

# Public Document Pack

**Date of meeting** Tuesday, 13th August, 2024  
**Time** 7.00 pm  
**Venue** Queen Elizabeth II & Astley Rooms - Castle House,  
Barracks Road, Newcastle, Staffs. ST5 1BL  
**Contact** Geoff Durham 742222



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

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

## Planning Committee

### AGENDA

#### OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**  
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 5 - 10)  
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - RED LION FARM, HIGH STREET, HARRISEAHEAD SCG UTILITY SUPPORT LTD, 23/00542/FUL** (Pages 11 - 18)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - KNUTTON COMMUNITY CENTRE, KNUTTON LANE DURATA DEVELOPMENT, 24/00023/FUL** (Pages 19 - 32)  
This application includes a supplementary item.
- 6 APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF PEPPER STREET, MR KARL WALKER SEDDON DEVELOPMENT LTD, 24/00229/FUL** (Pages 33 - 40)
- 7 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF, MARKET DRAYTON ROAD. SHROPSHIRE HOMES LIMITED - MR ANDREW MARSDEN. 24/00341/FUL** (Pages 41 - 48)
- 8 APPLICATION FOR MINOR DEVELOPMENT - INTERNATIONAL HOUSE, STUBBS GATE, NEWCASTLE-UNDER-LYME, NEWCASTLE-UNDER-LYME BOROUGH COUNCIL, 24/00475/DEEM3** (Pages 49 - 56)

Contacting the Council:

Switchboard 01782 717717 . Text 07800 140048

Email [webmaster@newcastle-staffs.gov.uk](mailto:webmaster@newcastle-staffs.gov.uk).

[www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk)

**9 APPLICATION FOR MINOR DEVELOPMENT - THE WAMMY, (Pages 57 - 66)  
LOWER MILEHOUSE LANE, NEWCASTLE-UNDER-LYME  
BOROUGH COUNCIL, 24/00478/DEEM3**

This application includes a supplementary item.

**10 OTHER DEVELOPMENT - 5 BOGGS COTTAGE, KEELE, (Pages 67 - 68)  
14/00036/207C3**

**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, Holland, Hutchison, Brown, Gorton, 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	Fox-Hewitt
	Panter	D Jones
	S Tagg (Leader)	Edginton-Plunkett
	Heesom	Whieldon
	Johnson	Dymond
	J Tagg	Brockie
	S Jones	

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

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

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**Planning Committee - 16/07/24**

- (v) Hardstanding's
- (vi) Provision of access, internal roads, private drives, pedestrian connections and parking areas and improvements on West Avenue and Bowling Street
- (vii) Visibility Splays
- (viii) Private drives to be ungated
- (ix) Residential Travel Plan Framework
- (x) Secure cycle storage
- (xi) Highway & Environmental Construction Management Plan (CEMP)
- (xii) Electric vehicle charging provision
- (xii) Tree protection measures
- (xiii) Hard and soft landscaping scheme
- (xiv) Management strategy for open space and play area
- (xv) Arboriculture Impact Assessment and Tree Retention/Removal Plan
- (xvi) Contaminated land
- (xvii) Detailed drainage and surface water maintenance and management plan
- (xviii) Provision of bat, bird boxes, swift bricks and sparrow terraces as per enhancements plan
- (xix) Waste storage and collection arrangements
- (xx) Internal noise levels for dwellings

- (B) That, 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.

[Watch the debate here](#)

4. **APPLICATION FOR MAJOR DEVELOPMENT - DIGLAKE FARM, BIGNALL END ROAD, BIGNALL END. ROBIN WARD - GRAHAM WARD FARMS LTD. 23/00505/FUL**

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

- (i) Time limit
- (ii) Approved plans
- (iii) Materials
- (iv) Tree protection
- (v) Planting scheme
- (vi) Scheme of investigation to establish Coal Mining Risk Assessment
- (vii) Contaminated land
- (viii) Construction and Environmental Management Plan
- (ix) Surface water drainage scheme
- (x) Lighting scheme
- (xi) Drainage, surfacing and retention of proposed parking, turning and circulation areas
- (xii) Dust management plan

- (xiii) Details of a scheme of works to improve the vehicle access and access track
- (xiv) Visibility splays
- (xv) Recommendations of ecological appraisal

[Watch the debate here](#)

**5. APPLICATION FOR MAJOR DEVELOPMENT - MORSTON HOUSE, THE MIDWAY, NEWCASTLE-UNDER-LYME.THE DIRECTOR - WUKPG. 24/00202/FUL**

**Resolved:** (A) That, 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,

The application be permitted, subject to the undermentioned conditions:

- (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) That, 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.

A request was made for an advisory note to be attached to the approval, urging the developer to liaise with Capital and Centric who would be developing the Midway Car Park site in the near future, to ensure that the finishing materials complemented each other and their surroundings.

In addition, a request was made that the Chair and Vice-Chair of this Committee have sight of the finishing materials prior to condition 10 being satisfied.

[Watch the debate here](#)

**6. APPLICATION FOR MAJOR DEVELOPMENT - THORP PRECAST LTD, APEDALE ROAD. THORP PRECAST LTD. 24/00232/FUL**

**Planning Committee - 16/07/24**

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

- (i) Standard time limit for commencement of development
- (ii) Approved plans
- (iii) Materials
- (iv) Works to be completed in accordance with submitted CEMP
- (v) Contaminated land
- (vi) Coal mining investigations and remediation

[Watch the debate here](#)

**7. APPLICATION FOR MINOR DEVELOPMENT - PEAKS FARM, STATION ROAD. MR MOSS. 24/00129/FUL**

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

- (i) Time limit
- (ii) Approved plans
- (iii) Odour and noise level monitoring
- (iv) Construction hours
- (v) Planting of replacement tree
- (vi) Construction Environmental Management Plan
- (vii) Details of cover
- (viii) Odour management plan
- (ix) Details of transport routes
- (x) Noise management plan
- (xi) Ancillary plant details

[Watch the debate here](#)

**8. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - OFFLEY WELL HEAD, MANOR ROAD, MADELEY. 24/25002/HBG**

**Resolved:** That a £1,697 Historic Building Grant be given towards collecting, cataloguing and storing displaced stonework.

[Watch the debate here](#)

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

**Resolved:**

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

[Watch the debate here](#)

10. **URGENT BUSINESS**

There was no Urgent Business.

**Councillor Paul Northcott  
Chair**

Meeting concluded at 8.45 pm

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Classification: NULBC UNCLASSIFIED

**RED LION FARM, HIGH STREET, HARRISEAHEAD**  
**SCG UTILITY SUPPORT LTD**

**23/00542/FUL**

The development comprises a replacement cow shed building and ancillary hay storage building at Red Lion Farm, Harriseahead.

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. A Public Right of Way (No. 66 Kidsgrove) also runs through the site.

**The 13 week period for the determination of this application expired on 19<sup>th</sup> October 2023 however an extension of time has been agreed until 19<sup>th</sup> July 2024.**

## **RECOMMENDATIONS**

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

1. Time limit
2. Approved plans
3. Materials
4. Scheme of investigation to establish Coal Mining Risk Assessment
5. Contaminated land Condition
6. Lighting scheme
7. Approved Surface Water Drainage Plan
8. Access drive to be surfaced and bound in a suitable material

## **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 appropriate form of development within the Green Belt. In all other 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 implications. 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 that 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. A Public Right of Way (No. 66 Kidsgrove) also runs through the site. There are no parking related or highway safety matters relevant to the proposal and subject to the drainage conditions requested by the Lead Local Flood Authority, the proposal would not result in any increase to surface water drainage flooding.

The key matters for consideration are therefore as follows:

- The principle of development
- Design and impact on the character and form of the area
- Impact on residential amenity levels of neighbouring occupiers
- Impact on Public Right of Way

- Coal Mining Risk

### **Principle of Development**

In the context of Paragraph 152 of the NPPF, a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Nevertheless, an exception to this includes buildings for agriculture.

The proposed barns will provide new, purpose-built replacement sheds to allow for increased internal space to accommodate an increase in herd numbers and an associated improvement in animal welfare and management conditions. The hay storage building would also allow for associated hay feed to be covered in an appropriate building. The development would therefore allow for 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. The proposal will also help to support and diversify the rural economy as encouraged by paragraph 88 of the NPPF.

Considering the above, it is considered that siting of the agricultural buildings within the Green Belt represents appropriate development that is justified, however the visual impacts of the proposal must still be considered to see whether these would adversely impact the openness of the Green Belt.

### **Design and impact on the character and form of the 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.

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 two new barns. The larger unit will be used as a new cow shed whilst the smaller unit will be used for straw storage shed.

The proposed cattle shed would measure 32m x 47m in length and would feature a dual pitched roof arrangement which would have an eaves height of 3.5m with a total ridge height of 6.85m. The straw storage building would be more modest in scale, measuring 15m x 19m in plan but it would also feature a dual pitched roof arrangement which would have an eaves height of 3.85 and a total ridge height of 6.1m.

Both barns would be constructed of concrete panels and timber cladding which are materials commonly used on agricultural buildings of this type. The cattle shed would contain three large openings on its front elevation which would provide it with 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 the nearby countryside, however the proposed buildings would be largely screened from view when seen from the north, east and south due the existing buildings which surround the site. The views from the nearby Public Right of Way (PROW) would also change as a result of the proposed development given the proximity of the PROW to the proposed new agricultural unit.

Although the combined visual impacts of the proposed buildings would result in a clear visual change to the application site, including from the nearby PROW, the proposed barns will be of a similar height to the existing structures on the site, which will ensure they do not appear overly dominant when seen within context of the wider landscape. Whilst there would be some loss to the openness of this part of the Green Belt, there is an accepted precedent for agricultural buildings within the Green Belt and

agricultural buildings of the scale are not uncommon within the Borough.

With regards to the existing barns which are to be removed from the site to facilitate the development, these older structures are somewhat dated and do not have any architectural or historic character and there are no objections to their demolition.

To conclude, it is considered that the design of the proposal is acceptable and will not result in an adverse impact to the Green Belt or the Area of Landscape Restoration 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 an increase to the numbers of cattle being kept at the site from 125 to approximately 180 over a 2-year period, however it is important to note that the LPA has no control over the amount of livestock that can be kept on sites, as this is controlled through other legislation. Consideration must still however be given to whether the proposal would result in any adverse impact to the residential amenity of nearby properties.

It must be recognised that the site has a historic use for agricultural purposes and has been used a cattle farm for a number of years. Although the new barns will likely lead to an increase of the number of cattle within the site, the proposed structures will be of a higher standard than the existing buildings, which in turn will help to better contain noise levels within the barns themselves. Some associated noise nuisance could be generated from outside the barns from the increase of cattle, however a certain level of noise could already be expected from this site.

A condition to control external lighting is considered necessary to ensure nearby properties are not adversely impacted by light nuisance.

No objections have been received from local residents and in the absence of any objections from the Council's Environmental Protection team, 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 and therefore meets the requirements of the NPPF.

#### **Impact on Public Right of Way**

Paragraph 104 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Public Footpath No. 66 Kidsgrove Parish runs across the application site, through the proposed site of the smaller cow shed and will need to be rerouted in order to comply with the requirements of the NPPF.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). As the footpath needs diverting as part of these proposals the developer must apply under section 257 of the Town and Country Planning Act 1990 to divert the public right of way to allow the development to commence, and the applicant will be notified of this requirement through the use of an informative on any permission given.

#### **Coal Mining Risk**

Paragraph 189 of the NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).

The application site falls within a high risk coal mining area, and a Coal Mining Risk Assessment was submitted in support of the proposal. The Coal Authority (CA) reviewed this assessment but raised concerns and so requested further specific information regarding deeper foundations or ground works required in the construction of the proposed agricultural buildings, given their large scale.

To address this concern the applicant entered negotiations with the CA and submitted an amended Coal Mining Risk Assessment. The CA have since reviewed this additional information and have confirmed that they are happy in principle with the proposed development, subject to a scheme of intrusive site investigations to be completed prior to the start of development to ensure that further mining legacy risks are addressed. Subject to this condition and in the absence of any further objections from the CA, the coal mining risk associated with the development can be safely mitigated.

### **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 (2019 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

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 granting of planning permission does not constitute authority for any interference with the public rights of way and associated items - or obstruction (temporary or permanent). If any public right of way needs diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence.

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

The **Environmental Health Team** have raised no objections to the proposal subject to a condition relating to unsuspected contamination.

The **Lead Local Flood Authority** raise no objections to the application subject to a condition requiring that the development is carried out in accordance with the Staffordshire SuDS handbook and approved surface water drainage plan.

The **Highway Authority** raises no objections to the proposal subject to a condition requiring that the access drive is surfaced in a suitable material for a minimum of 10m from the site boundary.

No comments have been received from the **Landscape Development Team** or **Kidsgrove Town Council** and given that the period for comment has ended, 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/23/00542/FUL>

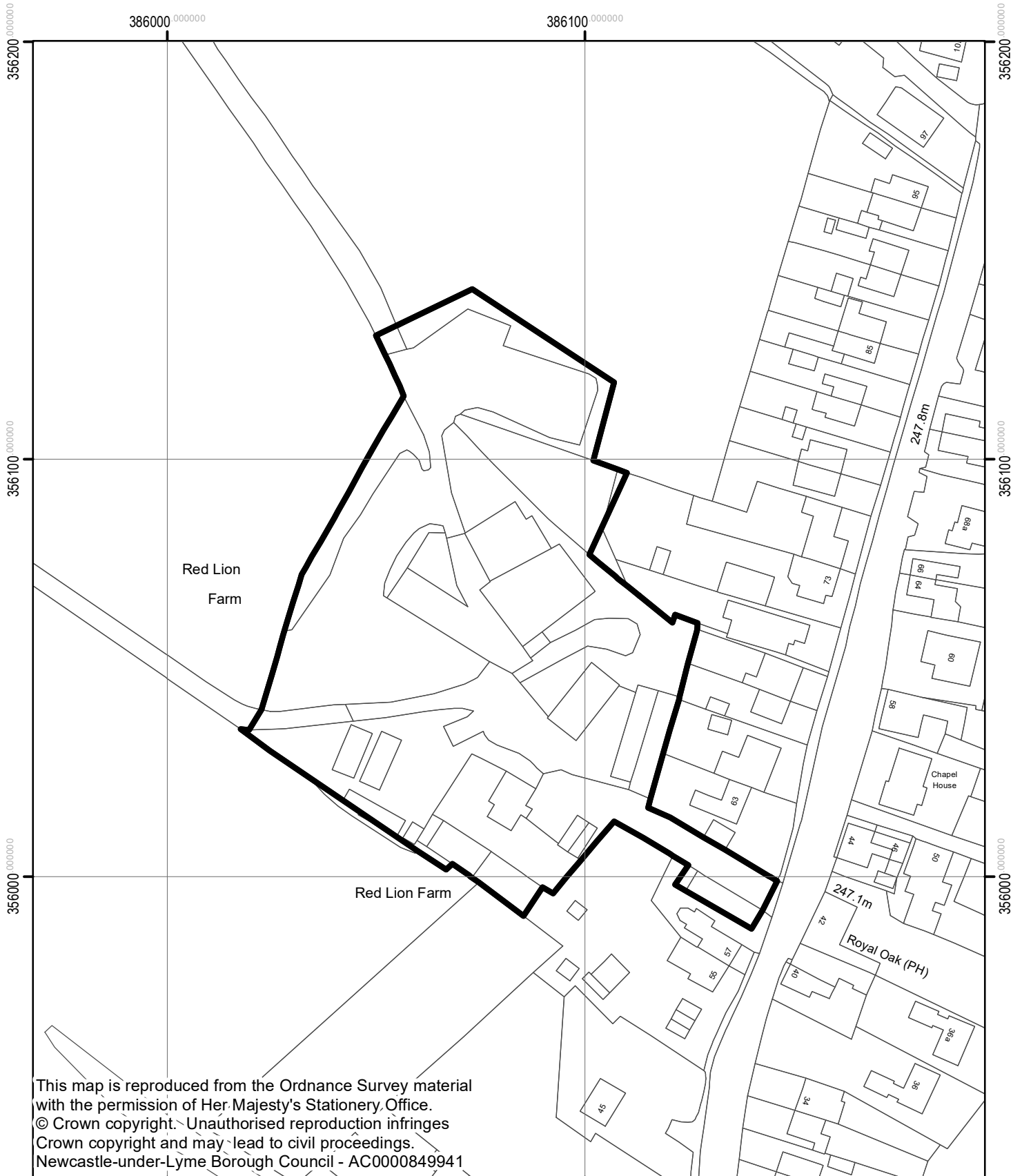
Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

22<sup>nd</sup> July 2024

23/00542/FUL  
Red Lion Farm, High St,  
Harriseahead



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**KNUTTON COMMUNITY CENTRE, KNUTTON LANE**  
**DURATA DEVELOPMENT**

**24/00023/FUL**

The application seeks full planning permission for the erection of 21 no. dwellings and a new vehicular access off High Street in Knutton.

The application site, of approximately 0.48 hectares in extent, is within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. The site is classed as brownfield land and is within a high risk coal mining area.

**The statutory 13 week determination period for this application expired on the 22<sup>nd</sup> April and a subsequent extension of time to the statutory determination period has been agreed to the 16<sup>th</sup> August 2024.**

**RECOMMENDATIONS**

**A) Subject to the applicant entering into a Section 106 obligation by 18<sup>th</sup> October 2024 to secure the following:**

- **A contribution of £117,159 towards off site open space provision**

**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. Details of revised access arrangement;**
- 6. Provision of access, internal roads, private drives and parking areas;**
- 7. Surfacing materials and surface water drainage for the private drives and parking areas;**
- 8. Secure cycle storage;**
- 9. Road design details;**
- 10. Electric vehicle charging provision;**
- 11. Residential Travel Plan Framework;**
- 12. Highway & Environmental Construction Management Plan (CEMP);**
- 13. Tree protection measures;**
- 14. Archaeological investigation and implementation;**
- 15. Land contamination;**
- 16. Detailed drainage and surface water maintenance and management plan;**
- 17. Provision of bat, bird boxes, swift bricks and sparrow terraces as per enhancements plan;**
- 18. Waste storage and collection arrangements;**
- 19. Noise management and mitigation measures during construction and**
- 20. Affordable Housing Provision.**

**B. Should the matters referred to in (A) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

**Reason for recommendations**

The redevelopment and regeneration of this vacant brownfield site within a sustainable urban location, accords with local and national planning policy. The scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety concerns or impact residential amenity. The site has no

major constraints and it is considered that subject to a number of conditions, the development represents a sustainable form of development and should be supported.

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

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

**KEY ISSUES**

The application seeks full planning permission for the erection of 21 new houses, and a new vehicular access off High Street in Knutton. The site is classed as brownfield land. The application site, of approximately 0.48 hectares in extent, is within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

Subject to condition there are not considered to be any issues relating to coal mining legacy , flood risk or drainage and the following key issues are therefore considered most relevant to the proposal:

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. Affordable Housing,
7. Planning obligations and financial viability,
8. Other matters,
9. Conclusions and planning balance and
10. Reducing Inequalities

**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 Knutton.

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

Paragraph 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 not 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. In particular, Policy R3 states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it, exploiting existing site characteristics, such as mature trees, existing buildings or long views and incorporating them into the proposal. In addition, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the revised NPPF.

The site is currently open and offers very little in respect of visual quality, being made up of large areas of hardstanding. The site is also classed as brownfield land.

The proposed houses would be a combination of detached and semi-detached two storey properties which would be of traditional design. The site is bounded by highways to the northwest and south west whereas existing residential areas, comprised of a mixture of two storey house types, are found to the south east and north east. Nearby dwellings have a traditional appearance and are relatively simple in

design, however most enjoy good sized gardens and private driveways. An existing baby scanning centre would be retained as part of the redevelopment of the site and is positioned on the western boundary of the site, close to the proposed access road.

The proposed development has been presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF, and a number of amendments and enhancements have been made to the scheme at the request of the case officer to ensure that the scheme demonstrates a high quality design as required by both national and local policies. The site has been designed to include a good number of varied house types with the chosen designs integrating well with the local design vernacular. The proposed materials for all houses are to be traditional red facing brick, with the majority of detailing also being completed in matching brick. Window cills are to be constructed of artificial stone with windows to be white uPVC. The material choice is considered to be appropriate given the local design character, however a condition shall be attached to any permission granted to secure full and precise details of external facing materials.

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 hedges and timber fencing will be used for more prominent positions within the site. The boundary treatments proposed are typical of a residential scheme of this type and are considered to be appropriate in general, however it is considered necessary to use a condition to control the final boundary scheme for the site.

To conclude, 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 site is considered to be within a sustainable location and has a range of services located nearby which are safely accessible by foot and bicycle. The proposed residential units would each provide sufficient off-street car parking spaces which would be in accordance with the Council's parking standards set out in Appendix A of the Saved Local Plan policies.

The transport statement notes that the proposed residential development will generate a total of 7 two-way vehicle trips during a typical weekday morning peak hour and a total of 8 two-way vehicle trips during a typical weekday evening peak hour. This is equivalent to less than one vehicle trip every five minutes and the transport statement concludes that this would have a negligible impact on traffic in the area. Details within the statement also show that the proposed development would generate less vehicle trips than the previous use of the site which was a community centre.

The layout of the site and provision of areas of unadopted road would mean that 4 properties would have to take their bins out to a bin collection point given their siting on an area of unadopted road. However the unadopted roads incorporated into the proposal are limited in size with most properties being no further than 20m from an adopted road. In consideration of the fact that there is no identified

breach of policy, the arrangement as proposed is considered to be sufficient and ensures that the amenity level of future occupants is acceptable from a waste collection perspective.

The Highway Authority has no outstanding concerns and is resolved to support the application subject to conditions and informative comments. Therefore, 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.

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

#### Acceptable standards of residential amenity

Paragraph 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.

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 of loss of privacy and all plots will have an acceptable amount of private amenity space.

The Council's Environmental Health Team have raised no objections to the proposal subject to conditions relating to land contamination, internal noise levels for dwellings, construction management and hours of construction. Therefore subject to the inclusion of the conditions referred to above, 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 sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

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

The main part of the site is comprised of large areas of hardstanding with some grassland and contains few natural features, however there are three mature trees along the southern and western boundary that are worthy of retention and a cluster of a trees along the site's north western boundary which make a positive contribution to the street scene. No trees within the site are protected however one mature tree close to the proposed access point will need to be removed to accommodate the proposal. Whilst the loss of this tree is unfortunate it is recognised that the proposal will result in an overall net increase

in trees within the site, and subject to a landscaping plan being controlled via a condition, it is considered that the loss of the tree can be adequately mitigated. All other trees within the site will be retained. 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 habitats within the site provide suitable foraging and nesting opportunities for common bird species, however the appraisal notes that there is limited habitat for more uncommon and protected bird species. It is noted that there are no buildings within the site and the trees within the site offer negligible to low potential to support roosting bats. Due to the lack of available aquatic habitat and poor connectivity to the site, it is considered that amphibians will unlikely be impacted by any development, and the site has low potential for reptiles. Overall given the lack of natural features within the site, 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.

#### Affordable Housing

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

It is generally accepted that affordable housing can be either secured by planning condition or by a S106 agreement. This Council has previously accepted the use of a condition in cases similar to this, and therefore a condition to control the affordable housing element of the scheme will be attached to any permission given.

#### 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.

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 Landscape Development Section have requested a financial contribution of £5,579 per dwelling which will be used to improve and develop the Cotswold Avenue play area and open space which is less than 350m from the site. The total overall contribution for the 21 dwellings would be £117,159.

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

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

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

### Other Matters

One representation received has raised concerns that Japanese knotweed is present on site, and therefore a suitably worded informative notifying the applicant of this plant species potentially being on site will be added to any decision notice.

### Conclusions and planning balance

The proposal would provide various social and economic benefits, most notably the construction of 21 new residential properties on a brownfield site within a highly 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

23/00958/DEEM3 - Prior approval of proposed demolition of former health centre – permitted

Views of Consultees

Following the submission of additional information, the **Coal Authority** raises no objection to the proposal.



The **Crime Prevention Design Advisor** advises that the proposed development has some notable positive proposed layout elements that should substantially reduce opportunities for crime and anti-social behaviour. A number of other crime prevention design measures are also advised, including lighting, contained within the Secured by Design Homes 2019 design guide document.

**CADENT** raises no objections to the proposal subject to an informative being added to the decision notice.

Following the submission of additional information, the **County Highway Authority** raise no objections subject to conditions which secure the following;

- Revised access arrangements onto highway to be agreed
- Surfacing materials and surface water drainage of private drives, and parking areas,
- Detailed design of all new roads, footpaths, visibility splays, surface water drainage and other technical details to be submitted
- Secure weatherproof cycle parking for plots without a garage,
- Construction Management Plan (CMP).

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 **County Archaeologist** raise no objections subject to a condition requiring that a programme of archaeological works is submitted.

The **Environmental Health Division** raise no objections to the proposal subject to conditions relating to contamination and noise insulation details.

The **Landscape Development Section** raise no objections to the proposal subject to the following:

- That a plan showing the proposed root protection fencing is submitted, for all retained trees.
- The all retained trees are protected in accordance with BS5837:2012 throughout the construction period.
- That details are provided in relation to the construction of the shared surface area to the front of the site in relation to T4, as the surface is within the RPA this should be no dig construction method.
- That details are provided in relation to the retained Category B tree and the construction of the new access road. The access road is with the RPA of the tree, and this appears to be more than the permitted 20% encroachment into the RPA. The construction methods should be no-dig within the RPA.
- That a contribution towards of site open space provision should be provided for the 21 dwellings of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £5,579 per dwelling. This would be used to improve and develop Cotswold Avenue play area and open space which is less than 350m from the site.

Following revised drainage details **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.

Comments were also invited from the **Local Area Partnership Western Communities, Staffordshire And Stoke-on-Trent Integrated Care Board, Waste services** and **Naturespace** however no comments have been received.

#### Representations

**3 (three)** letters of representation have been received, two of these raise queries and concerns regarding archaeology, privacy, knotweed, drainage and disabled access.

The other representation notes that the proposal should incorporate swift bricks and bat boxes.

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/24/00023/FUL>

Background Papers

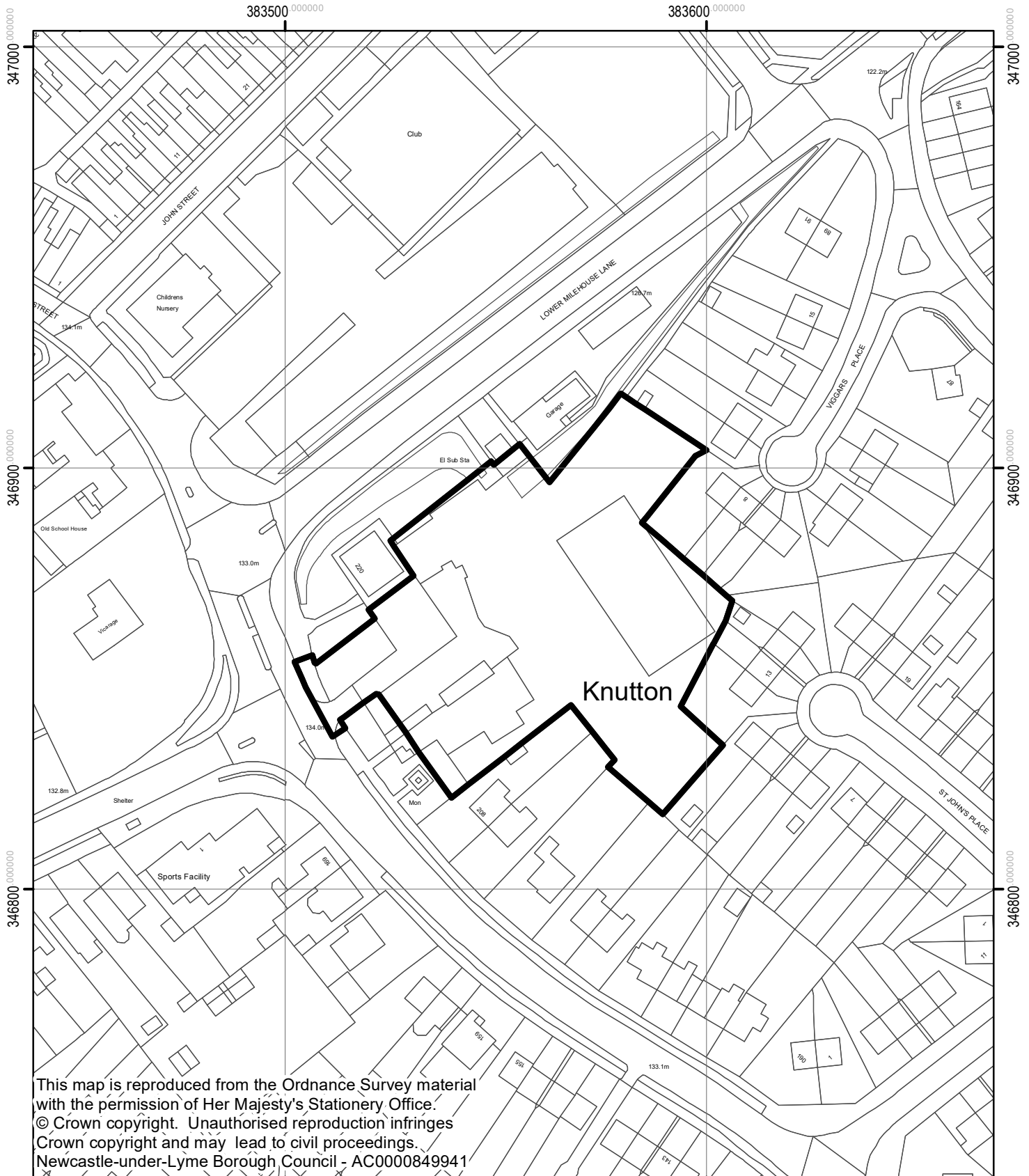
Planning File

Development Plan

Date report prepared

25<sup>th</sup> of July 2024

# 24/00023/FUL Site Of Former Knutton Community Centre



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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**13th AUGUST 2024**

**Agenda Item 5**

**Application Ref. 24/00023/FUL**

**Site Of Former Knutton Community Centre, Knutton**

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

**Amended Recommendation**

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

- 1. Standard time limit for commencement of development;**
- 2. Approved plans;**
- 3. Facing and roofing materials;**
- 4. Boundary treatments;**
- 5. Details of revised access arrangement;**
- 6. Provision of access, internal roads, private drives and parking areas;**
- 7. Surfacing materials and surface water drainage for the private drives and parking areas;**
- 8. Secure cycle storage;**
- 9. Road design details;**
- 10. Electric vehicle charging provision;**
- 11. Residential Travel Plan Framework;**
- 12. Highway & Environmental Construction Management Plan (CEMP);**
- 13. Tree protection measures;**
- 14. Archaeological investigation and implementation;**
- 15. Land contamination;**
- 16. Detailed drainage and surface water maintenance and management plan;**
- 17. Provision of bat, bird boxes, swift bricks and sparrow terraces as per enhancements plan;**
- 18. Waste storage and collection arrangements;**
- 19. Noise management and mitigation measures during construction and**
- 20. Affordable Housing Provision.**

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Classification: NULBC UNCLASSIFIED

**LAND NORTH OF PEPPER STREET**  
**MR KARL WALKER SEDDON DEVELOPMENT LTD**

**24/00229/FUL**

This is an application for the variation of condition 2 of planning permission 21/00952/FUL for the substitution of house types for plots 39 and 40 and the relocation of Plot 41.

The application site falls within the rural area of the Borough and is within an Area of Landscape Restoration and the Green Belt as indicated on the Local Development Framework Proposals Map

**The statutory 13-week determination period for this application expires on the 13<sup>th</sup> September.**

**RECOMMENDATIONS**

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

- 1. Approved plans**
- 2. Tree protection fencing**
- 3. All other conditions which are still relevant from the previous planning permissions**

**Reason for recommendations**

There are no objections to the proposal in respect of visual impacts and the development will still have an acceptable impact on the occupiers of neighbouring residential properties. The proposed development is considered to be a sustainable form of development that complies with the provisions 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 this application**

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

**KEY ISSUES**

The application seeks to vary the wording of condition 2 of planning permission 21/00952/FUL which relates to a major residential development at land off Pepper Street in Keele. This application has been submitted to allow for the substitution of house types for plots 39 and 40 and the relocation of the property on plot 41.

An application such as this can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

In deciding an application under section 73 the local planning authority must only consider the condition/s that are the subject of the application, it is not a complete re-consideration of the application.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

The application site falls within the rural area of the Borough and is within an Area of Landscape Restoration and the Green Belt as indicated on the Local Development Framework Proposals Map

The proposal would not result in any additional impact to highway safety matters beyond the original scheme, and subject to tree protection methods the proposal raises no concerns regarding impact on the tree located in the rear garden of plot no. 40. The key issues in the determination of this application are therefore:

- Impact on the character and appearance of the area
- Impact on residential amenity

### **Would there be any adverse impact on the character and appearance of the 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 proposal would see the dwelling on plot 41 being handed, meaning that the gable end arrangement on the front of the dwelling would be positioned on the left side of the property as opposed to the right as originally approved, and all windows and doors would also be swapped. Otherwise, the property will remain the same in respect of its overall scale and design style.

The property type for Plots 44 and 45 are to be substituted with the 'Stanbury house type' which is used throughout other parts of the site. The Stanbury design is a traditional two storey red bricked house type which is characterised by two gables on its front elevation and traditional detailing around its windows. Given that the house type has been accepted as part of the wider proposal, there are no objections to its use in this part of the site.

The level of overall visual change to the street scene and wider area as a result of the new altered properties is considered to be negligible, and it is therefore considered that the proposal would comply with policies of the development plan, national policy and the urban design guidance.

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

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

Sufficient distances can be achieved between dwellings to ensure the proposal complies with the Council's 'Space around Dwellings' SPG and the altered dwellings would still have good sized rear gardens.

To conclude, it is considered that future occupants will have an acceptable level of residential amenity and the proposal therefore complies with the requirements of paragraph 135 of the NPPF.

### **Reducing Inequalities**

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



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

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

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

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

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

## **APPENDIX**

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP6: Rural 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 S3: Development in the Green Belt  
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy E11: Development of Employment Land for Other Uses  
Policy T16: Development - General Parking Requirements  
Policy T18: Development – Servicing Requirements  
Policy C4: Open Space in New Housing Areas  
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N4: Development and Nature Conservation – Use of Local Species  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N21: Area of Landscape Restoration

### **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

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

13/00970/OUT - Residential development (maximum of 100 dwellings) – permitted

18/00262/REM - Application for approval of reserved matters for layout, scale, appearance and landscaping for the erection of 100 Dwellings – permitted

18/00262/NMA - Non material amendment to site layout and landscape masterplan drawings as described in application form – permitted

21/00952/FUL - Application for variation of condition 2 of planning permission 18/00262/REM to allow substitution of house types – permitted

21/00952/NMA - Application for a non-material amendment relating to alterations to planning permission 21/00952/FUL to substitute the approved planning layout & house type plans – permitted

21/00952/NMA2 - Resubmission of 21/00952/NMA to correct the approved Planning Layout reference on the decision notice to Rev B (not A) – permitted

21/00952/NMA3 - Submission of a revised Planning Layout Rev B1 to show highways and access information as agreed with Highways and subject of a current S111 application – permitted

24/00042/ELD - Application for a certificate of lawfulness for the existing creation of a pumping station (hard standing and kiosks, with off-road parking for a maintenance vehicle to be used infrequently), which services a housing development on additional owned land to the north east – permitted

22/00094/FUL - Variation of condition 21 as to allow impact piling to be used in the construction of the development of planning permission 13/00970/OUT – permitted

22/00533/DOB - Application for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to Section 106 Agreement dated 2 April 2015 (13/00970/OUT) and the Deed of Variation dated 17 December 2019 (ref. 21/00780/DOB) as varied by the S106A decision dated 20 August 2020 (ref. 20/00431/DOB) and further varied by way of the S106A decision dated 17th September 2021 (21/00780/DOB). – permitted

#### Views of Consultees

The **Landscape Development Team** raise no objections to the proposal.

No comments have been received from **Keele Parish Council** within the statutory period of consultation and it is therefore presumed that they have no comments to make on the application.

#### 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/24/00229/FUL>

#### Background Papers

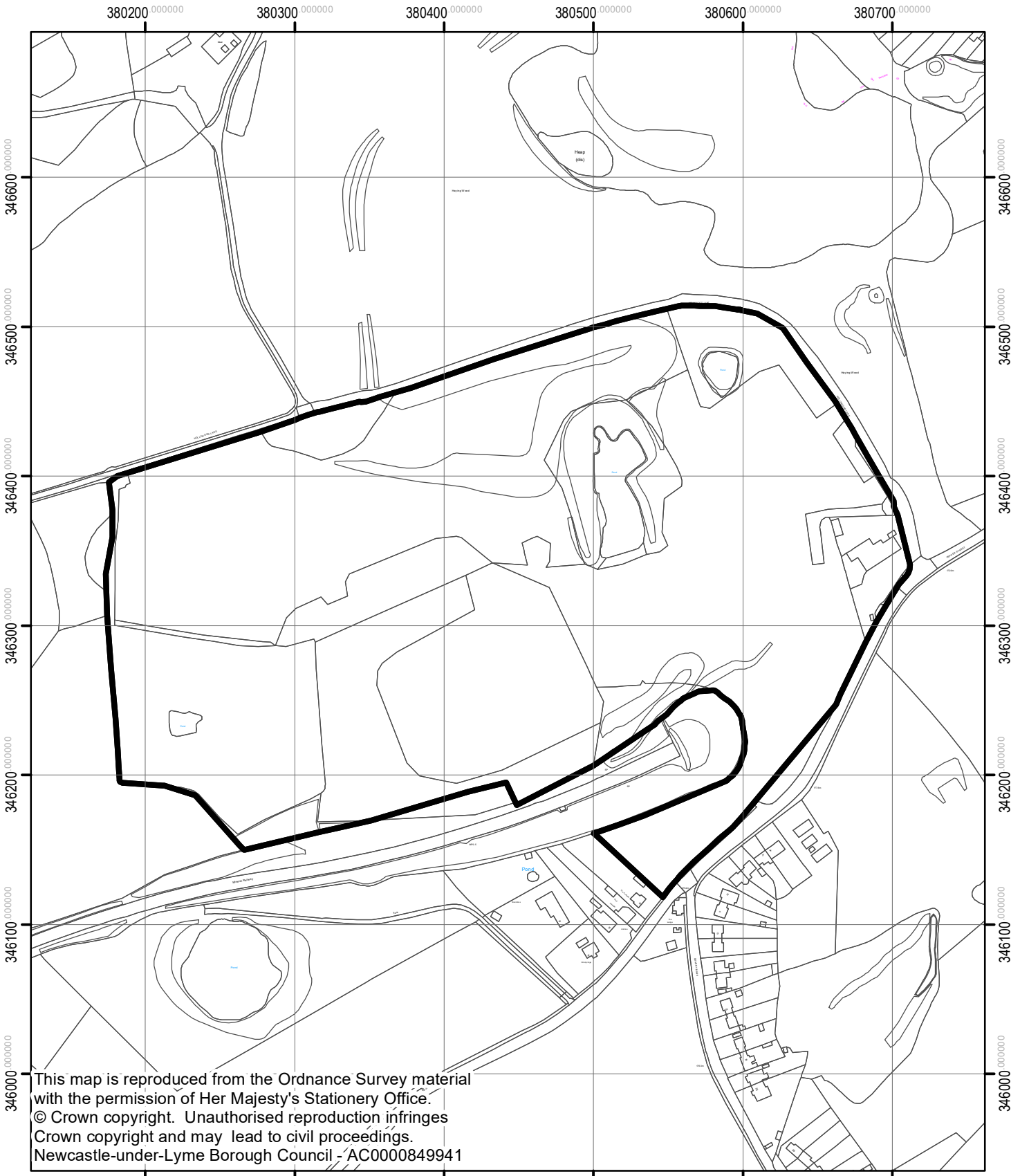
Planning File  
Development Plan

#### Date report prepared

22nd July 2024

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**24/00229/FUL**  
**Land at Pepper Street**



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Classification: NULBC UNCLASSIFIED

**LAND OFF, MARKET DRAYTON ROAD**  
**SHROPSHIRE HOMES LIMITED – MR ANDREW MARSDEN**

**24/00341/FUL**

The application seeks to vary condition 2 of planning permission 21/00365/REM to allow for the construction of garages on plots 55 & 56.

The application site falls within the rural area of the Borough and is within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map

**The statutory 13-week determination period for this application expires on the 15<sup>th</sup> August.**

**RECOMMENDATIONS**

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

- 1. Approved plans**
- 2. Any other conditions which are still relevant to the original decision**

**Reason for recommendations**

There are no objections to the proposal in respect of visual impacts and the development would still have an acceptable impact on the occupiers of neighbouring residential properties. The proposed development is considered to be a sustainable form of development that complies with the provisions 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 this application**

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

**KEY ISSUES**

Outline planning permission was granted in August 2018 for a residential development of up to 65 dwellings (17/00067/DEEM4), and a reserved matters application was then approved on the 10<sup>th</sup> of March 2022. This section 73 application seeks permission to allow for the creation of 2 detached single storey garages which will serve the properties on plots 55 and 56 of the previous permission.

An application such as this can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

In deciding an application under section 73 the local planning authority must only consider the condition/s that are the subject of the application, it is not a complete re-consideration of the application.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

The application site falls within the rural area of the Borough and is within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map

The key issues in the determination of this application are:

- Impact on the character and appearance of the area
- Impact on residential amenity
- Parking and highway safety

#### **Impact on the character and appearance of the 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.

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.

Policy LNPP1 of the Loggerheads Neighbourhood Plan also requires that new development must demonstrate high standards of design and complement the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces.

Plots 55 and 56 comprise two detached properties accessed off the main through road of the estate. They are sited in a relatively central position within the wider estate, with a band of retained woodland to the side of Plot 55 and the rear of both plots. Both proposed garages would be positioned to the rear of their respective plots at the end of the property's driveways. The garages would be single storey in height and would feature dual pitched roofs which would have an eaves height of 1.8m with a ridge height of 4.1m. The design of the garages matches that of others within the estate.

The level of overall visual change to the street scene and wider area as a result of the new garages is considered to be negligible, and there are no concerns relating to design given the limited scale of the development, and the fact that both garages would be significantly set back from the front elevation of the properties.

Overall it is considered that the revised scheme would enhance the appearance of the area and comply with policies of the development plan, national policy and the urban design guidance.

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

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

Sufficient distances can be achieved between the proposal and nearby properties as to ensure the proposal complies with the Council's 'Space around Dwellings' SPG. The dwellings would retain good sized gardens which subject to boundary details could be provided with a good level of screening which will help to retain a good level of privacy for neighbouring properties.

To conclude, it is considered that future occupants will have an acceptable level of residential amenity and the proposal therefore complies with the requirements of paragraph 130 of the NPPF.

#### **Highway impacts**



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

Policy T16 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 or parking problem.

Whilst the proposed garages will reduce the amount of driveway available for the two properties, the garages themselves can still be used for the parking of a single vehicle on each plot, and the overall level of parking will therefore not be affected as a result of the proposal. The Highway Authority has raised no objections to the development subject to conditions which are already attached to the existing consent for the site. As such, it is considered that the proposed development is acceptable in highway safety terms.

### 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 ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP10	Planning Obligations

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16:	Development - General Parking Requirements
Policy N17:	Landscape Character – general Considerations

#### Loggerheads Neighbourhood Plan

Policy LNGP1:	New Housing Growth
Policy LNPG2:	Housing Mix
Policy LNPP1:	Urban Design and Environment
Policy LNPP2:	Local Character & Heritage
Policy LNPT1:	Sustainable Transport

### **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

#### 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

17/00067/DEEM4	for residential development for up to 65 dwellings with associated open space and landscaping - PERMITTED
21/00601/FUL	Variation of condition 16 of 17/00067/DEEM4 (residential development for up to 65 dwellings with associated open space and landscaping) To amend the wording of the following parts of the condition: 1) "A 2m wide footpath connecting the south-west part of the site to Kestrel Drive" to be varied to "The layout to incorporate a 1.8m wide footpath linking the south west part of the site to the new footpath to be constructed along the A53 adjoining the development." 2) "The works shall thereafter be implemented in accordance with the approved details and completed prior to the commencement of the construction of any dwelling" to be varied to "The works shall thereafter be implemented in accordance with the approved details and completed prior to the occupation of any dwelling" – PERMITTED

21/00730/LBC Listed building consent to reposition existing Mile Post to the rear kerb line of the proposed adopted footpath – PERMITTED

21/00365/REM Erection of 56 No. 2, 3, 4 and 5 bedroom, detached, semi-detached and terraced houses with all necessary associated infrastructure. – PERMITTED

Views of Consultees

The **Highway Authority** raise no objections to the proposed development, subject to conditions which relate to the submission of revised information of new roads, footways, and accesses within the site together with details of surface water. Cycle storage provision is also requested and prior to the occupation of the properties, the parking, loading, unloading and turning area of vehicles must be laid out and hard surfaced and drained.

The **Public Rights of Way Officer** notes that the Definitive Map of Public Rights of Way for Staffordshire shows a public right of way crossing the development. However, from the information submitted, it does not appear it will be directly impacted by the proposed addition of garages to plots 55 and 56.

No comments have been received from **Loggerheads Parish Council** within the consultation period and it is therefore presumed that have no comments to make on the proposal.

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/24/00341/FUL>

Background Papers

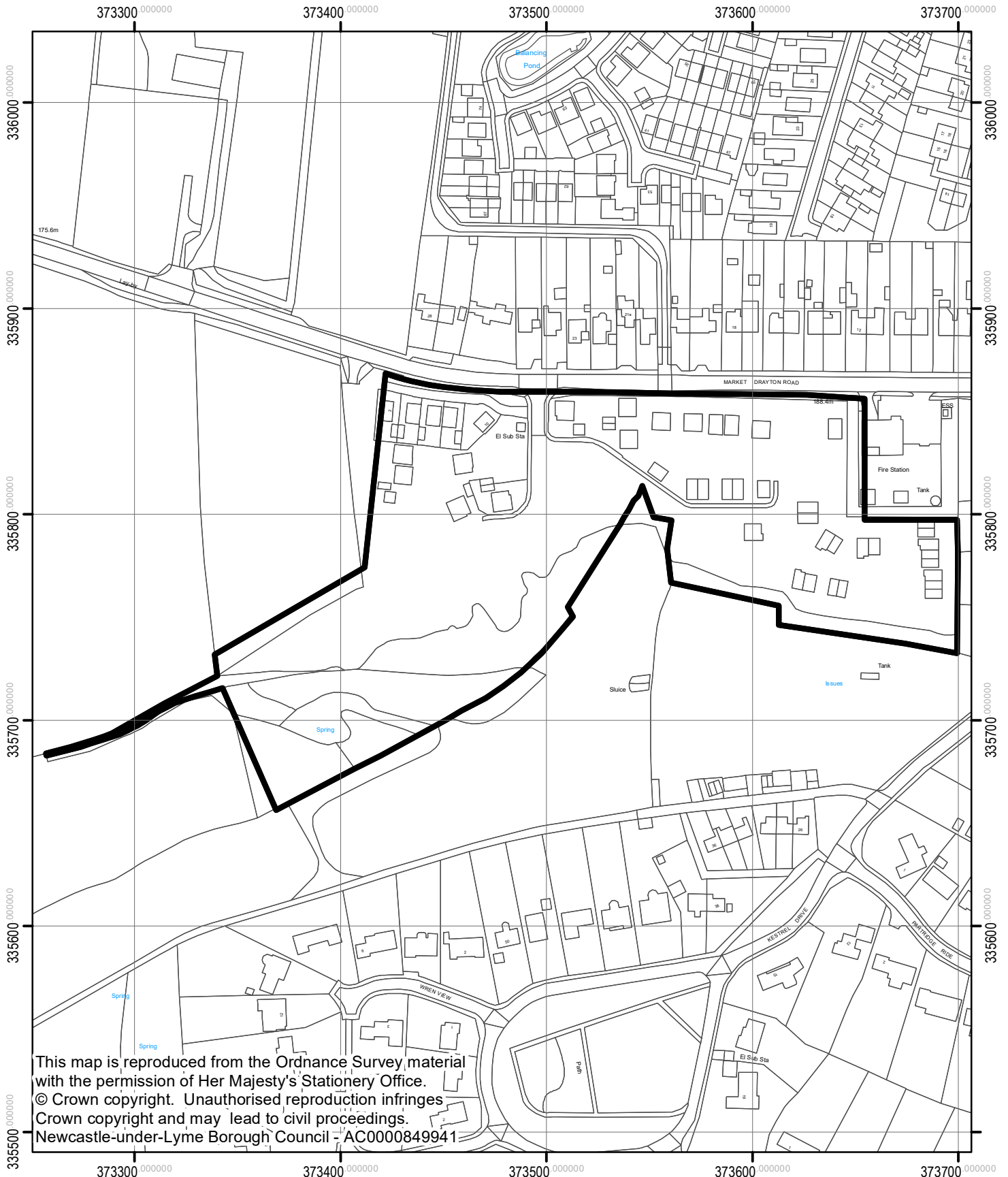
Planning File  
Development Plan

Date report prepared

22<sup>nd</sup> July 2024

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**24/00341/FUL**  
**Land off Market**  
**Drayton Road**



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Classification: NULBC UNCLASSIFIED

**INTERNATIONAL HOUSE, STUBBS GATE, NEWCASTLE-UNDER-LYME**  
**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**24/00475/DEEM3**

The application seeks full planning permission for the change of use of an existing office building to a Homeless Hub and HMO shelter for homeless people.

The site lies within the Town Centre of Newcastle as defined on the Local Development Framework Proposals Map and is within a Town Centre Housing Area in the Newcastle Town Centre Supplementary Planning Document.

**The statutory 8-week period for the determination expires on 22 August 2024.**

**RECOMMENDATION**

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

- 1. Time limit**
- 2. Approved plans**
- 3. installation of glazing and ventilation**
- 4. Mitigation of mechanical plant noise**
- 5. Details and provision of mechanical ventilation**
- 6. Details of security measures**

**Reason for Recommendation**

The proposed use within a highly sustainable location at the edge of the town centre is considered appropriate. The application raises no highway safety issues and it is not considered that there is any sound justification for objecting to the application on the grounds of the potential effect on the incidence of crime and disorder.

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

Additional information was sought and received, and the proposed development 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 change of use of an existing office building to a Homeless Hub and HMO shelter for homeless people. It would involve a transfer of existing services which run at the Salvation Army, Bridge Street, Newcastle (Homeless Hub) and Merrial Street, Newcastle (residential accommodation).

The site lies within the Town Centre of Newcastle as defined on the Local Development Framework Proposals Map and is within a Town Centre Housing Area in the Newcastle Town Centre Supplementary Planning Document.

External changes to the building would be minimal and therefore, there would be no impact on the character and appearance of the area. Issues raised by objectors regarding the potential impact on the trade of the nearby public house and the impact on property value are not material planning considerations. Therefore, the key issues for consideration in the determination of this application are:

- The principle of the proposed use
- Impact on residential amenity
- Parking and highway safety

The principle of the proposed use

Town Centre Housing Areas as defined in the Newcastle Town Centre Supplementary Planning Document are areas where housing still predominates. The purpose of the classification is intended to prevent further penetration of business uses into those areas.

The proposed use would comprise two elements. A Homeless Hub would be open during the day, providing hot meals, showers and laundry facilities along with visiting services for homeless people to access in one place. Services include Citizens Advice Bureau, supported housing providers and mental health services. In addition, residential accommodation would be provided in the form of a House of Multiple Occupation (HMO) with 12 bedrooms and shared lounge and kitchen facilities.

The residential accommodation is a suitable use within the Town Centre Housing Area and the location of the Hub within a highly sustainable location at the edge of the town centre is considered appropriate. The use would serve the needs of the local population and the principle of the development is considered acceptable.

#### Impact on residential amenity

Paragraph 96 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

A number of objections have been received from local residents expressing concern about the location of the use within a residential area and the potential impact of antisocial behaviour and crime.

As set out above, the Homeless Hub would provide hot meals, showers and laundry facilities along with visiting services for homeless people to access in one place. This proposal would provide dedicated facilities to improve the existing service in the town centre so both the cohort for the building and the services themselves are already in the town. The service would be managed by the Borough Council Rough Sleeper and Homelessness Team who have provided information setting out that at the existing Homeless Hub in Bridge Street, the number of homeless people using the service ranged from 63 to 143 per month during 2023. It is anticipated that a similar number of people would use the service in its new location.

The hub would have 6 members of staff and the proposed hours of opening are 9am – 5pm, Monday to Friday. The applicant has advised that it is likely that it would be open for a maximum of 2 hours per day but the longer opening hours requested are to allow for some seasonal flexibility as needs can change depending on the weather.

In addition, residential accommodation would be provided in the form of a House of Multiple Occupation (HMO) with 12 bedrooms and shared lounge and kitchen facilities. The accommodation would have 2 members of staff on site at all times with security present at night. Access would be controlled both at the external gate and at the building entrances and residents would have to call security prior to being permitted to enter. The building would have CCTV in all communal areas, both indoor and outdoor, which would be monitored by the staff.

The applicant considers that the building is in an ideal location with good parking and secure boundary walls. The existing building plan is also well suited to the proposed use with separate areas for the hub and the residential use. It is stated that the high boundary wall and extensive proposed CCTV coverage would protect neighbouring residents and also users of the building.

Staffordshire Police has stated that from a practicality/functionality perspective, there are a large number of positives with the proposals including the fact that the site is well-enclosed by high walls and adjacent gates and that there are a limited number of windows particularly at ground floor level. The intention to provide clear separation between the ground floor homeless hub element and the first-floor HMO accommodation is welcomed as is the well-positioned staff office to aid site supervision. The proposed security measures including CCTV, staff/security-controlled access to residential areas and the presence of security personnel at night in addition to staff members is acknowledged. It is concluded that essentially, from a building/site practicality/functionality perspective, there would appear to be very



little that could be viewed as negative, and indeed there are potentially a large number of positive aspects that would appear to be well suited to the proposed function of the building/site.

There appears to be no evidential basis for residents' concerns and given the positive comments of the Police, it is not considered that there is any sound justification for objecting to the application on the grounds of the potential effect on the incidence of crime and disorder.

Residential areas have been laid out to situate bedrooms where they have access to natural light and opening windows. Disabled bedrooms are situated on the ground floor. The application is accompanied by a Noise Impact Assessment and further to the submission of additional information at the request of the Environmental Health Division, no objections are raised on noise grounds subject to the imposition of conditions.

#### Parking and highway safety

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

The site is served by an existing access and there is a car park with spaces for 10 vehicles. One of the spaces would be used for a bin store so 9 spaces are proposed. There are no parking standards in the Local Plan for HMOs but given the circumstances of the future occupants and the town centre location of the site, with sustainable transport links and public car parks nearby, the car parking provision is considered appropriate.

#### 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

Classification: NULBC **UNCLASSIFIED**

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

## APPENDIX

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

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

Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements

### Other material considerations include:

National Planning Policy Framework (2023)

Planning Practice Guidance (PPG) (as updated)

Supplementary Planning Guidance/Documents

Newcastle Town Centre SPD (2009)

Relevant Planning History

None relevant.

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding installation of glazing and ventilation, mitigation of mechanical plant noise and details and provision of mechanical ventilation.

**Staffordshire Police** acknowledge that there are statutory obligations placed upon local authorities to put in place matters to tackle homelessness and the proposals are part of the response to that obligation. Indeed, the proposals aim to provide bespoke provision replacing the existing Bridge Street Salvation Army homeless hub and some Merrial Street accommodation. From a practicality/functionality perspective, there are a large number of positives with the proposals including:

- Site well-enclosed by high walls and adjacent gates;
- No ground floor windows facing the street;
- Only two high-level windows facing the rear alley (south-west elevation);
- No windows in the south-west and south-east elevations at first floor;
- No buildings immediately opposite on Stubbs Gate;
- The intention to provide clear separation between the ground floor homeless hub element and the first-floor HMO accommodation.
- Well-positioned staff office to aid site supervision, and potentially coming and going;
- A fairly well enclosed courtyard area to reduce noise spill;
- Centrally located entrance into the homeless hub element;
- Route between the building and No.12 Stubbs gate blocked off, and only one way into and out of the site;
- Security controlled access to new external pedestrian gate and site (outside of open day hours), the pedestrian gate being fitted with an intercom - *NB. It is recommended that this is audio/visual;*
- Staff/security-controlled access to residential areas;
- One security personnel at night plus 2 staff members;
- 24/7 staff presence;
- Centrally located cycle parking;

- Well enclosed bin store;
- Extensive proposed CCTV camera coverage with well-positioned screen in office to allow for staff monitoring.

At face value, these practical aspects of the proposals appear to indicate the building could serve its proposed purpose well.

A number of security recommendations are made but it is concluded that essentially, from a building/site practicality/functionality perspective, there would appear to be very little that could be viewed as negative, and indeed there are potentially a large number of positive aspects that would appear to be well suited to the proposed function of the building/site.

In terms of the facility's suitability in the wider context, the Local Policing Team state that they have been made aware of the proposal and that they work in partnership with the Local Authority and all partners to mitigate threat and harm and to help reduce crime and anti-social behaviour.

### Representations

36 letters of objection have been received. Objections are made on the following grounds:

- Strain on local services.
- The area is already plagued with antisocial behaviour and petty crime, and it will increase as the building will become a hub for drug dealers, users and alcoholics.
- Impact on the peace of the area.
- The neighbouring pub's trade will suffer.
- Impact on property value.
- Impact on mental health of existing residents.
- Should be in either the town centre or a quieter area away from residential areas.
- Should be away from temptation rather than in close proximity to a public house.
- The building is opposite a nunnery.
- Lack of communication from the Council regarding the application.
- Roads are unsuitable for access by emergency services.

One letter of support has been received stating that the town centre needs to get the homeless into the care system instead of them wandering and breaking into empty properties for overnight shelter.

### Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website by searching under the application reference number 24/00475/DEEM3 on the website page that can be accessed by following this link: -

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00475/DEEM3>

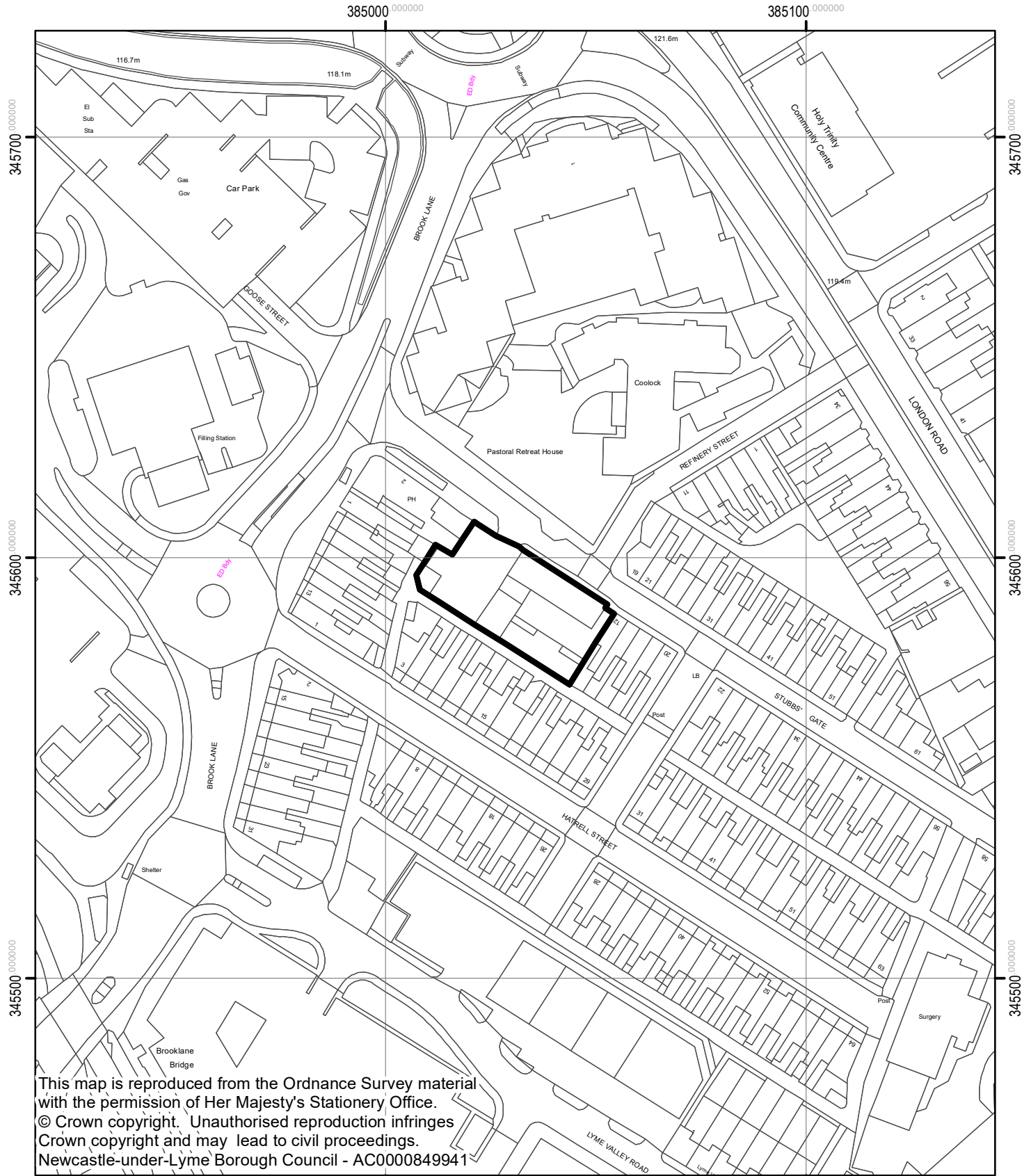
### Background Papers

Planning File  
Development Plan

### Date report prepared

2 August 2024

**24/00475/DEEM3**  
**International House**  
**Stubbs Gate**  
**Newcastle**



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**THE WAMMY, LOWER MILEHOUSE LANE**  
**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**24/00478/DEEM3**

The application is a retrospective re-submission for the construction of a new sports pavilion in association with the adjacent playing fields at The Wammy, Lower Milehouse Lane. The development proposals were previously approved in line with planning permission reference 23/00142/DEEM3.

The application has been made as a result of a change to the positioning of the building along with alterations to the existing car park to provide additional disabled parking bays. The applicant has also provided supporting information to address a number of conditions attached to the original approval.

The application site is situated within the urban area of Newcastle as defined on the Local Development Framework Proposals Map.

**The statutory 8-week period for the determination expires on the 8<sup>th</sup> August 2024. The applicant has agreed to an extension of time until the 21<sup>st</sup> August.**

**RECOMMENDATION**

**Permit, subject to conditions relating to;**

- i. Time limit condition**
- ii. Approved plans**
- iii. Materials**
- iv. Solar panels**
- v. Hard surfacing**
- vi. Fencing details**
- vii. Waste collection details**
- viii. Restrictions to deliveries and construction vehicles**
- ix. CEMP**
- x. Opening hours**
- xi. External Lighting**
- xii. Extraction/Ventilation Equipment for kitchen/ catering area**
- xiii. Full and precise details of security shutters**
- xiv. Tree Protection Plan**
- xv. Arboricultural Method Statement**
- xvi. Landscaping Scheme**
- xvii. Full accordance with recommendations of the FRA**
- xviii. Drainage Maintenance and Management Scheme**

**Reason for Recommendation**

The proposed development would support the long established use of the site as a community football pitch and would not raise any adverse impacts in relation to the character and appearance of the area, residential amenity or parking and highway safety. It would therefore accord with the policies of the development plan and the aims and objectives of the NPPF.

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

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

**KEY ISSUES**

The application is a retrospective re-submission for the construction of a new sports pavilion in association with the adjacent playing fields at The Wammy, Lower Milehouse Lane. The development proposals were previously approved in line with planning permission reference 23/00142/DEEM3.

The application has been made as a result of a change to the positioning of the building along with alterations to the existing car park to provide additional disabled parking bays. The applicant has also provided supporting information to address a number of conditions attached to the previously approved planning permission.

The application site is situated within the urban area of Newcastle as defined on the Local Development Framework Proposals Map.

The principle of the development was previously considered to be acceptable in line with planning permission 23/00142/DEEM3, and so it is not considered necessary to re-visit this issue under this application. In addition, the re-submission does not raise any issues with regards to flood risk, impact on trees, or parking and highway safety. The applicant has submitted additional information to address conditions previously attached in relation to materials and a construction management plan and the relevant consultees have considered that this information is acceptable. Conditions relating to other matters for which additional information is still outstanding shall be carried over onto this revised submission.

Therefore, the key issues to consider in the determination of this application are;

- Design and the impact on the character and appearance of the area and
- Residential amenity

#### **Design and impact on the character and appearance 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 Council's Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

The building as proposed remains as per the design, appearance and scale as previously approved under application reference 23/00142/DEEM3. The only change relates to the siting of the building, with the entire development moving a further 1.5m from the southern boundary of the site when compared to the previously approved plans. This change would appear minor and would not have any wider implications on the character or appearance of the wider locality.

The applicant has confirmed that the facing materials will consist of a facing red brick (Lindum Red Reserve Sandfault), along with specification for the metal cladding and roofing arrangements, all of which are considered to be acceptable. A condition should still be attached to any permission granted to secure full and precise details of the proposed solar panels for the roof, prior to their installation.

The submitted drawings do make reference to security shutters that are to be installed on all window and door openings, however no specific details on the specification of the shutters have been included. It is accepted that security shutters can notably alter the appearance of a building and so it is considered reasonable to attach a condition requiring the submission of full and precise details for the shutters prior to the first use of the development.

Therefore, in conclusion, the proposed development is considered to comprise a well-designed building that would maintain the character and appearance of the wider area. As such the proposal would comply with the relevant policies of the development plan as well as the aims and objectives of the NPPF.



## 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 changes to the siting of the building would move the rear elevation around 1.5m from the southern boundary that is shared with Numbers 144-134 St Bernards Road. It was previously accepted that the development would span the entirety of the length of the rear boundaries for these properties, but the single storey nature, roof design and separation distance would make the proposals acceptable. It is still considered that this would be the case, and the movement of the building would in fact create a greater separation from the development and this rear boundary.

It is therefore not considered that the proposed development would raise any adverse issues in relation to the residential amenity of neighbouring properties.

Comments raised previously in relation to opening hours, external lighting and extraction/ventillation equipment are still applicable and can be appropriately controlled via a condition.

The security fencing, as previously recommended by Staffordshire Police has been maintained and extended to address the movement of the building further away from the rear boundary of the site.

It is therefore considered that in light of the amended plans and subject to suitably worded conditions, the proposed development would not raise any significant issues in relation to residential amenity and so would comply with the relevant policies of the development plan as well as the provisions of the NPPF.

## Reducing Inequalities

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

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

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

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

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

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

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

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

## **APPENDIX**

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

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/Sport/Recreation  
Policy SP3: Spatial Principles of Movement and Access

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

Policy T16: Development – General Parking Requirements  
Policy N12: Development and the Protection of Trees

### **Other material considerations include:**

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

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

#### [Supplementary Planning Guidance/Documents](#)

#### [Newcastle-under-Lyme Borough Council Playing Pitch Strategy \(2020\)](#)

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

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

#### [Relevant Planning History](#)

10/00074/DEEM3 - Erection of ball fence to the rear of 72 to 130 St Bernards Road – Withdrawn

11/00071/DEEM3 - Provision of car park to service existing football pitches – Withdrawn

11/00097/DEEM3 - Provision of car park to service existing football pitches – Permitted

23/00142/DEEM3 – Erection of sports pavilion - Permitted

#### [Views of Consultees](#)

**Sports England** raise no objections to the application as it accords with exception 2 of the Playing Field Policy.

The **Staffordshire Police Crime Prevention Design Advisor** raises no objections to the scheme but comments on the suitability of the proposed fencing.

**Staffordshire Lead Local Flood Authority** raise no objections and clarify that the previous recommended conditions are still acceptable and applicable.

The **County Highway Authority** raises no objections subject to conditions.

No comments have been received from the **Environmental Health Division** or the **Landscape Development Section** and given that the period for comment has ended, it must be assumed that they have no comments to make.

#### [Representations](#)

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website by searching under the application reference number 24/00478/DEEM3 on the website page that can be accessed by following this link; [24/00478/DEEM3 | Retrospective application for the erection of sports pavilion \(re-submission of application 23/00142/DEEM3\). | The Wammy Lower Milehouse Lane Newcastle Under Lyme Staffordshire ST5 9AN \(newcastle-staffs.gov.uk\)](#)

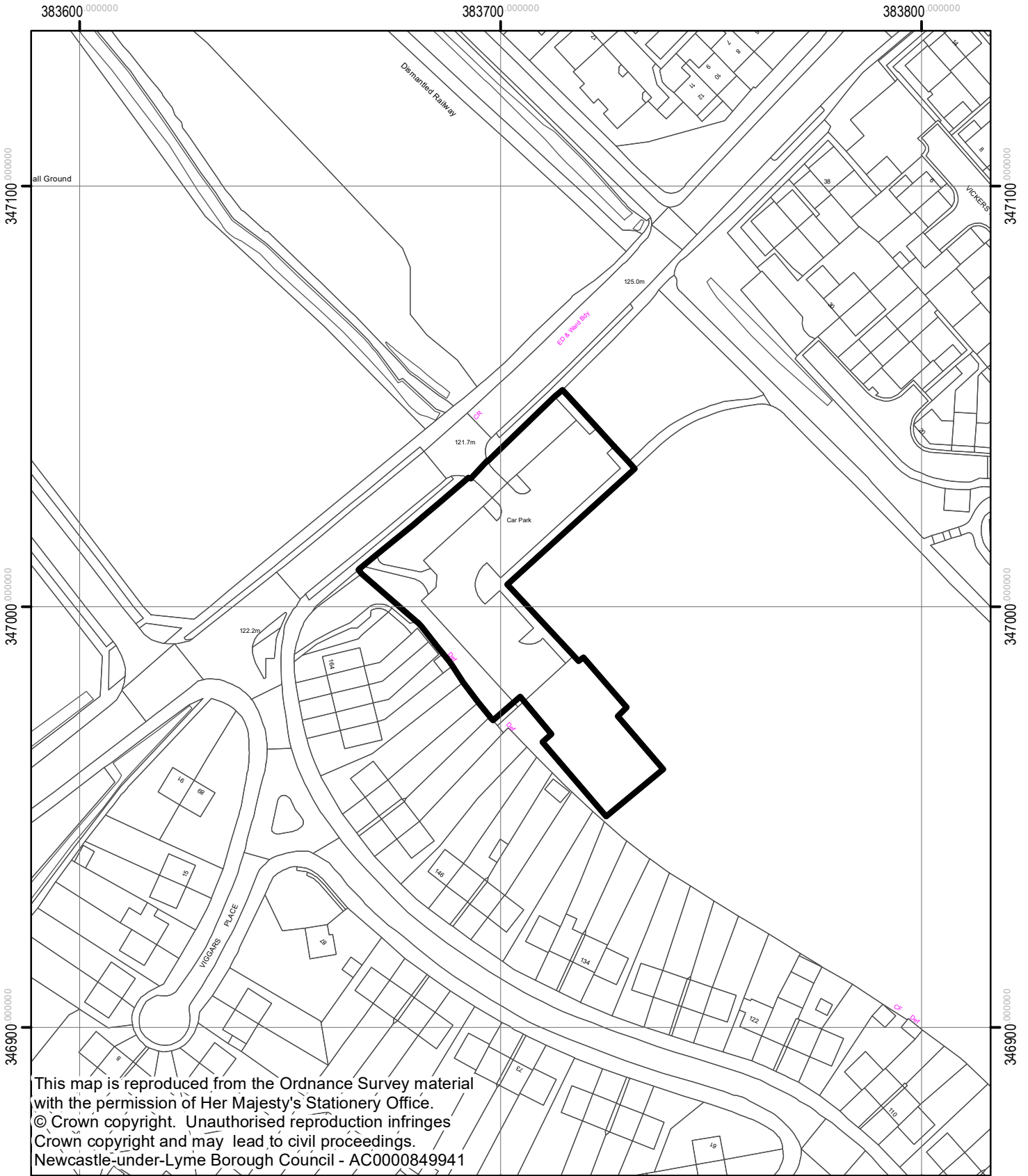
Background Papers

Planning File  
Development Plan

Date report prepared

30<sup>th</sup> July 2024

**24/00478/DEEM3**  
**The Wammy,**  
**Lower Milehouse Lane**



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**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**13<sup>th</sup> AUGUST 2024**

**Agenda Item 9**

**Application Ref. 24/00478/DEEM3**

**The Wammy, Lower Milehouse Lane, Newcastle**

Since the publication of the agenda report, details of the proposed windows and solar panels have been received. The details are considered to be acceptable and will be reflected in the wording of the proposed conditions.

**Officer's comments**

The recommendation remains as set out in the agenda report.

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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 3<sup>rd</sup> January 2019 (since repeated), of the progress in relation to the taking of enforcement action against a breach of planning control at this location.

### **RECOMMENDATION**

**That the information be received.**

As previously reported, the Planning Inspectorate has allowed the appeal and the enforcement notice has been quashed. Therefore, planning permission has been granted for the use of a mobile home on the land as a dwelling, subject to a number of conditions that now need to be complied with. In particular conditions 3 & 4 are outstanding.

Conditions 3 & 4 of the appeal decision required information to be submitted to the Local Planning Authority for approval within three months of the date of the decision i.e. by the 20<sup>th</sup> March 2023. This information relates to drainage details, provisions for facilities for water and sewerage, provision of parking spaces and details of a scheme to restore the land to its condition before the development took place.

The information was submitted and further to comments from Severn Trent Water, the drainage condition has been refused. Your officers are considering appropriate enforcement action in respect of the breach of that condition.

A copy of the appeal decision can be viewed via the following link; <https://www.newcastle-staffs.gov.uk/BoggsCottage>

Date report prepared – 5<sup>th</sup> August 2024

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