relevant to the proposal, and therefore the key issues for consideration are: -

- The principle of development within the Green Belt,
- Design and impact on the character and form of the area,
- Impact on residential amenity levels of neighbouring occupiers,
- Parking and impact on highway safety,
- Impact on trees and ecology

Principle of Development within the Green Belt

In the context of Paragraph 152 of the NPPF, a Local Planning Authority should regard the construction of new buildings as inappropriate development in the Green Belt unless for one of a number of exceptions. One such exception is buildings for agriculture. Paragraph 154 identifies other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes engineering operations. The silage clamp and slurry lagoon would preserve the openness of the Green Belt.

The proposed dairy farm will provide additional functions required for the diversification and expansion of an existing agricultural business and the requirement for the proposed development is therefore considered to be both justifiable and reasonable and would clearly be classed as agricultural development as required by the NPPF.

On the basis of the above, the proposal is considered to represent appropriate development within the Green Belt.

Design and impact on the character and form of the area

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 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.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

The proposal consists of four new barns, two of which will be used for the housing of cattle whilst the others will provide space for a milking parlour and general-purpose unit. The application also seeks permission for the creation of a slurry lagoon and silage clamp.

Each of the four proposed barns would measure 66m in length and would range from 15 to 30 metres in width. All barns would feature typical dual pitched roof arrangements which would have eaves height of 4.4m, with overall ridge height of 7.2m. The barns would be constructed of blockwork and Yorkshire Board timber cladding with profiled sheet roofs which are materials commonly used on agricultural buildings of this type. It should be noted that the livestock buildings would have open side elevations which would give them some visual permeability.

The visual impacts of the proposal would be most noticeable from the west of the application site due to the open nature of surrounding landscape. However, the proposed buildings would be largely screened from view from the east due to the sloping topography of the surrounding area and due to an existing tree belt which would provide a backdrop of a greater height than the proposed buildings.

The combined visual impacts of all the proposed buildings would result in a clear visual change to the application site, however the proposed barns would be sited within a small dip in the landscape and will be partially screened by the extensive planting scheme, which will ensure that the proposals do not

appear overly dominant when seen within context of the wider landscape. Agricultural buildings of this scale are not uncommon within rural areas.

Subject to appropriate planting, it is considered that the design of the proposal is acceptable and will not result in an adverse impact on the Area of Landscape Enhancement and is therefore in accordance with development plan policies and the guidance and requirements of the NPPF.

Impact on 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.

The proposed works would see large numbers of cattle being kept at the site and would also involve the creation of a silage clamp and slurry lagoon. Therefore, consideration must be given to whether the proposal would result in any adverse impact on the residential amenity of nearby properties. Two objections have been received from the occupants of properties to the north of the site, raising concerns relating to noise and odour.

Detailed lighting, ammonia and noise assessments have been provided in support of the application which conclude that the proposed development, subject to the use of conditions relating to lighting restrictions, would not give rise to any significant issues relating to these matters. These reports have been reviewed by the Council's Environmental Health Division (EHD) who have raised no objections to the proposal subject to conditions. Whilst the concerns of the nearby residents are noted, in light of the evidence provided within the submitted reports and in the absence of any objections from EHD, it is concluded that subject to appropriate conditions the proposal would not result in any significant or harmful impacts to the residential amenity of nearby properties.

Parking and impact on highway safety

Paragraph 115 of the NPPF 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 of development would be severe.

Whilst the proposal would likely see some intensification of traffic movements to and from the site, the proposal will be served by the existing access track off Bignall End Road where a certain level of traffic to and from the site could already be expected from the existing agricultural business.

The Highway Authority initially raised concerns to the proposal requesting information regarding the proposed number of vehicles into and out of the site, the proposed access arrangement into the site along with visibility details, surface treatment details and a swept path analysis.

Additional information has been provided and the Highway Authority have subsequently removed their objections to the proposal. A number of conditions are however requested which relate to the provision of turning/parking areas, details of works to improve the existing vehicle access track, the provision of visibility splays and the submission of a Construction and Environmental Management Plan.

Subject to the conditions set out above and in the absence of any objections from the Highways Authority, it is considered that the proposed development is acceptable in highway safety terms and is in accordance with the guidance and requirements of the NPPF.

Impact on trees and ecology

An Arboricultural Assessment has been submitted in support of the application which identifies a total of 18 individual trees, three groups of trees and two hedges on and adjacent the site. The trees identified included two individual trees graded Category A (trees of high value), seven individual trees and one group of trees graded Category B (trees of moderate value), seven individual trees, two groups and two hedges graded Category C (trees of low value). Two individual trees were graded Category U (trees unsuitable for retention).

The proposal will require the removal of two individual 'B' category trees, one group of trees and the partial removal of two hedges graded 'C' category to form the new access opening to site. Remaining hedgerows are to be retained and protected throughout development.

To offset the loss of these trees a large area of approximately 5137m² is to be dedicated for new tree planting. The planting area will be located adjacent to Bignall End Road and will help to provide a good level of screening for the proposed agricultural units. The proposed trees would be a mixture of species including oak, maple, birch and hazel. The scale of planting will result in a net gain in the number of trees within the site and will bring with it several ecological and visual benefits.

Subject to the proposal being completed in accordance with the tree protection methods and tree planting details, the impact on trees and hedgerows is considered to be acceptable.

In respect of the impact on ecology, a preliminary ecological assessment was submitted in support of the application which concluded that the vast majority of the site was comprised of arable land which lacks floristic diversity required to support notable invertebrate and reptile, however it was recognised that common bird and amphibian species are anticipated to use the site. The trees to be removed from the site were considered to have low roosting potential for bats.

The assessment recommends that a number of mitigation methods and additional surveys are undertaken prior to the start of works on site, and subject to these requirements it is considered that the impact on ecology would be acceptable.

Reducing Inequalities

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

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

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

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

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

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

APPENDIX

Policies and proposals in the Development Plan relevant to this decision:

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009)

Policy CSP1: Design Quality
Policy ASP6: Rural Spatial Policy

Newcastle under Lyme Local Plan 2011

Policy N17: Landscape Character: General Considerations
Policy N20: Areas of Landscape Enhancement
Policy S3: Development within the Green Belt
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (July 2023)

Planning Practice Guidance (as updated)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

None.

Views of Consultees

Audley Rural Parish Council support the application

The **Coal Authority** raise no objections to the proposal subject to a condition requiring the submission of a scheme of intrusive investigations.

The **Public Rights of Way Officer** notes that the Definitive Map of Public Rights of Way for Staffordshire shows a public right of way running along the access track and a public right of way running adjacent to the proposed development and states that from the information submitted it would appear that public rights of way are directly impacted by the proposals. It should be brought to the attention of the applicant that the granting of planning permission does not constitute authority for any interference with the public rights of way and associated items - or obstruction.

The **County Minerals Officer** has no comments on the proposal.

The **Highway Authority** raise no objections subject to conditions relating to the submitted Travel Plan, visibility splays, CEMP and revised access details.

The **Environmental Health Division** raises no objections to the proposal subject to a dust management plan and contamination conditions.

Cadent Gas note that they have a deed of easement on a pipeline close to the site which prevents the erection of permanent buildings/structures.

The **Lead Local Flood Authority** raises no objections to the proposal subject to the submission of a surface water drainage strategy.

The **Environment Agency** have no comments on the proposal and refer to standing advice.

No comments have been received from the Council's **Landscape Development Section**, **Natural England** or **Staffordshire Wildlife Trust**. Given that the period for comment has ended, it must be assumed that they have no comments to make.

Representations

Two (2) objection letters have been received which raise the following concerns:

- Visual impact
- Noise and odour
- Highway safety

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/23/00505/FUL>

Background papers

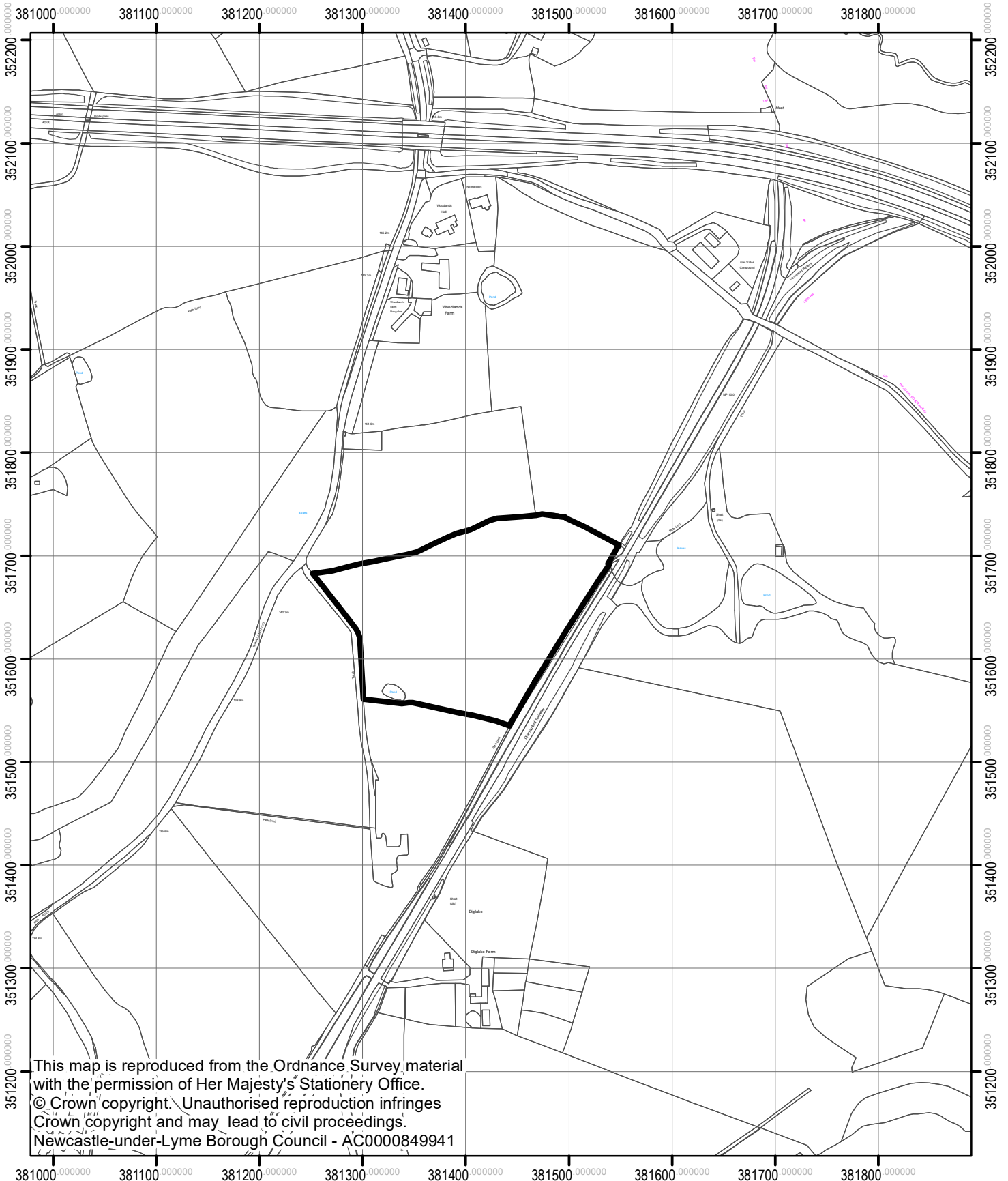
Planning files referred to

Planning Documents referred to

Date report prepared

1st July 2024

23/00505/FUL
Diglake Farm
Bignall End Road
Bignall End



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Newcastle-under-Lyme Borough Council - AC0000849941

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MORSTON HOUSE, THE MIDWAY, NEWCASTLE-UNDER-LYME
THE DIRECTOR - WUKPG

24/00202/FUL

Full planning permission is sought for the change of use and side extensions to Morston House to provide student only living accommodation in the form of 126 studios, with new personnel entrance to The Midway with ancillary concierge, communal rooms, gym, laundry, cycle store and associated works including landscaping.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The 13-week period for the determination of this application expired on 21st June but an extension of time has been agreed to 19th July 2024.

RECOMMENDATION

- A) Subject to the applicant entering into a Section 106 obligation by 30 August to secure a financial contribution of £13,800 towards the implementation of a loading bay on The Midway,**

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

- i. Commencement time limit**
- ii. Approved plans**
- iii. Occupation by students only**
- iv. Construction Method Statement**
- v. Secure cycle parking**
- vi. Gated maintenance access on The Midway and Lower Street not to permit the use of motorised vehicles and gates shall be made to open inwards only**
- vii. Details of boundary treatments**
- viii. Works to be implemented in accordance with approved Arboricultural Method Statement, Landscape Proposals and Landscape Design Strategy**
- ix. Detailed landscaping scheme**
- x. Details/samples of materials**
- xi. Implementation of travel plan**

- B) Should the above Section 106 obligation not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such a matter being secured, the development would fail to achieve sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.**

Reason for Recommendation

The site provides a highly sustainable location for residential development. It is not considered that there would be any harm to the setting of the nearby listed St Giles' Church or the character and appearance of the Conservation Area. The development would provide acceptable living conditions for its occupiers and given its highly sustainable location, it is not considered that the lack of parking within the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

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

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

Key Issues

Full planning permission is sought for the change of use and side extensions to Morston House to provide student only living accommodation in the form of 126 studios, with new personnel entrance to The Midway with ancillary concierge, communal rooms, gym, laundry, cycle store and associated works including landscaping.

Planning permission was refused in 2022 for the change of use and upward and side extensions to the building to provide student living accommodation in the form of cluster bedrooms (48) and studios (146) (Ref. 22/00300/FUL). The reasons for refusal were as follows:

1. By reason of its excessive height, scale and massing and its inappropriate design, the upward extension of the building would be overly prominent in views within and into the Newcastle Town Centre Conservation Area resulting in substantial harm to its character and appearance. The public benefits of the development would not outweigh the substantial harm and the development would therefore be contrary to Policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies B9, B10 and B14 of the Newcastle-under-Lyme Local Plan 2011, the aims and objectives of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document, and the aims and objectives of the National Planning Policy Framework (2021).

2. The proposed development, by reason of its excessive height, scale and massing and its inappropriate design, would result in overdevelopment of the site which would be harmful to the character and appearance of the area at this important gateway into the town centre. As such the development is contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010 and the requirements and policies of the National Planning Policy Framework 2021, in particular paragraphs 126 and 130.

3. The lack of car parking provision within the site for the use of people with disabilities would have an adverse impact on the residential amenity of those occupiers, and as such the development is contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010 and the requirements and policies of the National Planning Policy Framework 2021.

An appeal against the decision was dismissed in May 2023.

Prior to that, consent was granted for the conversion of the lower ground and upper ground floors to 31 student studio flats (Ref. 20/00282/FUL) and for the conversion of the upper four floors to 84 studio flats (Ref. 20/00264/COUNOT).

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

Given that the principle of the proposed development was considered acceptable in the determination of the previous application, it is not considered necessary to revisit that matter now. Therefore, the key issues in the determination of the application are:

- Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area?
- Are acceptable residential amenity levels achieved for the occupiers?
- Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?
- What, if any, planning obligations are necessary to make the development policy compliant?

Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area?

The application site lies within the Newcastle Town Centre Conservation Area and close to the Grade II* Listed St Giles' Church.

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

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

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

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

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

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

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

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must: -

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

The Town Centre SPD states that the Town Centre's historic character and identity, with its special distinctiveness as a market town, is an asset that needs to be conserved and enhanced. Development must be designed to respect, and where possible enhance, its surroundings and contribute positively to the character of the Town Centre, helping to improve its image and identity, having particular regard to the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials.

The previous scheme comprised an upward three storey extension to the building along with a side extension to infill the space between Morston House and the adjacent Midway car park. The extension was to be partly clad in brick slip and partly in cladding of 2 colours. The scheme was refused on the grounds that due to the excessive height, scale and massing of the building and its

inappropriate design, the upward extension of the building would be overly prominent in views within and into the Newcastle Town Centre Conservation Area resulting in substantial harm to its character and appearance.

An appeal against the decision was dismissed with the Inspector concluding that Morston House would appear significantly higher than the surrounding buildings, to the extent that it would appear out of scale in its setting. He stated that: -

The significant increase in scale and bulk would alter the proportions of the building, so that it would lose its existing horizontal emphasis, which would be replaced by a more vertical form. The character of the building would be changed significantly, exacerbated by the proposed pattern of fenestration to the upper floors. Although they would align with the windows below, the proposed square windows would fail to reflect the existing horizontal emphasis of the building.

The use of brickwork to match the existing building on the first level of the proposed extension, and the continuation of the vertical banding, would help to tie the new addition in to the original building to some extent. However, the overall effect would be to lose the coherent appearance to the building, with an addition that would not relate well to the existing form and appearance of building.

While the revised scheme would still comprise a side extension, no increase is proposed in the height of the building. The main building would be predominantly finished in brickslip cladding and in response to the comments of the Inspector, the horizontal and vertical proportions of the existing building would be retained. New windows would be installed with coloured frames. The new side infill extension would be finished in metal effect cladding, while the lower ground floor which would infill the undercroft car park, would be clad in light-coloured timber. The external area would be landscaped, and a small sub-station would be integrated within the landscaped area.

Due to its vacancy and undercroft parking, the site does not currently contribute positively to the character of this part of the Town Centre or the Conservation Area. The Newcastle Town Centre Conservation Area Appraisal notes that the area around The Midway is considered to be a negative character area characterised by large bulky development of the 1960s and later, mainly associated with the construction of the ring road in the mid-1960s. It goes on to state that the area is an unpleasant and in places threatening environment for pedestrians.

A Heritage Statement that accompanies the application concludes that from identified viewpoints the proposed scheme would not detrimentally impact upon the settings of heritage assets and impacts on designated heritage assets would be either neutral or low beneficial.

The Council's Conservation Officer agrees that views would be neutral in their impact on this part of the Conservation Area and that the proposal would not have any harmful impact on relevant settings of the surrounding Listed Buildings.

The proposal would provide residential accommodation within an appropriate sustainable location and the introduction of student accommodation in this area should benefit the Town Centre, making it a more vibrant place. In particular, a residential use into the lower levels of the building and the addition of an attractive landscaped area onto Lower Street, would provide more activity and natural surveillance, and should help to "lift" the area.

On this basis the proposed development accords with the NPPF and the local planning policies and guidance set out above.

Are acceptable residential amenity levels achieved for the occupiers?

The area is predominantly commercial in nature and therefore external noise levels from road traffic noise and night-time noise during the weekend are likely to affect the living conditions of the occupiers of the development. The application is accompanied by a Noise Impact Assessment which concludes that noise levels measured internally demonstrate that the existing external building fabric would be sufficient in providing a suitable residential environment and therefore no further mitigation measures should be required in order to protect the proposed habitable spaces from external noise intrusion.

An Air Quality Assessment has also been submitted which concludes that the site is considered suitable for the proposed use from an air quality perspective.

The Environmental Health Division (EHD) raises no objections subject to the imposition of conditions. Although contamination and noise related conditions are requested, given that they were not sought in relation to the previous application and that there has been no material change in planning circumstances since that time, it would not be reasonable to request them now.

It is considered that the residents of all rooms would have an acceptable outlook and level of amenity and some outside amenity space would be available in addition to a number of open spaces and parks within and around the town.

Overall, it is considered that the development would provide acceptable living conditions for its occupiers.

Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

Policy T16 of the Local Plan 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. Saved Policy T17 of the Local Plan states that development in Newcastle Town Centre within the ring road will not be permitted to provide new private parking but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. The policy identifies what such improvements may include.

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.

One of the reasons for refusal of the previous application for this site related to the lack of car parking provision within the site for the use of people with disabilities.

The Inspector considering the appeal against the Council's decision noted that the building had been designed to ensure inclusive access in accordance with Building Regulations. He went on to highlight that the appeal site is in a central location, from which local shops and services can be reached on foot or in a wheelchair and that public transport links to the Universities are close by, with a layby outside the building allowing for pick-up or drop-off by car or taxi. He concluded that the provision of dedicated on-site parking is not necessary to make the appeal development accessible.

As already stated, consent has previously been granted for a total of 115 studio flats at the site. The current proposal would comprise 126 bed spaces. As with the previous scheme, no parking is proposed within the site but a cycle store with capacity for 124 cycles would be provided.

Notwithstanding the conclusions of the Inspector, the applicant has revisited the potential to accommodate disabled parking bay provision. However, site constraints inhibit the potential to provide a disabled parking space on-site. Furthermore, the Highway Authority has confirmed that it would not support the provision of on-street disabled parking.

A short-stay loading layby is proposed at the approximate location of the existing on-street ambulance bay to the front of the site. It is considered suitable for this loading layby to accommodate deliveries and refuse collection associated with the site and also accommodate pick-up and drop-offs at the start and end of term.

The Highway Authority has no objections to the proposal. Having regard to the conclusions of the Inspector in relation to the previous scheme and given the highly sustainable location of the proposed development, it is not considered that the lack of parking within the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

What, if any, planning obligations are necessary to make the development policy compliant?

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 development would put pressure on nearby areas of public open space (POS) given that such needs are not satisfied on site and therefore it is considered that in principle, a financial contribution towards such areas could comply with CIL Regulations and the Council's adopted Developer Contribution SPD.

In the previous application, a contribution of £1,947 per studio was sought towards POS. Adjustments were made to the standard contribution of £5,579 in recognition that it is based upon there being on average 2.5 people occupying each dwelling and that all of the units within that development were to be single person accommodation. The adjustment that was made was to request 2/5ths of the total for each unit. It was also considered reasonable to deduct the funding for play in recognition of it being for students rather than families with children.

Applying the same approach for this development, a POS contribution of £245,322 is considered reasonable. The LDS has previously indicated that any financial contribution that is secured could be used for nearby public realm spaces and/or Brampton Park which is a 790m walk away. Given the proximity of the application site to the town centre green spaces and Brampton Park, this is considered acceptable as it would be directly related to the development.

The Highway Authority has requested contributions of £3,000 towards Travel Plan monitoring and £13,800 towards a scheme of signing and lining works including any supporting Traffic Regulation Orders to remove the existing ambulance bay and implement a loading bay on The Midway. These are both considered to meet the CIL Regulations Section 122 tests.

The applicant has submitted a viability report that seeks to demonstrate that even with no financial contributions the scheme would not generate any developer profit, and on that basis, that any Section 106 contributions would further impact the scheme's profitability and viability.

Paragraph 58 of the NPPF states that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

The submitted viability assessment has been considered by an independent valuer who has revised a number of the assumptions set out in the viability report in respect of land value, rental and operational costs. The report of the valuer concludes that the scheme would generate a profit of 11.01%. This falls below a minimum allowance of 12% and therefore, the scheme is shown to be marginally unviable and unable to support the requested level of S106 contributions.

On this basis, any requirement for a S106 contribution must be set aside.

Notwithstanding this, the developer has agreed to fund the works to implement a loading bay on the Midway – a financial contribution of £13,800.

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
Policy CSP3: Sustainability and Climate Change
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 T17: Parking in Town and District Centres
Policy B5: Control of Development Affecting the Setting of a Listed Building
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 C4: Open Space in new housing areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

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

[Planning Practice Guidance](#) (2014 as updated)

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#) (September 2007)

[Affordable Housing SPD](#) (2009)

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

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

[Newcastle Town Centre SPD](#) (2009)

[Newcastle Town Centre Conservation Area Appraisal](#) (August 2008)

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

[Relevant Planning History](#)

06/00827/COU Change of use of ground floor from use as offices to part use for provision of consultancy services for mental health and part use for administration - Approved

17/00430/COUNOT	Prior notification of conversion of 1st, 2nd, 3rd and 4th floors from offices to form 48 no. residential units (B1a - C3) – Approved
19/00698/COUNOT	Prior notification of change of use of the existing Class B1 (a) (office) floorspace on 1st, 2nd, 3rd and 4th floors to Class C3 (residential) use as 92 studio flats – Approved
20/00264/COUNOT	Application for prior approval for change of use from offices (B1A) to residential (C3) – Approved
20/00282/FUL	Conversion of Lower Ground and Upper Ground Floors for Student Residential Development of 31 No Studio Flats – Approved
22/00300/FUL	Change of use and upward and side extensions to Morston House to provide student living accommodation in the form of cluster bedrooms (48) and studios (146), with new personnel entrance to The Midway with ancillary concierge, communal rooms, gym, laundry, cycle store and associated works including landscaping – Refused and dismissed at appeal

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding a Construction and Demolition Method Statement, provision of secure weatherproof cycle parking and the gated access not to permit use by motorised vehicles and the gates to open inwards only. Section 106 contributions are sought towards residential travel plan monitoring and any supporting Traffic Regulation Orders.

The **Conservation Officer** states that views in and out of the Conservation Area (CA) are impacted on greatly by the topography and built-up frontage of the main streets within the town centre. The scale and massing of the proposed building will be very similar to the existing building and therefore views will be neutral in their impact on this part of the CA. It is considered that the proposal is unlikely to have any harmful impact on relevant settings of the surrounding Listed Buildings. The wider setting of the church is set against the very modern character of the edge of the ring road and the retention of the trees and landscaping on the corner of the site will have a positive albeit minor impact on the gateway into the town. The landscape proposals and sections show that the grassy bank and steps will lessen the impact of the new plant building positioned on the frontage. The scheme shows that around the perimeter will be a railing and gates with examples in the documents. This will hopefully help to create the appearance of an active frontage and a positive use to the building.

The **Conservation Advisory Working Party** was concerned about the use only being for student accommodation meaning that it wouldn't be easy to re-purpose into the future. It was felt that the design is disappointing and that the appearance should have a cohesive relationship with the Midway car park when it is developed as residential.

Historic England does not offer any advice.

The **Environmental Health Division** has no objections subject to conditions regarding noise mitigation, land contamination and submission of a Construction Environmental Management Plan.

The **Landscape Development Section** has no objections subject to conditions requiring a detailed landscaping scheme and implementation of the works in accordance with the approved documents.

The **Housing Strategy Officer** states that in cases where no affordable housing has been sought on the grounds that the development is for students only, that has been required by condition.

Staffordshire Police **Crime Prevention Design Advisor** states that it is apparent and encouraging that the applicant has given some careful thought to matters of site security and student safety. Bringing this building back into life in the manner proposed should provide significant opportunities for natural surveillance over the surrounding areas (where currently it is limited) and increase the amount of activity within the locality, which should be generally beneficial. The elimination of the vehicle

access from the Midway MSCP and effective separation of Morston House from it (via the side extension) is viewed positively. A number of security recommendations are made.

Cadent has no objection.

No comments have been received from **Newcastle South LAP** and the **Waste Management Section** and given that the period for comment has passed, it must be assumed that they have no comments to make.

Representations

None received.

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00202/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

1 July 2024

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
16th July 2024

Agenda Item 6

Application Ref. 24/00202/FUL

Morston House, The Midway, Newcastle

Since the publication of the agenda report, one **representation** has been received stating that it would be beneficial to the development and the town if the spaces on The Midway marked for ambulances were altered to disabled bays.

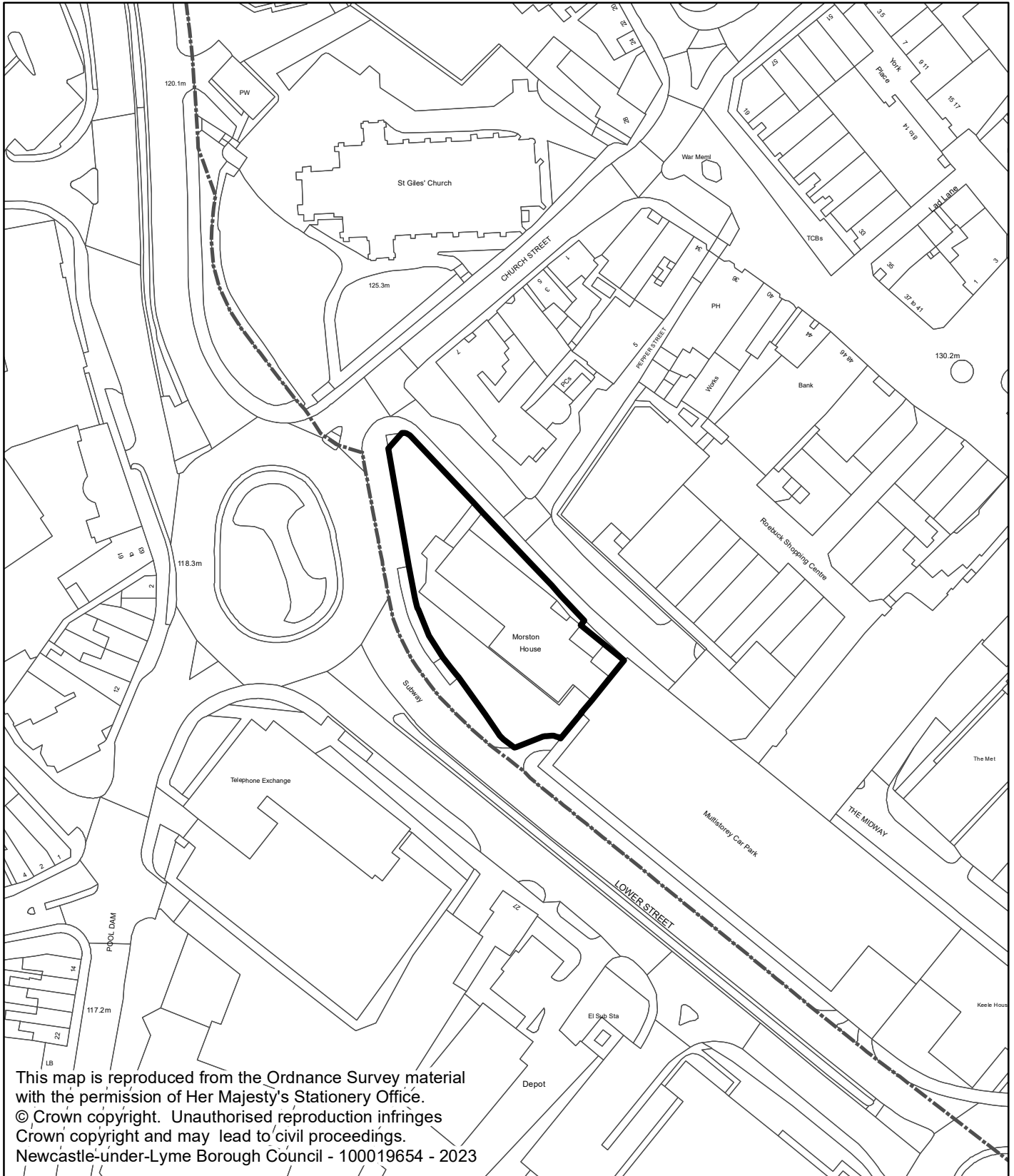
Officer's comments

Two disabled parking bays were originally proposed on The Midway but the Highway Authority did not consider it necessary or appropriate for this development and therefore the bays have been omitted.

The recommendation remains as set out in the agenda report

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**Morston House,
The Midway,
Newcastle**



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Newcastle-under-Lyme Borough Council - 100019654 - 2023

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Classification: NULBC UNCLASSIFIED

THORP PRECAST LTD, APEDALE ROAD
THORP PRECAST LIMITED

24/00232/FUL

The application seeks full planning permission for construction of two new industrial buildings and a new batching plant at the Rowhurst Industrial Estate. The application site falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map and falls within a High Coal Mining Risk Area.

The statutory 13 week determination period for this application expires on the 17th July.

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. Works to be completed in accordance with submitted CEMP**
- 5. Contaminated land**
- 6. Coal mining investigations and remediation**

Reason for recommendations

The development of the site within an existing industrial estate accords with local and national planning policy. The scheme represents an appropriate design that would not have any significant or adverse impacts on the appearance of the area and it has been demonstrated that the proposed development would not cause any highway safety concerns or impact on 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 construction of two industrial buildings and a new batching plant at the Rowhurst Industrial Estate. The application site falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. The site also falls within a high risk coal mining area.

No objections have been raised by the Highway Authority and there are not considered to be any highway safety implications arising from the proposal. Subject to the use of a condition as requested by the Coal Authority, there are not considered to be any issues relating to Coal mining legacy. Therefore, the key issues for consideration are:

1. The principle of development
2. The design of the development and its impact on the surrounding area,
3. Impact on residential amenity,
4. Biodiversity Net Gain

Is the principle of development acceptable?

Policy SP1 of the Core Spatial Strategy indicates 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. It also states that employment provision will be focused towards sites accessible to and within the North Staffordshire Regeneration Zone.

Policy SP2 of the CSS also indicates that economic development should capitalise on North Staffordshire's potentially strong geographical position, its people and its productive asset base.

Paragraph 87 of the NPPF outlines that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

At paragraph 83 it indicates that planning decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

The application site is located within the Rowhurst Industrial Estate which is in close proximity to the A34 to the east. There are a variety of B2 and B8 uses within the locality. As the proposal seeks to expand the operational capabilities of an existing business within an established industrial estate, it is considered that the proposal complies with the requirements of both national and local policies and is therefore acceptable in principle.

The design of the 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.

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 development is comprised of a new manufacturing building, a new paint building and a batching plant. The latter has already been partially constructed. All three elements of the proposal would be located in a central area within the Thorp Precast site, approximately 40m away from the western boundary of the application site.

The proposed warehouse would measure 20m x 75m in plan and would feature a dual pitched roof arrangement which would have an eaves height of 13.5m and a total ridge height of 14.7m. The building would have an appearance which is based on functional requirements and would be constructed of goosewing grey cladding. Whilst it is accepted that the proposed warehouse is large, it would be sited directly to the east of a taller existing building which would largely screen the proposal from view when viewed from the west. There are also a number of other structures found within the wider site which are of a similar scale to the proposal. Given the industrial built form of the site, it is not considered that the proposal would appear as an isolated or unusual feature within its setting. Rather, it would be seen in context with the wider site.

The paint building would be more modest in scale, measuring 24m x 14.5m in plan, it would feature a mono pitched roof which would have an eaves height of 3.5m and a total ridge height of 4.8m. The building would be constructed of the same cladding as the larger warehouse which will help it to blend in with surrounding structures and equipment.

The batching plant and associated silos also have appearances based on functional requirements but are not dissimilar in nature to other industrial equipment found within the application site. The silos which have already been erected within the site have a total height of 16.3m which whilst high is still slightly lower than that of the existing warehouse building located to the west.

The site benefits from a good level of screening in the form of existing trees which surround the site which will help to screen the proposals from view and will soften the overall visual impacts of the proposal. In respect of the impact on the wider landscape, the application site is located on a low level of ground and is surrounded by a sloping topography which would further limit the visual impacts of the development.

To conclude, it is considered that the visual impacts of the proposal are acceptable and would comply with the requirements of the NPPF.

Impact on 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.

Given the nature of the proposal, consideration must be given to whether there would be any adverse noise or air quality issues.

The nearest residential dwellings to the site lie approximately 170m to the west and are separated from the site by a large number of mature trees. No objections to the proposal has been received from local residents.

The Council's Environmental Health Team have noted that the site is controlled by permit under the Pollution Prevention and Control Act 1999 Environmental permitting (England and Wales) Regulations 2016 (As Amended), which is regulated by Environmental Health (EH) and given this arrangement they do not consider it necessary to require further assessment of the additional buildings in relation to this planning proposal. A Construction and Environmental Management Plan (CEMP) has been submitted in support of the application which has been reviewed by the EH team who raise no objection to the contained details.

Subject to the works being completed in accordance with the submitted CEMP and in the absence of any objections from the Council's Environmental Health team, it is considered that the development would not have any significant effect on the living conditions of nearby residential properties and the proposal would accord with the guidance and requirements of the NPPF.

Biodiversity Net Gain

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

Biodiversity Net Gain (BNG) is "an approach to development that leaves biodiversity in a better state than before". When applying biodiversity net gain principles, developers are encouraged to bring forward schemes that provide an overall increase in natural habitat and ecological features. The aim of BNG is to minimise losses of biodiversity and help to restore ecological networks. Sites must demonstrate a minimum of a 10% Biodiversity Net Gain as calculated using a Biodiversity Metric and a Biodiversity Gain Plan, with habitat used for net gain to be secured for a minimum of 30 years.

As the development does not impact a priority habitat and impacts less than 25 square metres of on-site habitat or 5 metres of onsite linear habitats, then the proposal does not meet the requirements to demonstrate a Biodiversity Net Gain.

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:-

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

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

Other material considerations include:

National Planning Policy Framework (December 2023)

Planning Practice Guidance (2019 as updated)

Supplementary Planning Guidance/Documents

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

A number of applications for industrial/office developments have been approved within the site, the most recent being 22/01059/FUL (Proposed new storage building) which was permitted in January 2023.

Views of Consultees

The **Highway Authority** raises no objections to the proposal.

The Council's **Environmental Health Division** has no objections subject to conditions relating to land contamination.

Naturespace raise no objections to the proposal subject to an informative being added to any decision notice.

The Coal Authority raise no objections to the proposal subject to a condition relating to further ground investigations.

The **County Minerals Officer** raises no objections to the proposal.

The **County Archaeologist** raises no objections to the proposal.

The **Environment Agency** raise no objections to the proposal subject to a contamination investigation condition.

No comments have been received from **United Utilities**, the Council's **Waste Services Section** or the **Local Area Partnership** (Greater Chesterton)

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/24/00232/FUL>

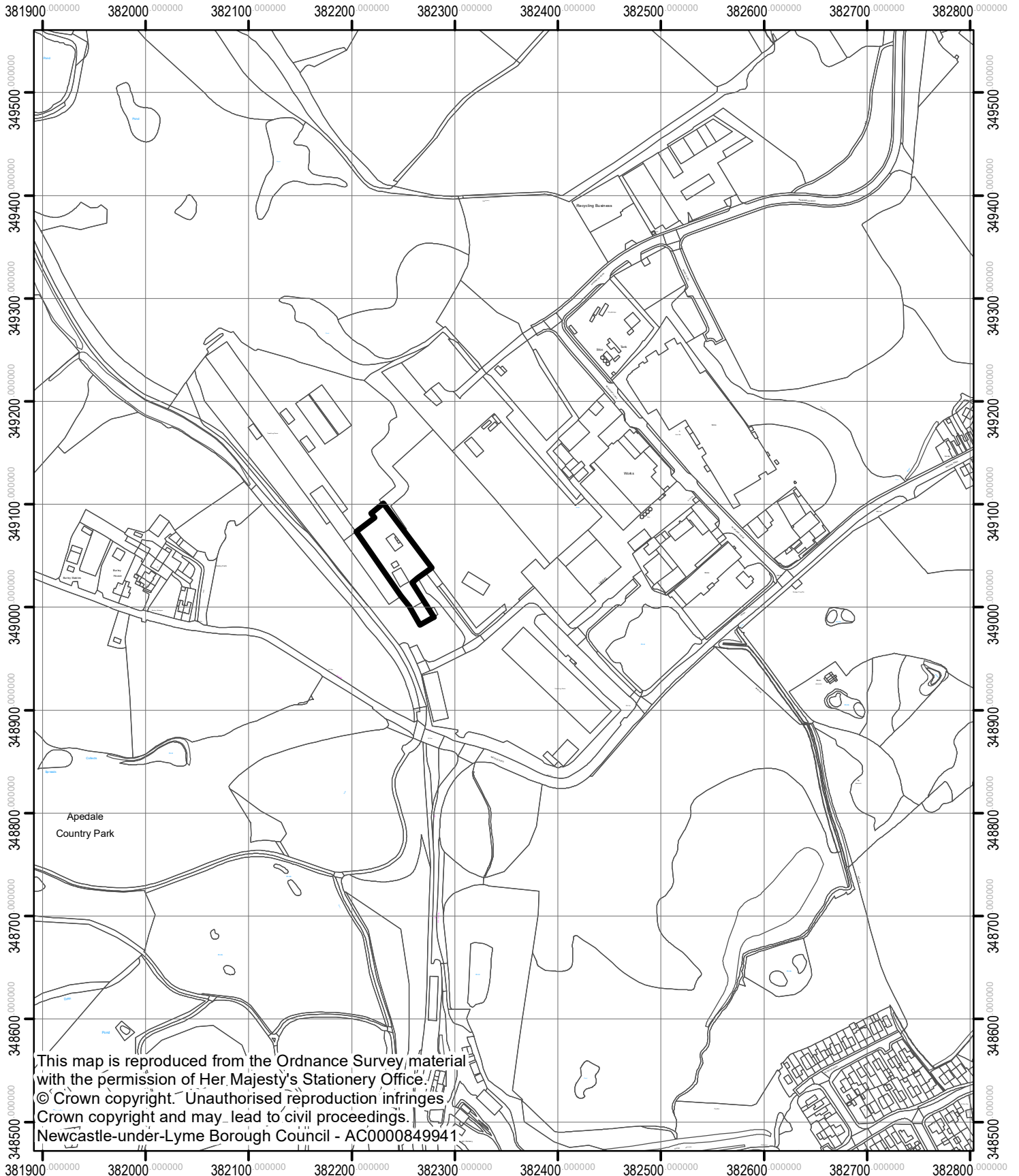
Background Papers

Planning File
Development Plan

Date report prepared

26th June 2024

24/00232/FUL
Thorp Precast Ltd
Apedale Road
Chesterton



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Newcastle Borough Council



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PEAKS FARM, STATION ROAD
MR MOSS

24/00129/FUL

The development seeks planning permission for the change of use of an area of agricultural land at Peaks Farm to a slurry lagoon.

The site is located within the rural area of the Borough and falls within a Landscape Maintenance Area as defined on the Local Development Framework Proposals Map of the Local Plan.

The 8-week period for the determination of this application expired on the 18th April, however an extension of time until 19th July has been agreed.

RECOMMENDATIONS

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

- 1. Time limit**
- 2. Approved plans**
- 3. Odour and noise level monitoring**
- 4. Construction hours**
- 5. Planting of replacement tree**
- 6. Construction Environmental Management Plan**

Reason for Recommendation

Following the submission of additional information, it has been demonstrated that the proposal would not result in any significant or adverse impacts to residential amenity and would not result in any significant visual impact on the site or wider landscape. It is therefore accepted that the proposed development is a sustainable form of development that accords with the development plan policies identified and the guidance and requirements of the National Planning Policy Framework.

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

Following the submission of additional information, the development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

The development seeks planning permission for the change of use of an area of agricultural land at Peaks Farm to a slurry lagoon. The application is a resubmission of 23/00645/FUL which was withdrawn following concerns raised by the Council's Environmental Health Division due to a lack of information. Whilst concerns have been raised by residents and the Parish Council regarding highway impacts, there is no proposed increase in vehicle movements to or from the site. Therefore, the main considerations in the determination of this application are as follows: -

- Principle of development,
- Design of the proposals and the impact on the character of the landscape,
- Impact on residential amenity, and
- Other matters

Principle of Development

Paragraph 88 of the NPPF states that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses.

Details submitted with the application note that the current slurry storage capacity is 4 months and is contained within a slurry tower which is approximately 50 years old. Following an inspection by the

Environment Agency, the farm was deemed not to be in compliance with Nitrate Vulnerable Zone (NVZ) regulations due to the lack of storage facilities for manure, in particular slurry. This application therefore seeks to address the breach of those regulations by increasing slurry storage capacity at the site.

Given that the slurry lagoon is to be used in connection with an established farmstead, the principle of development is considered to be acceptable, subject to other material planning considerations.

Design of the proposals and the impact on the character of the landscape

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 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.

Policy DES1 of the Neighbourhood Plan states that new development should complement the local context and should avoid the appearance of overdevelopment and over urbanization, taking account of the rural character of the area.

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

The slurry lagoon would be positioned approximately 45m to the southeast of the existing barns that form the main part of the agricultural unit and would be approximately 130m away from the nearest point of Station Road. There is a small cluster of dwellings to the northeast of the site, which are approximately 118m away from the proposed lagoon.

The slurry lagoon would cover an area of 100m x 40m and would have a depth of 5m, it would be surrounded on all sides by a raised earth bank measuring approximately 0.9m in height. A 1.2m high safety fence will also be erected around the perimeter of the lagoon to ensure no unauthorised access. A floating cover which would prevent rainwater mixing with the slurry and would reduce the loss of nitrogen from the liquid, would cover the surface of the lagoon. Drawings submitted with the application suggest that this cover would consist of a black plastic material.

Given that the lagoon would be excavated from the existing ground level, it would not have any perceptible visual impact in the wider landscape. The lagoon and bunding would not be easily visible from Station Road given the existing hedgerows and trees which surround the site and whilst some views may be available through gaps in the vegetation, the raised earth bank and fence would not appear unusual within this rural setting. It must also be recognised that the proposal forms part of an established agricultural farm which already contains a number of large structures and associated equipment, and the proposal would appear in context with the established use of the land rather than appearing as a dominating or alien feature within the locality.

Objections have been raised by local residents regarding the visual impact of the proposal and whilst it is recognised that the lagoon would be visible from the first-floor rear windows of properties situated to the east of the site, loss of view is not a material planning consideration and therefore cannot be taken into consideration within this assessment.

A single mature tree would need to be removed to accommodate the proposed development. Whilst the loss of the tree is unfortunate it must be noted that the tree is not protected and could be felled at any time without permission from the Council. A condition requiring the replanting of a replacement tree is therefore considered appropriate in this instance.

To conclude, the proposal is not considered to have any adverse visual impact on the surrounding area or on the Landscape Maintenance Area. The proposal is therefore in accordance with development

plan policies and the guidance and requirements of the NPPF.

Impact on 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.

As the proposal has the potential to create odour nuisance, consideration must be given to whether the proposal would result in any adverse impact on the residential amenity of neighbouring properties.

Several objections have been received from local residents and the Parish Council who raise concerns about noise, odour and the spread of toxins.

The Council's Environmental Health Division initially objected to the application due to lack of information and requested that additional details were provided to demonstrate that odour, noise, and air quality matters could be fully mitigated. The applicant has subsequently provided technical documents in support of the application in the form of an Air Quality Impact Assessment, an Odour Assessment and a Noise Impact Assessment.

The Odour Assessment and Air Quality Assessment conclude that predicted odour concentrations were below the relevant odour benchmark level at all receptor locations for all modelling years and that the significance of predicted impacts was defined as negligible at eight sensitive locations and slight at one sensitive location, with the overall odour effects of the proposed development considered to be not significant.

The submitted Noise Impact Assessment concludes that the worst case predicted rating levels would fall below the typical background sound levels at all receptors and would have no adverse impact on nearby properties.

Whilst it is noted that vehicles would deliver/collect slurry to the lagoon, this activity would not occur on most days and it must be recognised that there is no current limitation on the number of vehicle movements within the farm.

The Council's Environmental Health Division has assessed these technical documents and raise no objections to the proposal but do suggest that the site maintains adequate records regarding weather conditions recorded along boundaries for odour and noise, which can be made available to the regulator on request. Officers also recognise that the construction period for the lagoon could cause some limited noise nuisance and therefore a condition is recommended to control construction hours.

Given the above and subject to conditions, it is considered that the proposal would not result in any significant impact to the residential amenity enjoyed by nearby properties and therefore meets the requirements of the NPPF.

Other Matters

Although residents raise concerns regarding previous breaches in planning control at the site, the application must be assessed on its own merits and so these concerns fall beyond the scope of this report.

With regards to any danger to people or animals falling into the lagoon, this risk would be offset by the earth bank and fencing that are to surround the proposal. It should also be noted that there is no public right of way or public access to the site.

Objections have also been received from the Parish Council and local residents regarding potential flood risk and the drainage infrastructure within Onneley, including potential pollution of nearby water courses. The site is within Flood Zone 1 and therefore has the lowest probability of flooding. The slurry lagoon would contain a nonpermeable membrane which would restrict any slurry from entering the ground which would surround it, and there is no evidence at this time to indicate that the proposal would have any impact on nearby water courses. In addition to the above, given the siting of the proposal in

flood zone 1 and in the absence of any objections from statutory consultees including the Environment Agency, it is not considered that the proposal would increase flood risk in the surrounding area.

Concerns have been raised regarding inconsistencies and errors within the application details. Whilst it is noted that the Design and Access Statement (DAS) does contain some information which cannot be proven or disproven by the LPA, the proposal has been assessed on the technical information submitted with the application and on the consultation responses of statutory consultees, not on the basis of the wording of the DAS.

Reducing Inequalities

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

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

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

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

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

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

The scheme has been developed embracing good design and access and it is therefore considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the Development Plan relevant to this decision:

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

Policy CSP1: Design Quality
Policy ASP6: Rural Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy N17: Landscape Character: General Considerations
Policy N19: Landscape Maintenance Areas

Madeley Neighbourhood Plan

Policy DES1: Design
Policy NE1: Natural Environment

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (2023)

Planning Practice Guidance (as updated)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

92/00585/FUL Erection of an above ground slurry store – permitted
01/00517/FUL Erection of agricultural building to house cattle – permitted
03/00547/FUL Agricultural building to house cattle – permitted
05/00906/OUT Farm workers dwelling – refused
06/00747/FUL Erection of farmworkers dwelling with existing farmhouse and proposed farmhouse to be tied to farm holding – permitted
07/00944/AGR Replacement metal framed building – permitted
13/00323/FUL Retention of silage clamp and proposed associated landscaping works – permitted
13/00573/FUL Construction of an agricultural building for the housing of livestock – permitted
16/00597/FUL Retention of works to rear access and Milking Parlour Building – permitted
17/00910/FUL Retention of a concrete silage yard and wall and proposed landscaping works – permitted

Views of Consultees

Madeley Parish Council object to the proposal for the following reasons:

- Lack of sewage and water drainage infrastructure within the village
- Increase in traffic volume and harm to quality of the road
- Odour impacts and risk of toxins
- Noise impact
- Other solutions have not been considered
- Accuracy of information in the application

The **Environmental Health Division** has no objections to the proposal but do suggest that the site maintains adequate records regarding weather conditions recorded along boundaries for odour and noise, which can be made available to the regulator on request.

Shropshire County Council raise no objections in principle to the proposal and request that the LPA determine the proposal in accordance with adopted local and national policies.

The Environment Agency do not make bespoke comments on applications of this nature but have provided a general advice note to assist the LPA in their determination of the application.

Representations

11 letters of objection have been received from 5 local residents. The concerns raised in the objection letters are summarised below:

- Visual Impact of both slurry lagoon and fencing
- Odour impacts and spread of toxins
- Drainage infrastructure
- Flood risk
- Construction traffic
- Noise impact
- Damage to road surface
- Danger to humans and animals from falling in
- Errors and misinformation within the application details
- Previous breaches of planning permission at the site
- Other solutions are available
- Removal of a tree
- Impact on nearby watercourse

2 letters of support accompany the application. They note that the proposal will reduce the number of vehicle movements in the site, will help to reduce noise and odour issues, will have limited visual impact and will allow the farming business to continue.

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link: <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/24/00129/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st July 2024

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
16th July 2024

Agenda Item 8

Application Ref. 24/00129/FUL

Peaks Farm, Station Road

On further reflection and following additional discussions with the Council's Environmental Health Division, it is considered appropriate to impose additional conditions regarding odour and noise.

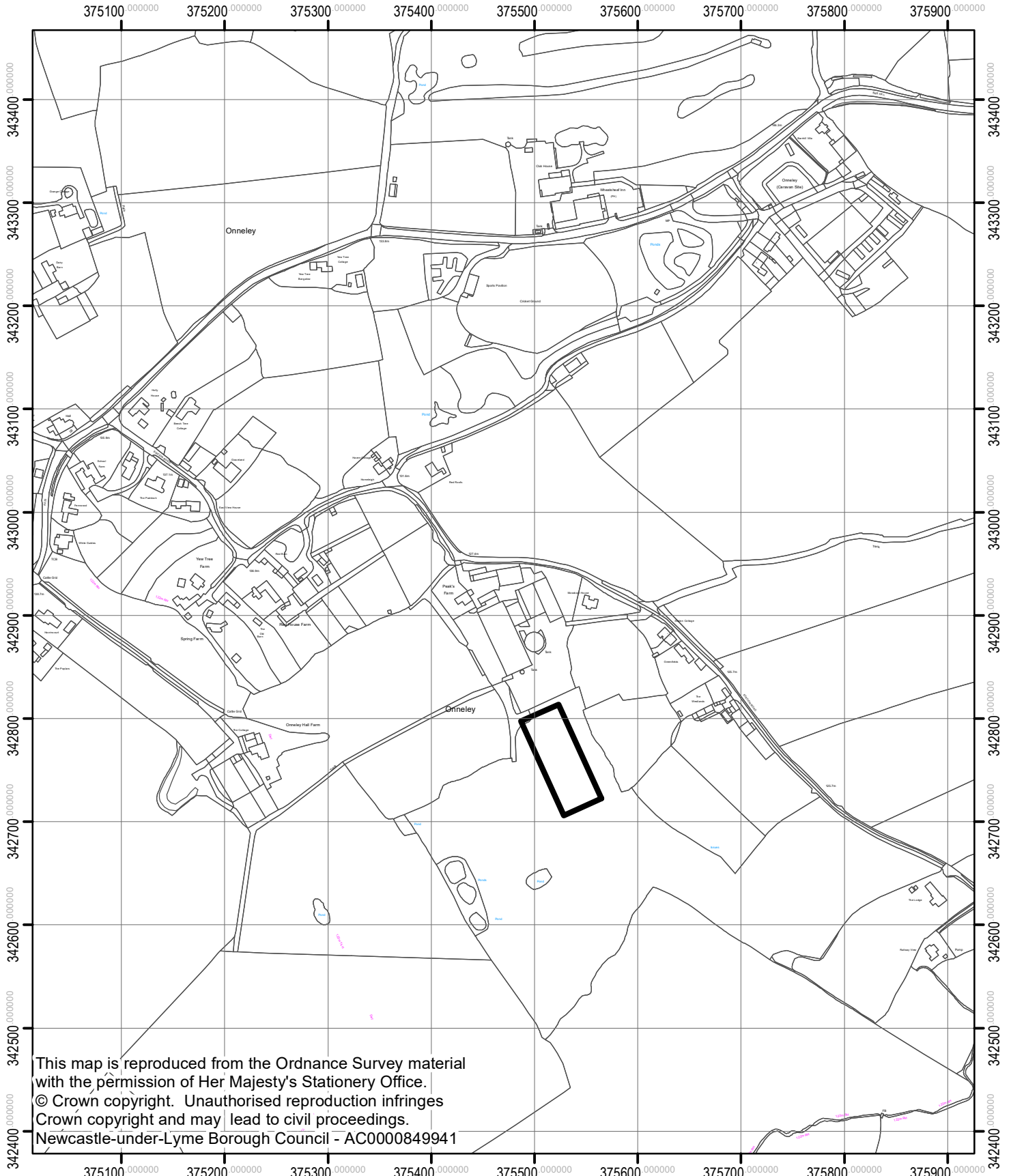
Revised Recommendation

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

1. Time limit
2. Approved plans
3. Odour and noise level monitoring
4. Construction hours
5. Planting of replacement tree
6. Construction Environmental Management Plan
7. Details of cover
8. Odour management plan
9. Details of transport routes
10. Noise management plan
11. Ancillary plant details

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**24/00129/FUL
Peaks Farm
Station Road
Onneley**



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Newcastle-under-Lyme Borough Council - AC0000849941

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Agenda Item 9

Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund

Offley Well Head, Manor Road, Madeley (Ref: 24/25002/HBG)

RECOMMENDATION:

That the following grant be approved: -

£1,697 Historic Building Grant be given towards collecting, cataloguing and storing displaced stonework.

Purpose of report

To enable members to consider the application for financial assistance.

Offley Well Head, Madeley

This Grade II listed stone fountain stands within allotment gardens on Manor Road. Originally erected by A Hungerford Crewe and dedicated to her aunt, E Offley of Madeley Manor.

The application is to collect, catalogue and store displaced stonework, to stabilise loose panels at the top of the monument and check the stability of the structure. This phase will also provide drawings and oversee and record other stone fragments by an appropriately qualified architect.

Raised up with steps on a basin, and set behind balustrade walls which have largely collapsed, the octagonal monument originally had decorated panels and iron dolphins for the water spouts. It is also recorded as being dilapidated in 1927 so has suffered from neglect for a long time.



The work is eligible for 20% grant towards the cost of the works. Two competitive quotations have been received for the work and the lowest at £8,484 inc VAT is payable.

Financial Implications

Historic buildings and structures are entitled to apply for up to a maximum of £5,000 from the Conservation and Heritage Grant Fund. The intervention rate is 20% of the cost of the work for Listed Buildings. 20% of this cost is £1,697.

There is sufficient funding to meet this grant application with an allocation this year to the Fund of £23,963. This allows for existing commitments.

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 – 2 July 2024

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