

# Public Document Pack

**Date of meeting** Tuesday, 3rd December, 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 - 8)  
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - 9-11 LIVERPOOL ROAD, NEWCASTLE-UNDER-LYME. MR G CHARALAMBOUS - GEOPAR PROPERTIES. 22/00397/FUL** (Pages 9 - 18)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE NORTH WEST OF BAR HILL, MADELEY. MR CALLUM FISK. 23/00979/OUT** (Pages 19 - 40)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT BATH ROAD, SILVERDALE. DURATA DEVELOPMENT LTD. 24/00101/FUL** (Pages 41 - 52)
- 7 **APPLICATION FOR MAJOR DEVELOPMENT - LAND BETWEEN APEDALE ROAD AND PALATINE DRIVE, CHESTERTON. GLEESON DEVELOPMENTS. 24/00594/FUL** (Pages 53 - 60)
- 8 **APPLICATION FOR MAJOR DEVELOPMENT - FORMER JUBILEE BATHS, NELSON PLACE, NEWCASTLE. INTEGRITAS PROPERTY GROUP. 24/00576/FUL** (Pages 61 - 66)
- 9 **APPLICATION FOR MINOR DEVELOPMENT - UNITS 10 - 14 & 35 - 39 PARKHOUSE INDUSTRIAL ESTATE EAST. NEWCASTLE UNDER LYME BOROUGH COUNCIL. 24/00707/DEEM3** (Pages 67 - 72)

- 10 APPLICATION FOR MINOR DEVELOPMENT - BATHPOOL PARK, BOATHORSE ROAD, KIDSGROVE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 24/00723/DEEM3 (Pages 73 - 78)
- 11 NON-DETERMINATION APPEAL IN RELATION TO OUTLINE PLANNING PERMISSION 24/00162/OUT FOR THE CONSTRUCTION OF UP TO 150 DWELLINGS AT LAND SOUTH OF ECCLESHALL ROAD, LOGGERHEADS (Pages 79 - 80)
- 12 APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - ST MARGARETS PRIMARY SCHOOL, KNUTTON ROAD, WOLSTANTON. 24/25005/HBG (Pages 81 - 82)
- 13 UPDATE ON 5 BOGGS COTTAGES (Pages 83 - 84)
- 14 URGENT BUSINESS

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

15 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	Whieldon
	Panter	Fox-Hewitt
	S Tagg (Leader)	D Jones
	Heesom	Edginton-Plunkett
	Johnson	Grocott
	J Tagg	Dymond
	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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# Agenda Item 3

*Planning Committee - 05/11/24*

## PLANNING COMMITTEE

Tuesday, 5th November, 2024  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

**Present:** Councillor Paul Northcott (Chair)

Councillors:	Beeston	Holland	Gorton
	Burnett-Faulkner	Hutchison	J Williams
	Fear	Brown	G Williams

**Apologies:** Councillor(s) Crisp and Bryan

**Substitutes:** Mayor - Councillor Barry Panter (In place of Councillor Nicholas Crisp)  
Councillor Gill Heesom (In place of Councillor Amy Bryan)

Officers:	Craig Jordan	Service Director - Planning Development Management Manager
	Rachel Killeen	

### 1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

### 2. **MINUTES OF PREVIOUS MEETING(S)**

**Resolved:** That, subject to the following amendments, the minutes of the meeting held on 8 October, 2024 be agreed as a correct record:

In relation to item 3, Councillor Holland asked that the minute be amended to request that County Highways review the access arrangements and highway safety and that when the Chair received an answer to his letter, could members of this Committee receive a copy.

This was agreed and the Chair advised that, to date, no response had been received.

In relation to item 7, Councillor Brown requested that her abstention to the officer's recommendation be recorded.

### 3. **APPLICATION FOR MAJOR DEVELOPMENT - UNITS 1 AND 2, BRICK KILN LANE, CHESTERTON. NEWCASTLE UNDER LYME BOROUGH COUNCIL. 24/00617/FUL**

## **Planning Committee - 05/11/24**

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

- (i) Standard time limit
- (ii) Approved plans
- (iii) Provision of cycle parking
- (iv) Submission of Parking and Servicing Management Plan
- (v) Hours of operation
- (vi) Development in accordance with approved Noise Management Plan

[Watch the debate here](#)

4. **APPLICATION FOR MINOR DEVELOPMENT - OPEN MARKET, HIGH STREET, NEWCASTLE-UNDER-LYME. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 24/00336/DEEM3**

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

- (i) Time limit condition
- (ii) Approved plans
- (iii) Materials
- (iv) Level of illumination

[Watch the debate here](#)

5. **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - THE CROSSWAYS (FLATS 1-3) 36 IRONMARKET, NEWCASTLE, STAFFS. ST5 1RP . 24/25004/HBG**

**Resolved:** That a Historic Building Grant of £380 be given towards repairing 4 timber windows Newcastle Town Centre Conservation Area.

[Watch the debate here](#)

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

**Resolved:**

- (i) That the information be received
- (ii) That a further report be brought to Committee in two months time

[Watch the debate here](#)

7. **URGENT BUSINESS**

There was no Urgent Business.

8. **DISCLOSURE OF EXEMPT INFORMATION**

There was no confidential business.

**Councillor Paul Northcott  
Chair**

Meeting concluded at 7.32 pm

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**9-11 LIVERPOOL ROAD, NEWCASTLE-UNDER-LYME**  
**MR G CHARALAMBOUS – GEOPAR PROPERTIES**

**22/00397/FUL**

Full planning permission is sought for the construction of 2 commercial units (Classes E(a) & E(b)) and 55 student flats with associated communal, ancillary accommodation and amenity spaces.

The site is within the Primary Shopping Area of Newcastle Town Centre as indicated on the Local Development Framework Proposals Map and adjoins Newcastle Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Quarter.

**The 13-week period for the determination of this application expired on 20<sup>th</sup> September 2022 but an extension of time has been agreed to 6<sup>th</sup> December 2024.**

**RECOMMENDATION**

**A) Subject to the applicant entering into a Section 106 obligation by agreement by 17<sup>th</sup> January 2025 to secure a financial contribution of £145,058 towards the enhancement of public open space,**

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

- i. Commencement time limit**
- ii. Approved plans**
- iii. Occupation by students only**
- iv. Construction Method Statement**
- v. Secure cycle parking**
- vi. Provision of travel packs**
- vii. Contaminated land**
- viii. Glazing and ventilation scheme**
- ix. Details of fixed mechanical ventilation or refrigeration /air conditioning plant**
- x. External lighting**
- xi. Details of boundary treatments**
- xii. Landscaping details**
- xiii. Security details**
- xiv. Details/samples of materials**

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

**Reason for Recommendation**

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

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

Amended plans and additional information have been sought and received and the proposal is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

## **Key Issues**

Full planning permission is sought for the construction of 2 commercial units fronting Liverpool Road (Classes E(a) & E(b)) and 55 student flats with associated communal, ancillary accommodation and amenity spaces.

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The site is adjacent to but not within the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Quarter.

The key issues in the determination of the application are:

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

### Is the principle of the proposed development on the site acceptable?

Two commercial units are proposed on Liverpool Road which would be either retail or café use. Both uses are defined by the NPPF as 'main town centre uses' and given that the site is within the Town Centre, the proposal accords with national policy.

In terms of the residential element, local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

The Newcastle Town Centre SPD states that encouraging mixed-use development increases the diversity of uses within a locality. As a result, such development would enhance the vitality and viability of the Town Centre by encouraging its use by a greater range of people for different purposes, possibly at different times of the day and night. This helps to strengthen the social fabric and economic viability of the Town Centre. It also has positive implications in terms of sustainable development as it encourages proximity of uses, reducing the need to travel.

This is a previously developed site in a highly sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough, including Keele University, and beyond. It is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

Development for residential purposes on this site is supported by policies of the Development Plan and it is considered that the site provides a sustainable location for additional residential development.

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

The site is not located in a conservation area, however, Newcastle Town Centre Conservation Area lies adjacent to the south-west. There are no listed buildings within the site, but the Grade II\* listed Church of St Giles lies 150m to the south of the application site.

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

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

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

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

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

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

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

A Heritage Statement that accompanies the application concludes that the proposed development is of an acceptable design, scale and massing that preserves the setting of the Conservation Area and whilst it has some adverse impact on the setting of St Giles Church, the level of harm can be offset by the introduction of a new building of high-quality design that improves the visual amenities of the area and provides new student accommodation that will contribute to the vitality of this part of the town centre.

Given that this is just a very limited incidental glimpse of the Church from Ryecroft, Officers consider that it makes such a limited contribution to the setting and significance of the Church, that there would be no harm to its setting.

Therefore, to conclude, it is not considered that there would be any adverse impact on the setting of any listed buildings or on the character of the Conservation Area.

The scheme essentially comprises three elements: the two blocks of student accommodation and the central landscaped court with the first floor of the existing Salvation Army premises forming the

enclosure to the courtyard. The Bridge Street entrance would be the principal entrance with landlord/management office space located immediately off the entrance foyer.

The development would comprise five storeys fronting Liverpool Road and three storeys to Bridge Street. Further to concerns from Officers regarding a potential 'canyoning' effect of the building and the multi-storey car park on the opposite side of Liverpool Road, the fifth storey has been significantly set back from the Liverpool Road frontage so that it has the appearance of four storeys from the road.

The architectural language would be clean and contemporary, and the materials palette would be kept to a minimum comprising predominantly brick and zinc cladding with limited elements of timber cladding. Depth to facades would be achieved through careful detailing of window reveals with a minimum of 200mm reveal depth consistently throughout the development.

It is considered that the design of the proposed scheme would be in keeping with other contemporary style buildings in the vicinity and that this high-quality development would improve the visual amenities of the area.

#### Are acceptable residential amenity levels achieved for the occupiers?

The proposed development is located within the town centre and in close proximity to the A34, a public house and two restaurants. The application is supported by a Noise Assessment and the Environmental Health Division (EHD) has no objections on noise grounds subject to the imposition of conditions.

The application is also supported by an Odour Risk Assessment in relation to the emissions from the kitchens of The Jug public house, The Peony and the Koh I Noor. For the Jug it predicted a high odour risk to the proposed development. The Odour Risk Assessment recommends that mitigation measures are implemented in relation to the kitchen ventilation system of the Jug and that the Peony and Koh I Noor are dealt with through the existing conditions that have been imposed to address the odour from these. On this basis, the EHD recommends that the applicant carries out appropriate odour mitigation works at the Jug. Such works can be required via a Grampian condition.

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

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

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

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Saved Policy T17 of the Local Plan states that development in Newcastle Town Centre within the ring road will not be permitted to provide new private parking but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. The policy identifies what such improvements may include.

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

The development would be serviced from both Bridge Street and Liverpool Road. It is proposed to retain the existing undercroft car parking area for 10 no. vehicles. The car park would provide parking for the Salvation Army premises, for staff of the proposed retail stores and staff and small service vehicles associated with the running of the student accommodation.

Although no student or retail customer parking is proposed, given the highly sustainable location of the site and the fact that the building was previously operated as a children's play centre, the proposed development would be unlikely to result in any material increase in vehicular traffic on the local highway network. The development would not have an impact on on-street parking on surrounding roads due to comprehensive on street parking restrictions already being in place.

Secure and undercover cycle parking will be provided.

The application is supported by a Transport Statement which states that the proposed development would not have a negative impact on the capacity or safety of the local road network. The Highway Authority has no objections to the proposal.

Your Officer's view is that there is a very good bus service between the town centre and Keele University Campus or Staffordshire University, and very limited parking is available to students at both Staffordshire and Keele Universities – all of which would influence students to leave any vehicle they may have at home. In addition, there is a wide range of facilities and services within a very short distance of the site that can be accessed more easily on foot than car. Such factors will encourage student occupiers to not have a vehicle.

On the basis of the above and given the previous use of the site, it is not considered that the lack of parking within the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

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

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

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

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

The Landscape Development Section (LDS) has requested a contribution of £4933 per dwelling for the studios and £5,579 per cluster for nearby public realm spaces and/or Brampton Park which is a 755m walk away. For the studios, the play area element (£512) and a proportionate amount of the maintenance contribution (£134) has been deducted from the total.

In other student developments in the Town Centre, adjustments have been made to the required contribution in recognition that the standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and that all of the student units are to be single person accommodation. The adjustment that was made was to request 2/5ths of the total for each unit.

On this basis, for this site, the contribution for each studio room is £1,947. For each of the clusters of rooms, with a reduction of the play funding element, a contribution of £4,868 is sought. This equates to a total contribution of £145,058. This is considered reasonable.

The LDS has indicated that any financial contribution that is secured could be used for nearby public realm spaces and/or Brampton Park. Given the proximity of the application site to the town centre green spaces and Brampton Park, this is considered acceptable as it would be directly related to the development.

## **APPENDIX**

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

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP2:	Spatial Principles of Economic Development
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

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

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy T17:	Parking in Town and District Centres
Policy B9:	Prevention of Harm to Conservation Areas
Policy B10:	The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B14:	Development in or Adjoining the Boundary of Conservation Areas
Policy C4:	Open Space in new housing areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

### **Other Material Considerations include:**

#### [National Planning Policy Framework](#) (2021)

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

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

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

#### [Affordable Housing SPD](#) (2009)

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

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

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

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

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

N9111	Erection of supermarket – Approved
11/00617/FUL	Change of Use from Office/Teaching Area to 1 No. 3 Bedroom self-contained flat (Class C3) – Approved
12/00194/COU	Change of use from retail (Class A1) to part seating area/refreshment/snack bar (Class A3) and part indoor play area (Class D2) – Approved

## Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding a Construction Traffic Management Plan, provision of travel packs and cycle facilities.

The **Conservation Officer** states that the site is not within the town centre Conservation Area (CA) but the frontage of Bridge Street is within, so it's close. This section of Bridge Street does not currently make any positive contribution to the CA, so an improved and active frontage is welcomed. Concerns were raised in relation to the original plans submitted regarding the height of the building, particularly on Liverpool Road. It was felt that further consideration was required of the adjacent smaller scale of buildings in the CA which would be dwarfed by the proposal and may create a tunnelling effect given the plans for the new multi-storey. The retail or non-residential use at the ground floor is welcomed.

On receipt of amended plans, concerns were raised regarding the radical changes to the Bridge St frontage given that the original scheme was preferred. The materials were queried as red brick was considered preferable and tonally the cladding on the first scheme was preferred. The attempt to reduce the impact on the Liverpool Road elevation is welcomed. Again, preference was for the original scheme and materials which linked better with the adjacent restaurant. It was less fussy with the clean brick edge on the first scheme and regular rhythm which is easy to read. The shop frontages appear simple and more lightweight on the new scheme which works better with the contemporary building.

Details of materials and solar panels should be required via condition.

The **Conservation Advisory Working Party** was pleased with the partial reduction in height but this will still be visible in longer distance views. They were happy with the salvation army building being visually separate. They welcomed the use within the town centre but felt that the appearance was still a little fussy, would prefer no metal cladding even though it was slightly simpler than the previous design. They felt that the Bridge St frontage appeared more complicated on the entrance corner now given there was general support for this elevation on the original scheme. Overall the design was trying too hard to bring variety in the elevations. Concern was expressed with the use of buff colour bricks.

Subject to a S106 Agreement to ensure the provision of odour mitigation at the Jug public house, the **Environmental Health Division** has no objections subject to conditions relating to contaminated land, an environmental management plan, glazing and ventilation scheme, details of fixed mechanical ventilation or refrigeration /air conditioning plant, external lighting and the town centre location to be emphasised to potential occupants.

The **Landscape Development Section** has no objections. A public open space contribution of £4933 per dwelling for the studios and £5,579 per cluster is sought for nearby public realm spaces and/or Brampton Park which is a 755m walk away. For the studios, the play area element (£512) and a proportionate amount of the maintenance contribution (£134) has been deducted from the total.

Staffordshire Police **Crime Prevention Design Advisor** has no concerns with the principle of the redevelopment of the site broadly along the lines proposed, although there are a number of aspects which require some clarification and/or reconsideration. A summary of the points made is as follows:

- The elimination of the covered former loading bays on Bridge Street would be a significant benefit
- Access to the undercroft area should be suitably controlled
- Stairwell to the side off Bridge Street conflicts with the presence of the lockable gate
- The recess to the side of the plant room should be gated off to deny unauthorised access
- Importance and need for a suitably robust and layered access control policy
- A well-designed and professionally installed CCTV surveillance camera system can play an important part within a multi-layered security strategy
- Security recommendations are made for the retail component of the proposals

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

#### Representations

Two representations have been received raising the following concerns:

- Impact on The Jug public house. Conditions are required to ensure adequate sound proofing and colling of the residential units.
- Lack of a coherent plan for the wider area.
- Inappropriate design.
- Ai quality issues.

#### 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/22/00397/FUL>

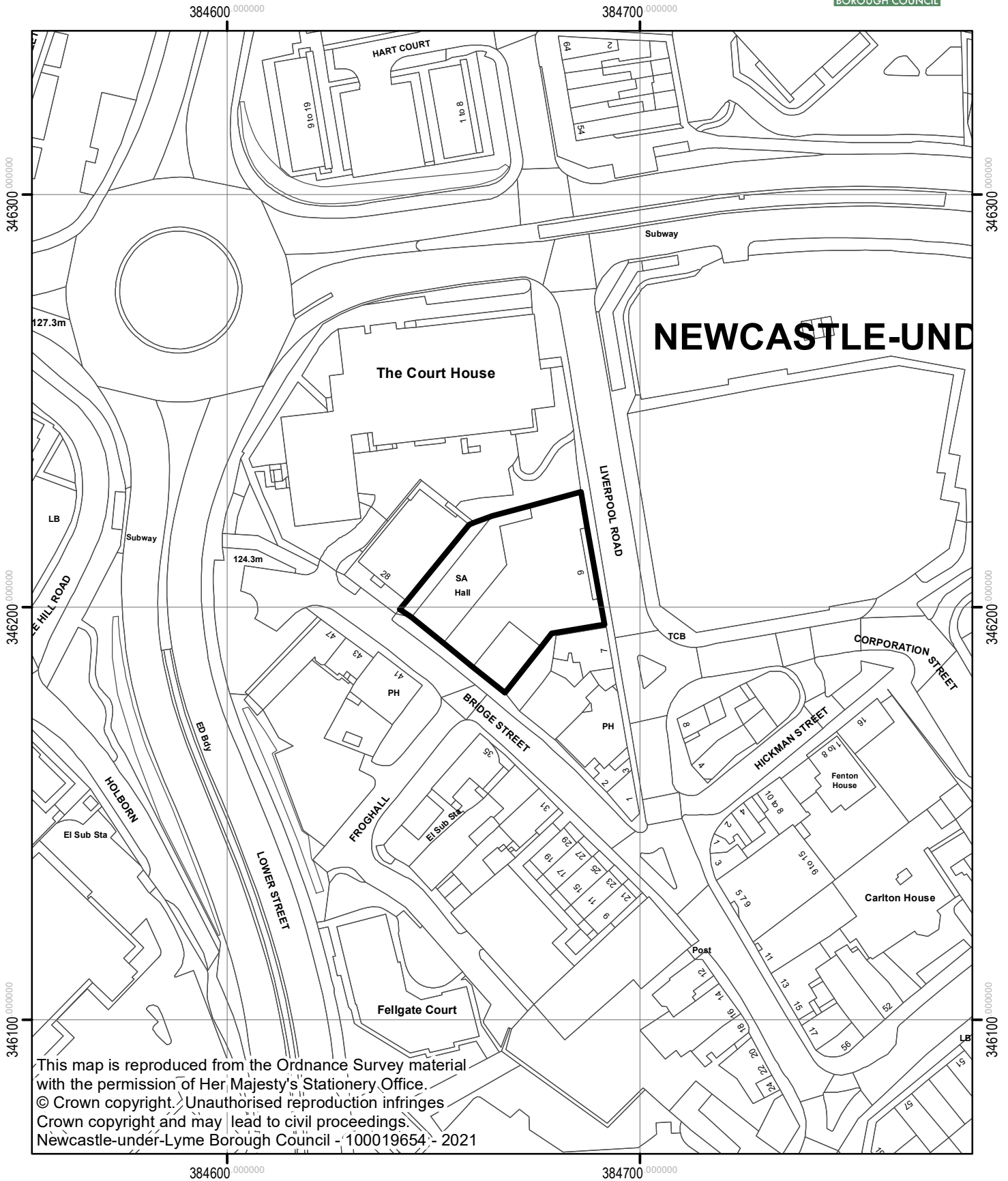
#### **Background papers**

Planning files referred to  
Planning Documents referred to

#### **Date report prepared**

19 November 2024





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Classification: NULBC UNCLASSIFIED

**LAND TO THE NORTH WEST OF BAR HILL, MADELEY**  
**LONE STAR LAND LTD AND GRAHAM WARD FARMS LTD**

**23/00979/OUT**

The application seeks outline planning permission for a residential development of up to 155 dwellings with access to be considered but all other matters reserved for subsequent approval.

The application site lies to the northwest of Bar Hill (A525), outside the village envelope of Madeley within the open countryside and on land designated as an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map.

The statutory 13-week determination period for this application expired on 19<sup>th</sup> March 2023 but the applicant has agreed an extension to the statutory determination period to the 15<sup>th</sup> December 2024.

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**RECOMMENDATIONS**

**(A) Subject to the applicant first entering into a Section 106 agreement by 31<sup>st</sup> January 2025 to secure the following:**

- £1,205,288.00 towards school spaces
- £138,968 towards primary care facilities
- £6,000 towards Travel Plan Monitoring
- 30% onsite affordable housing
- Long-term maintenance of the open space on the site

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

1. Standard time limits for submission of reserved matters and commencement of development
2. Approved plans and supporting documents
3. Reserved matters submission to comply with the principles of the Design and Access Statement
4. Drainage design
5. Visibility splays
6. Offsite highway works
7. Travel Plan
8. Construction Environment Management Plan
9. Unexpected land contamination
10. Noise mitigation measures
11. Tree and hedgerow protection measures
12. Arboricultural Method Statement
13. Archaeological investigation
14. Biodiversity and ecology enhancement measures
15. Detailed Biodiversity Net Gain Assessment and Plan
16. Approval of details of play facilities and timing of provision of open space and these facilities
17. Mineral Recovery Plan

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

**Reason for recommendations**

While the site is located beyond the village envelope of Madeley it is considered that it represents a sustainable rural location. The adverse impacts of the development, principally arising from the extension of the village into the countryside, do not significantly and demonstrably outweigh the benefits of the development. Accordingly, permission should be granted, provided the financial contributions and affordable housing indicated in the recommendation are secured. Conditions to minimise the harm are also considered appropriate.

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

The Authority has requested additional information during the consideration of the planning application to address specific concerns. Following the submission of amended and additional information, the proposal is considered to represent a sustainable form of development that would comply with the aims and objectives of the NPPF.

### **KEY ISSUES**

The application seeks outline planning permission for a residential development of up to 155 dwellings, with access to be considered as part of the proposal but all other matters reserved for subsequent approval.

The application site lies to the north of the A525, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site does not lie within the Green Belt.

The main issues for consideration in the determination of this full planning application are:-

- Principle of residential development,
- Landscape and visual impacts,
- Highway safety,
- Landscape and open space,
- Ecology and biodiversity,
- Affordable housing,
- Residential amenity,
- Flood risk and drainage,
- Agricultural land,
- Planning obligations,
- Planning balance.

### **Is the principle of residential development on the site acceptable?**

The application site comprises greenfield land that is located beyond, but adjacent to, the defined village envelope for Madeley.

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

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

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

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

Policy HOU1 of the Madeley Neighbourhood Plan (MNP) states that new housing development will be supported within the village envelope of Madeley Village and Madeley Heath, as defined in the Neighbourhood Plan.

The Final Draft Local Plan (Regulation 19) has now finished its consultation period and the LPA are now considering the representation received before submitting the final draft plan. The Local Plan sets the vision and framework for how the Borough will grow up to 2040. The Local Plan, once adopted, will set out targets for the number of jobs and homes to be delivered in the Borough and an overarching spatial strategy to guide development to sustainable locations. The final draft Local Plan includes a number of draft allocations, which includes this site for 150 dwellings. Given that the Local Plan is not yet adopted and that there are objections to housing allocations within it, then the Plan should be afforded limited to moderate weight in decision taking (in line with paragraph 48 of the National Planning Policy Framework).

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

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

(Para 11(d))

The Council's five-year housing land supply position is that it is able to demonstrate a housing land supply of 5.26 years. Therefore, the Council is currently able to demonstrate an appropriate supply of specific, deliverable housing sites.

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

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

While the Neighbourhood Plan conforms with criteria a) of paragraph 14, it does not contain any policies for housing allocations to meet its identified housing requirement. Although NP Policy HOU1 is relevant to housing, it in itself does not allocate housing to any particular site, rather it is a restrictive condition to ensure that development isn't built outside of the village envelope of the settlement. Given the above, paragraph 14 cannot be applied here.

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

In *Paul Newman New Homes Ltd v SSHCLG & Aylesbury Vale DC* [2019] EWHC 2367 (Admin) the judgement looks at how decision makers should assess whether "the policies which are most important for determining the application are out-of-date". It states that the first

step is to identify the “basket of policies from the development plan which constitute those most important for determining the application”. The second task is to “decide whether that basket, viewed overall, is out of date”. The basket of policies can be out of date for reasons set out in the NPPF to do with housing supply and delivery, but also if (as a matter of planning judgement) the basket of policies has been overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason.

The basket of policies from the development plan most important for determining this application are considered to be LP Policy H1, CSS Policies SP1 and ASP6 and Policy HOU1 of the MNP. As stated above, it has been accepted that the LP and CSS policies are out of date. The MNP was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6. This change in the local planning context has a bearing on the weight to be applied to the Neighbourhood Plan policies and therefore it is considered reasonable to conclude that the ‘basket of policies’ overall, is out of date.

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

In sustainability terms, although the site is outside the village envelope of Madeley, the village is considered to represent a relatively sustainable location. It has a two primary schools, a secondary school, and a selection of retail and food outlets. There are also two churches within the village, and a football club on the outskirts of the village.

There is a bus service that runs through the village linking to the towns of Newcastle and Crewe. The timetable, correct as of the August 2024 shows that there is hourly service to both Newcastle and Crewe which runs on Monday to Saturday however there are no services running on Sundays.

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

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

Although this site is outside the village envelope, it would still be close to existing facilities. It is located approximately 560m from the village centre. Manual for Streets advises that walkable neighbourhoods are typically characterised as having facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. This, in addition to the level of services provided within the existing village centre means that there is a good level of facilities available for the day to day needs of prospective residents of the development site.

A Travel Plan has been prepared to reinforce the alternative modes of transport available. It sets out a package of measures which are designed to increase the use of sustainable modes of transport and minimise single-occupancy car journeys. This includes making residents

aware of cycle, bus and walking routes, providing electric charging points and secure cycle parking.

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

Paragraph 8 of the NPPF states that there are three overarching objectives to achieving sustainable development: economic, social and environmental. The applicant considers that this scheme would deliver these objectives. It is agreed that the economic, social and environmental factors referred to by the applicant are valid. In particular it is the case that the development would fulfil a social role by delivering a mix of market housing and affordable housing.

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

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

#### The design and the 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.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

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

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



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

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

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

NLP Policy N20 states that within an Area of Landscape Enhancement the Council will support, subject to other plan policies, proposals that will enhance the character and quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The application site covers 8.65ha of arable farmland. The site's eastern and western boundary are made up of an established tree line and the northern boundary is a mature hedgerow with some small trees. The southern boundary is made up of a mixture of trees, hedges and boundary treatments which make up the rear gardens of properties that are located on Bar Hill. Agricultural fields make up the surrounding land uses to the west and north whilst a railway line is located to the east.

Although residential properties of varying scales and character are located to the south of the site and to the east beyond the railway line, the nature and character of the land is open agricultural land which clearly goes beyond the existing the settlement boundary of Madeley.

A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application. The LVIA states that the existing green infrastructure, particularly the linear vegetation along the railway line and the pronounced landform of Bar Hill, provides an effective screen to views from the wider landscape. In respect of nearer distances, it is acknowledged that there is a Public Right of Way which runs close to the site however there is variation in the extent of views available due to the site being screened by localised topography and vegetation.

In terms of landscape impacts, the LVIA summarises that overall, the proposed development would result in only limited effects on local visual amenity, with notable effects limited to locations on or immediately adjacent to the site, and some very limited visual effects from locations further from the site.

Objections from local residents have raised a number of concerns about the harm of the proposed development to the landscape, and the loss of open countryside which adds to the character of the settlement.

Although an indicative layout has been submitted to show how the site may be developed, layout, scale and appearance arrangements are matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail or consider the layout submitted. Notwithstanding this, the layout shows that the proposed dwellings can sit comfortably within the site with an acceptable level of off-street car parking, turning areas and private rear garden areas without appearing as overdevelopment.

The proposed development was presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF, and the applicants have shown on the indicative layout an approach in line with the comments received from the DRP, which is a positive and well-received approach to design and place making.

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

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

The density of the overall site when including the open space would be 18 dwellings per hectare. Your Officer's view is that given the location of the site, the density of the proposed scheme is appropriate. There is a mix of dwelling sizes and styles in the area and the lower density of development being pursued here is considered to be the most appropriate given the edge of village location of the site and characteristics of the wider landscape. The proposed houses would be set back from the highway of Bar Hill ensuring that the new built development would not be intrusive or overbearing when viewed in context with the existing street scene.

The provision of strong green infrastructure throughout the site ensures that the development scheme would provide a strong transition between the rural landscape and the built development at the edge of the village. In addition, the development would not be seen in total isolation from other existing built development within the area due to the row of existing properties which are located on the northern edge of Bar Hill.

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

The impact of the development on highway safety

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

A number of objections have been raised by local residents regarding highway safety matters, particularly in relation to on street parking and potential vehicle conflict along Bar Hill.

The main vehicular access to the site would be from Bar Hill and would comprise of a simple priority T-junction with a carriageway width of 5.5m. Additionally, 2m footways would be provided on both sides. Details submitted with the application demonstrate that appropriate visibility splays can be achieved. The site would also be connected to the main part of Madeley via a pedestrian level crossing in the northeast corner of the site which leads onto Moss Lane.

At the request of the Highway Authority (HA) an updated capacity assessment has been undertaken at the site access which forecasts that the majority of vehicle movements would be directed towards the east in the direction of the main part of Madeley.

The Transport Statement submitted with the application concludes that the critical junctions will not be adversely affected in terms of capacity and therefore would not warrant mitigation.

The HA has confirmed that they agree with the findings of the Statement in that the proposed priority junction arrangement is adequate to support the scale of development in capacity terms. It should also be noted that a speed reduction scheme with enhanced village gateway features has been proposed to support the proposed access arrangement design to address highway safety concerns which is welcomed by the HA.

The proposal has also demonstrated that safe and suitable pedestrian/cycle/wheeling routes via Bower End Lane, Moss Lane and the public right of way network are available (subject to improvement works) between the site and amenities and facilities in Madeley village to accommodate and encourage sustainable journeys in accordance with the NPPF. Promotion of sustainable travel will also be encouraged via the submitted Residential Travel Plan.

Following the submission of additional details, the HA has confirmed that they have no objections to the proposal subject to a number of conditions and subject to a section 106 agreement to secure travel plan monitoring. Therefore, whilst the concerns of residents are noted, in the absence of any objections from the HA, it is not considered that a refusal on highways grounds could be sustained.

### Landscape and Open Space

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

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

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

Within the development there would be the provision of 3.5ha of open space which is comprised of a mix of areas of amenity green space, a local area of play (LAP), a Locally Equipped Area of Play (LEAP), and landscape strips along the boundaries of the site.

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

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

The development would make a successful contribution in the creation of healthy lifestyles for occupants of the proposed development as well as existing residents within the village. For the reasons outlined above, the proposals are considered to accord with development plan policy the guidance set out within the NPPF.

### Ecology and Biodiversity

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

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

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

should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

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

The site is largely comprised of an open agricultural field that is of limited ecological value and is not subject to any ecological designations, however a number of mature trees and hedgerows make up the sites boundaries which are of ecological importance.

A number of objections have been received from residents regarding the impact of the proposal on ecology and habitats.

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

The LPA consulted with Natural England, the County Ecologist and Staffordshire Wildlife Trust as part of the application process but received no comments.

The Appraisal notes that the presence of bat roosts has not been identified as a constraint to the development, and the removal of the minor length of a hedgerow in order to facilitate a PRoW linkage within the north-eastern corner of the site is unlikely to impact the habits of commuting and foraging bats along this part of the site.

In relation to protected birds, the EA states that given the low numbers of species utilising this habitat and the abundance of similar habitat in the immediate surrounding, it is considered that the effects of habitat loss will have a minor adverse impact on the species associated with this habitat.

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

The Ecological Appraisal sets out a number of mitigation and enhancement measures such as a sensitive lighting scheme, tree protection measures, bat box provision and planting. The conclusions of the EA are that subject to the enhancement measures suggested, the development would lead to negligible impact on local species and habitats and would provide minor beneficial impact on the common and widespread generalist species that are tolerant of a high level of anthropogenic disturbance.

With regards to Biodiversity Net Gain, as this application was made prior to the legislation being made mandatory on the 12<sup>th</sup> February 2024, the Local Planning Authority cannot impose a mandatory requirement for BNG on the site. However, the applicant has submitted with the application a feasibility stage BNG assessment. This has concluded that based on the indicative masterplan layout and the features of the site it will be possible to provide a 31% net gain on site. Any reserved matters application shall include a detailed BNG Design Stage Assessment which will include detailed landscaping proposals and a 30-year habitat management plan.

Subject to the imposition of conditions requiring appropriate mitigation and enhancement, it is not considered that an objection could be sustained on the grounds of ecological impact. For

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

### Affordable Housing

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

The proposed scheme would provide 30% affordable housing on site which is above the level required by policy. This would equate to 47 units which would then be split into affordable rent and intermediate housing (shared ownership). The supporting documentation also indicates that the affordable housing would be 'pepper-potted' around the site.

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

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 30% affordable housing and therefore meets the requirements of policy CSP6.

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

### Residential Amenity

Paragraph 180 of the NPPF advises that, planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

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

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

The application is supported by an Air Quality Assessment which concludes that the impact of the development on local air quality is predicted to be 'negligible'.

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

A Noise and Vibration Assessment has also been submitted which indicates that acceptable external and internal sound levels would be achieved.

Further to the above, the Environmental Health Division note that there are shooting events in the area which are not considered in the acoustic report, however officers consider that it would be difficult to resist the proposal on this reason alone. The EH team also note that if acoustic screening is positioned to mitigate the noise from the rail line then this will need to be carefully considered to ensure that reflection of the noise does not result in an adverse impact to other properties within the area/on the opposite side of the railway tracks and that any permission should be subject to a Construction Environmental Management Plan.

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

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

### Flood Risk and Drainage

NPPF Paragraph 173 outlines that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The site lies in Flood Zone 1 which is land/property with the lowest risk of flooding, however the adjacent railway line which falls outside of the site boundary lies within flood zone 2.

The application is accompanied by a Flood Risk Assessment and Drainage Strategy (FRADS) which has been updated in line with the requirements of the Lead Local Flood Authority and Network Rail.

The proposed drainage strategy for the site demonstrates a surface water outfall to the Bar Hill Wildlife Haven to the south-east of the development site. This Haven outfalls to existing land drainage that conveys surface water north towards a Network Rail culvert flowing beneath the main railway line on the site's eastern boundary. The applicant has stated that this arrangement is acceptable to the owner of the Wildlife Haven and Network Rail have agreed to the discharge of surface water through the culvert asset under their ownership subject to drainage conditions.

The site would rely on the conveyance of surface water into a piped, gravity-based drainage system, however, a central swale system is also shown in the drainage layout for the conveyance of surface water generated by areas of the proposed development. In addition to the above a dry swale is proposed along the south-western and western development boundaries to convey surface water around the boundary of the development and a land drain/filter drain is specified along the northern boundary to capture surface water generated by the land upstream of the development and to intercept any runoff during heavy rainfall.

Infiltration testing at the site suggests that partial discharges of surface water may be feasible to ground and the opportunity to discharge via infiltration SuDS and source control shall be explored in the detailed design stage, particularly for the upper catchments which are furthest away from NR Infrastructure. The detailed design shall include the use of features to recycle and re-use surface water (water butts and rainfall gardens) and to promote source control and initial treatment (permeable paving, tree pits and/or bio retention areas).

In considering this proposed arrangement, the Lead Local Flood Authority and National Rail have no objections to the application subject to pre-commencement conditions being attached

to any permission granted, to ensure that the full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk occurs during the construction phase.

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

### Agricultural Land Quality

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

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

The Agricultural Land Classification Assessment (ALCA) submitted with the application identifies that the site contains 2.6ha of Grade 3a, 'Good' quality agricultural land. Consequently, the development results in a loss of approximately 2.6ha of the Best and Most Versatile Agricultural Land (BMVAL).

The ALCA identifies that the land climate of the land is not a limitation to production in this instance. The ALCA goes on to detail that the wetness associated with the site is the main limitation associated with the site.

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

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

The site forms part of Netherset Hey Farm and the land associated with the agricultural holding has another 750 acres of associated agricultural land which is located approximately three quarters of a mile away from the application site. The separation between the two areas of land is not ideal in terms of practicality as the farming of the land required tractors and cattle to be moved through central Madeley. Originally, the application site was part of a 45-acre block part of which was compulsorily purchased by HS2.

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

### Planning Obligations

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



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

Financial contributions have been requested from the following consultees;

- The integrated Care Board have requested a financial contribution of £138,968 towards primary care facilities.
- The Education Authority have requested a financial contribution of £1,205,288.00 towards the provision of additional school spaces.
- The Highway Authority have requested a contribution of £6,000 toward travel plan monitoring which will be secured by a S106 agreement.

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

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

#### Planning Balance

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

The provision of 155 houses on the site would make a substantial contribution towards the Borough's housing land supply, particularly in the context of a development plan that is not up to date in terms of housing need. In addition, the application would provide 30% affordable housing on site, a provision that is above the policy compliant level of 25%. This would again make a significant contribution towards the provision of affordable housing within the Borough.

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

The allocation of the site in the draft Local Plan can also be afforded limited to moderate weight in favour of the proposal.

Now turning to the harms of the development. It is accepted that the proposal would erode part of the open countryside and would have some localised visual harm. There is also the loss of BMVAL as a result of the proposals, however, it is clear from the evidence provided that the loss of the land subject to this application would not make the land within the reimagining holding unviable and unproductive. Therefore, only limited weight is attached to the loss on this occasion.

The aforementioned harms are acknowledged, however it is considered that the benefits of the scheme, most notably the contribution to local market and affordable housing needs are substantial benefits and these harms, on this occasion, are not sufficient to significantly and demonstrably outweigh the identified benefits of the scheme. On this basis planning

permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are imposed, as recommended.

### Reducing Inequalities

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

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

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

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

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

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

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 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 N12: Development and the Protection of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N20: Areas of Landscape Enhancement  
Policy C4: Open Space in New Housing Areas  
Policy IM1: Provision of Essential supporting Infrastructure

#### Madeley Neighbourhood Plan

Policy HOU1: Housing Development  
Policy HOU2: Housing Mix  
Policy DES1: Design  
Policy NE1: Natural Environment  
Policy TRA1: Critical Road Junctions

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

National Planning Policy Framework (2023)

Planning Practice Guidance (March 2019, as updated)

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)

Relevant Planning History

None

Views of Consultees

**Active Travel England** states that its standing advice should be applied in the assessment of the application.

**Staffordshire And Stoke-on-Trent Integrated Care Board** request a payment of £138,968 which would be targeted towards supporting the future development/adaptation/expansion of primary care facilities.

**Staffordshire Flood Team** raise no objections to the proposal, subject to a condition requiring the submission of a final detailed surface water drainage design.

**Network Rail** have confirmed that they raise no objections to the proposal in principle but would require the developer to comply with drainage conditions.

The **Highway Authority** raises no objections subject to the following conditions:

- Technical details of all alignment of all roads, footpaths, and cycleways as well as lighting, signage and road markings, and boundary treatments.
- Visibility splays to be completed in accordance with submitted details
- Highways improvements plan relating to footway and cycle routes
- Works to be completed in accordance with the submitted Travel Plan
- Submission of a CEMP

A financial contribution of £6000 is requested towards residential travel plan monitoring.

**Madeley Parish Council** object to the proposal on the grounds that it conflicts with policies HOU1, DES1, NE1 and TRA1 of the Neighbourhood Plan.

The **Landscape Development Section** raise no objections to the proposal subject to conditions which relate to the submission of a finalised tree protection plan and arboricultural impact assessment. A LAP/LEAP is required on site to the Fields in Trust minimum requirements for the two facilities, open space is required to a minimum of 0.62ha and a management agreement should be provided for the ongoing management / maintenance of the open spaces on the site.

The **Environmental Health Division** note that there are shooting events in the area which are not considered in the acoustic report. If acoustic screening is positioned to mitigate the noise from the rail line then this will need to be carefully considered to ensure that reflection of the noise does not result in an adverse impact to other properties within the area/on the opposite side of the railway tracks. Any permission should be subject to a Construction Environmental Management Plan.

The **Education Authority** states that the proposed development falls within the catchments of Sir John Offley CE (VC) Primary School/The Meadows Primary School and Madeley High School. The development is expected to generate 33 primary school pupils and 23 secondary school pupils. An education contribution of £1,205,288.00 (index linked from the date of this response) to be sought from the developer to mitigate the impact on education from the development.

The **County Minerals Officer** raises no objections to the proposal subject to a condition requiring that a Mineral Recovery Plan is secured via a condition.

The **County Archaeologist** raises no objections to the proposal subject to a written scheme of archaeological investigation being secured via a condition.

**Staffordshire Police Designing Out Crime Officer** has no issues in principle with the scheme but provides advice on a number of safety and security measures.

The **Public Rights of Way Officer** notes that if any public right of way needs diverting as part of these proposals the developer must apply to divert the public rights of way to allow the development to commence.

**United Utilities** raise no objections to the proposal subject to a condition requiring the submission of a surface water drainage strategy.

Comments were also invited from **Staffordshire Wildlife Trust, Cadent, the County Ecologist, the Environment Agency, Staffordshire Badger Conservation Group, Severn Trent Water, Woodland Trust** and the **Waste Services** Team. In the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

#### Representations

Fifty two (52) letters of representation have been received raising objections on the following grounds;

- Loss of greenfield land,
- Lack of facilities and infrastructure within the village,
- The proposal would detract from the village environment,
- Safety of access and egress,
- Increased volume of traffic on surrounding road network,
- Flooding and drainage concerns,
- Loss of natural habitats
- Precedent for future development
- Conflict with housing policies set out in the Neighbourhood Plan
- Loss of trees
- Lack of public notices
- Loss of Green Belt land
- Noise impact
- Impact on air quality
- Swift boxes should be controlled via a condition

#### Applicant/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/23/00979/FOUT>

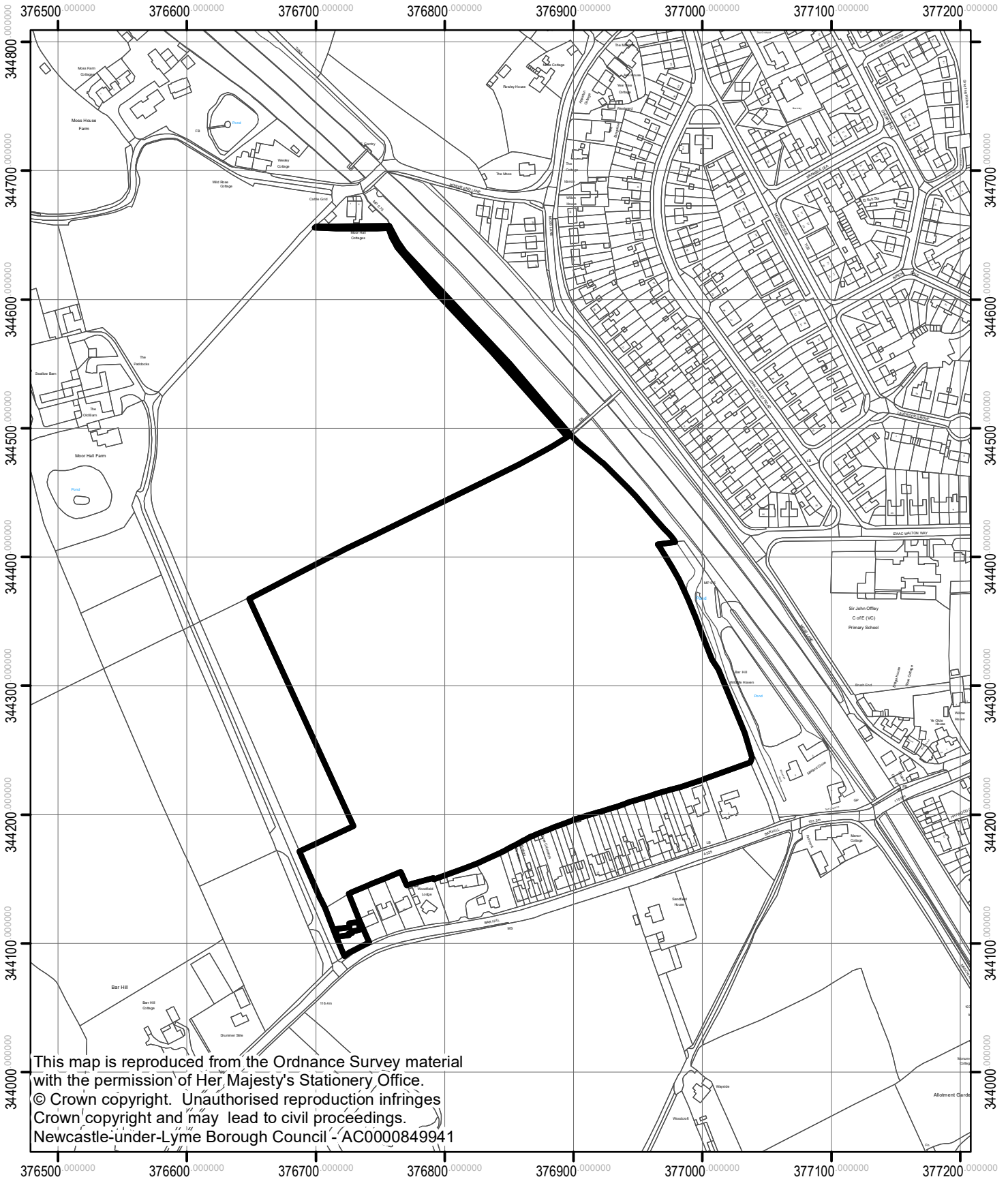
#### Background Papers

Planning File  
Development Plan

Date report prepared

15<sup>th</sup> November 2024

**23/00979/OUT**  
**Land To The North**  
**West Of Bar Hill**  
**Madeley**



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**Newcastle Borough Council**

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**LAND AT BATH ROAD, SILVERDALE**  
**DURATA DEVELOPMENT LTD**

**24/00101/FUL**

The application seeks full planning permission for the construction of 14 dwellings, the formation of open space, hard and soft landscaping, provision of access and associated engineering work at land at Bath Road, Silverdale.

The application site is located within the urban area of Silverdale, as indicated on the Local Development Framework Proposals Map. The site is also located within a High Risk Coal Mining Area.

The 13-week period for the determination of this application expired on 13<sup>th</sup> August 2024 but an extension of time has been agreed to 5<sup>th</sup> December 2024.

**RECOMMENDATION**

**(A) Subject to the applicant entering into a Section 106 obligation by 31<sup>st</sup> January 2025 to secure the provision of off-site Biodiversity Net Gain on an alternative site within the borough,**

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

1. Time limit
2. Approved plans
3. Materials, boundary treatment and hard surfacing details
4. Landscaping scheme
5. Hours of construction
6. Construction management plan
7. Access, parking, turning areas and relocated lighting columns in accordance with submitted plans
8. Reinstatement of footway
9. Visibility splays
10. Relocation of bus stop
11. Tree protection
12. Levels
13. Contamination
14. Recommendations of Preliminary Ecology Appraisal
15. Installation of bat boxes
16. Remedial stabilisation works
17. Drainage details

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

**Reason for Recommendation**

The site provides a highly sustainable location for residential development. The design and layout would integrate well with the established character of the surrounding area and subject to conditions, the proposal raises no issues of highway safety, impact on residential amenity, trees or ecology.

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

Amended plans and additional information have been sought and received and the proposal is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

**KEY ISSUES**

The application seeks full planning permission for the construction of 14 dwellings, formation of open space, hard and soft landscaping, provision of access and associated engineering work. The application site is situated at the corner of the junction of Cheddar Drive with Bath Road, Silverdale.

The application site is located within the urban area of Silverdale, as indicated by the Local Development Framework Proposals Map.

The main issues in the consideration of the application are:

- The principle of the development,
- Design and impact on the character and form of the area,
- Residential amenity,
- Parking and impact on highway safety,
- Impact on trees,
- Ecology and Biodiversity Net Gain,
- Financial Contributions.

### **The principle of the development**

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

The application site is located within the urban area of the borough. It is considered to represent a sustainable location for new residential development where occupants of the proposed dwellings would have good access to a variety of services and facilities as well as public transport links and suitable pedestrian and cycle routes. In addition, the site would make use of a previously developed site, an approach considered to be a highly sustainable and appropriate way to obtain new development. Therefore, the principle of residential development in this location is considered to be acceptable.

Concerns have been raised in relation to the loss of the former retail/commercial units that occupied the now vacant buildings fronting onto Bath Road. The application site is not located within a district centre whereby retail development is protected by policy. The closure of the retail units, even prior to this application being made to the Local Planning Authority, is beyond the control of the Council and there is nothing within the Development Plan or NPPF that would stipulate that in policy terms, there would be a need to provide replacement units.

The applicant has also responded to these concerns raised through the preparation of a supporting note. This details that the applicant has, as part of the design process, explored the option of providing one retail unit on site, but that there is currently no interest for this. However, they have expressed that the design of the scheme allows for flexibility through the incorporation of the two split level apartments which, should interest from a commercial entity come forward post planning, the position could be reconsidered. This is subject to a separate planning application process, and so cannot be afforded any weight in the consideration of this proposal.

The submitted Planning Statement and Transport Statement, highlight that the site is located within walking distance of Silverdale district centre making it a sustainable and accessible location. The existing 'One Stop' convenience store located off the High Street is 1km (0.6miles) from the site, which is approximately 16 minutes' walk away, enabling future residents of the site and existing residents of the Park Side estate the opportunity to pick up everyday essentials within walking distance. This

distance is in accordance with the Institution of Highways and Transportation Guidance “Guidelines for Providing Journeys on Foot”. Further afield, the shops and amenities located at the Parade in Silverdale are 1.2km (0.8miles), approximately 21 minutes’ walk, from the site. There are several shops located on the Parade including a Co-operative food store, chemist, and post office which are easily accessible via foot.

In addition to the services and facilities available within Silverdale, the site is also located on a convenient bus route with regular services (No. 1 and No. 1A) passing the site and providing both future and existing residents with the opportunities to travel into Newcastle Town Centre and further afield. It is also noted that these bus routes pass the ‘One Stop’ convenience store and the Parade. The existing bus stops are located along Bath Road with the northbound stop currently located immediately outside the site is proposed to be relocated approximately 45 metres to the north between Cheddar Drive and the access to the nearby car park. The relocation of this bus stop has been accepted by the Local Highway Authority and will be secured by condition.

#### Design and impact on the character and form of the area

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

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

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

The development site comprises approximately 0.26 hectares of land that is largely rectangular in shape and is positioned at the junction of Cheddar Drive with Bath Road. Currently there are four, two-storey semi-detached buildings but these are vacant. The last use saw the first floor of these buildings used for residential purposes, and the ground floor as commercial/retail space. To the rear of these buildings is an area of vacant, previously developed land that was historically host to a children’s play area and which would be incorporated into the scheme.

The site slopes notably down from west to east, with a total level change of approximately 6m. Along the frontage of the site on Bath Road there is currently a deep grassed area of highway verge that is interspersed with the stepped entrances to the vacant buildings.

In terms of wider development, the surrounding area is comprised largely of traditional two storey terraced and semi-detached properties. There is a public car park sited directly north of the site and to the south and southwest is an area of Public Open Space known as Ilkley Place.

The development would result in the construction of 14 dwellings. It would be split into two blocks of housing with one row fronting directly onto Bath Road and then directly behind these dwellings would be a further 6 properties that would be accessed via a new private drive created off Cheddar Drive. This layout and arrangement allow for an active frontage to be retained on Bath Road and is respectful to the existing built form and layout of surrounding properties. In addition, it achieves back-to-back gardens, and design standards considered to be appropriate in terms of design quality and living standards. Whilst the layout would mean that the development would not achieve an active frontage onto Cheddar Drive, the side facing gables of the buildings along this part of the site have all incorporated acceptable levels of fenestration and brickwork detailing to add architectural interest to these elevations. Therefore, the scale and layout of the development is considered to be acceptable.

All of the dwellings are two storeys in height and would be constructed from traditional tile and brickwork, with a gabled roof arrangement used throughout all of the dwellings. The design of the dwellings has

also responded positively to the level constraints of the site though the provision of split levels internally within the building, a design choice that was welcomed by the independent Design Review Panel that considered the scheme prior to its formal submission.

The material palette for the development would include the use of concrete roof tiles and a mixture of red brick types throughout the dwellings to provide some areas of contrasting brickwork for architectural detailing and interest. These materials would integrate well with the established character of the surrounding area and a condition can be attached to any permission granted to secure full and precise details of the materials to be used.

Concerns had been raised by officers during the pre-application stage about the loss of the deep, grassed highway verge and its replacement with parking. As existing this element provides a welcome visual break to what is otherwise a heavily built up and developed area. From the pre-application stage to submission the applicant has taken on board these comments and addressed the parking layout to provide greater opportunities for soft landscaping and the latest landscaping plan incorporates trees and planting on each exposed frontage that would go some way to softening the appearance particularly when viewed travelling southwards along Bath Road. As a result, the scheme on this basis is considered to be acceptable.

#### 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.

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

There would be no breach of the guidance contained within the SPG in relation to the separation distances between the proposed dwellings and the existing dwellings along both Cheddar Drive and Bath Road.

Each of the semi-detached dwellings would have a suitably sized garden and with appropriate separation distances between principal windows. A shared private communal garden space is also proposed for use by the occupants of the flats which is considered to be an appropriate addition to the scheme.

Comments from Silverdale Parish Council consider that one of the two new flats proposed does not comply with the National Space Standards. The flats are both stated as 2-bedroom, 3 person flats for which the national space standard recommends an internal floor area of 61 square metres. One of the flats has an internal area of 61 square metres, the other, the ground floor unit would be 56 square metres which is below the recommended standard. It must be noted however that these standards are recommended levels of floor area, and this policy does not form part of the development plan for the Authority and so is of limited weight. Notwithstanding this, the flat only falls short of the recommended standards by 5 square metres. The principal rooms are of a suitable size and scale and have sufficient means of outlook and ventilation and so such a shortfall is not considered to be harmful to the amenity or living conditions of future occupants of this flat.

Further concerns have been raised by Silverdale Parish Council in relation to the internal layout of the proposed dwellings, notably the siting of a downstairs WC which is accessed from the living/dining room. The comments note that the ideal is to have a separating lobby for privacy when accessing the toilet. Whilst these comments are noted, there is nothing within policies of the development plan, NPPF or supporting supplementary information that stipulates where the provision of WC facilities should be located within a dwelling. This would be a matter for building regulations and as such, this issue is not considered to be sustainable as grounds for refusal of the scheme.

In light of the above it is considered that the development would be capable of providing an acceptable level of amenity to the occupants of the proposed dwellings whilst also having an acceptable level of impact on those in neighbouring dwellings.

### Parking and impact on highway safety

Paragraph 114 of the NPPF states that, amongst other points, development should provide a safe and suitable access to the site for all users.

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.

The application would create 14 residential dwellings comprised of 12 two-bedroom dwellings and 2 two-bedroom flats. The first block of properties would have vehicular access and frontage parking directly from Bath Road, whilst the second block of dwellings would be served by a new point of access and private drive off Cheddar Drive.

A total of 21 parking space are provided across the development. This would be a shortfall of 7 parking spaces below the maximum parking standards that are recommended within the Local Plan.

The Highway Authority notes the shortfall in spaces but refers to the fact that the parking standards outlined within the Local Plan are maximum standards. They consider that given the sustainable location of the site and close proximity of a public car park on Cheddar Drive that on this occasion such a shortfall is acceptable. Your officers agree with this assessment.

In order to facilitate access to the frontages of the dwellings on Bath Road, an existing bus stop and two lighting columns would have to be relocated. The latter would be dealt with by an agreement with Staffordshire County Council, however the HA have confirmed that the proposed relocation of the bus stop to the north of the site, adjacent to the public car park on Bath Road, is acceptable.

The HA have also confirmed that the access and visibility from the access on both Bath Road and Cheddar Drive are acceptable, as are the proposals to widen the footways on the approach to both points of access.

Whilst the comments of Silverdale Parish Council are noted in terms of securing one additional parking space, in light of the comments received from the Highway Authority together with the sustainable location of the site it is not considered that such a change is necessary. In addition, the NPPF only advises that applications should be refused on highway safety grounds if the development would have an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe. The shortfall of parking spaces does not, on this occasion, result in unacceptable impacts to the highway network.

Therefore, subject to conditions, the proposed development is considered to be acceptable from a highway safety perspective and so accords with the provisions of the development plan as well as the aims and objectives of the NPPF.

### Impact on Trees

Policy N12 of the Local Plan details that the Council will resist development that would involve the removal of any visually significant tree unless the need for development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting and design. It also details that where trees are to be lost through development then replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

An Arboricultural Report has been submitted alongside the application. This indicates that 6 trees would need to be removed in order to accommodate the development including 6 Category C trees (T1, T12 and T14-T17) and 2 category B trees (T13).

The loss of the category C trees, given their low amenity value and quality, is not considered to have a harmful impact on the character and appearance of the wider landscape. However, the removal of the category B trees is an unfortunate loss from the site.

The application documents stipulate however that new trees would be planted along the frontage of Bath Road to help to offset and mitigate the loss of these trees. In addition, further shrubs and amenity planting is proposed on the corner of Bath Road and Cheddar Drive and along the frontage shared with Cheddar Drive which would help to further soften and mitigate the impacts of the built development. The redevelopment of the site on the whole would be an improvement to the appearance of the wider landscape and the level of replacement planting is considered to be suitable.

The Arboricultural Report also includes a Tree Protection Plan which identifies suitable levels of protection can be achieved and also that areas of special construction will be required within the Root Protection Areas of T18 and T1, all of which can be secured by condition.

The Landscape Development Section raises no objections to the proposal subject to the tree protection measures being implemented and the submission of details of existing and proposed levels. Whilst there is some encroachment into the RPA of some of the retained trees, the LDS accepts that the special engineering measures as shown would mitigate any potential damage to the rooting areas of these trees.

Therefore, in light of the above, and subject to appropriately worded conditions, it is not considered that the proposed development would have an unacceptable impact on trees or the visual amenities of the area.

#### Ecology and Biodiversity Net Gain

Saved Policy N3 of the Local Plan states that development proposals will be expected to avoid or minimise any adverse effects and, where appropriate, to seek to enhance the natural heritage of the Borough. This includes measures to retain habitats/features of nature conservation and protect them from adverse impacts and to replace habitats/features on at least an equivalent scale where the Council agrees that the loss of wildlife habitats cannot be avoided.

The application is accompanied by a Preliminary Ecological Appraisal (PEA). This details that in terms of habitats, 60% of the site consists of building and hard-standing ground with the remaining 40% comprising scrubland that has become established during the last ten years. The site is of limited value to support wildlife.

The assessment makes a number of recommendations to safeguard birds as well as bats, given that the buildings to be demolished are of roosting potential for bats. An additional bat and bird survey report has been undertaken which did identify that bats are roosting within the buildings. Therefore the applicant has confirmed that prior to the demolition of any buildings, a Natural England Development license will be needed to legally carry out the mitigation and compensation measures. This process is separate to the planning process and is protected by a separate area of legislation. However, the mitigation measures that are recommended following the granting of any license can be appropriately secured by condition and this includes detail regarding time avoidance; toolbox talks; soft demolition and the installation of bat boxes. No evidence of nesting birds was identified but recommendations are made in terms of development during birds nesting season.

The PEA also recommends a number of landscaping enhancement measures which would be incorporated into a landscaping scheme which has been taken on board by the applicant and incorporated into the landscaping strategy.

Now turning to the requirements for Biodiversity Net Gain (BNG).

Where possible, biodiversity net gain should be provided for wholly within the boundary of the site requiring planning permission and follow the principles of the mitigation hierarchy set out in national guidance where biodiversity impact is an issue.

It is recognised that due to the nature of the development site and the dwellings and hard landscaping involved, the required BNG cannot be achieved on site. The applicant does however have another application currently submitted within Silverdale (Ref. 24/00231/FUL) and will factor the BNG requirements associated with this application into the landscaping and additional enhancements for that scheme. This would secure the required BNG uplift and could be secured by a S106 agreement.

### Financial Contributions

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

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

The Landscape Development Section have requested a financial contribution of £78,106 for off-site Public Open Space improvements to be used at Ilkley Place Play Area (adjacent to the site) and/or to Underwood Road Play Area, which is located 320m from the site.

The Staffordshire and Stoke-on-Trent Integrated Care Board have requested a sum of £12,552 to be applied towards the provision of Health Care Services within the Newcastle South and/or Newcastle Central Primary Care Networks.

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

The applicant has submitted a Viability Assessment which seeks to demonstrate that the above financial contributions would render the scheme unviable. The viability case has been considered by independent and suitably qualified valuers and it is accepted that the scheme cannot meet the requisite planning obligations.

### 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 CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

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

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy IM1:	Provision of Essential supporting Infrastructure

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

National Planning Policy Framework (2023)

Planning Practice Guidance (March 2019, as updated)

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

23/00950/DEM Application for prior approval for demolition of four two storey semi-detached properties  
Approved 12<sup>th</sup> January 2024

Views of Consultees

The **Highway Authority** raises no objections subject to conditions regarding the implementation of access, parking, turning areas and relocated lighting columns, reinstatement of footway off Cheddar Drive, provision of visibility splays and relocation of the bus stop on Bath Road.

**Staffordshire and Stoke-on-Trent Integrated Care Board** request a payment of £12,552 which would be targeted towards supporting the future development/adaptation/expansion of primary care facilities, with the aim of tackling inequalities in outcomes, experience, and access for patients.

**Staffordshire Flood Team** raise no objections to the proposal subject to a condition requiring the submission of a final detailed surface water drainage design.



**Silverdale Parish Council** raise concerns regarding the lack of a retail unit, inadequate parking provision, conflict with national space standards for dwellings, inadequate boundary treatments and flawed BNG calculation.

The **Landscape Development Section** raise no objections to the proposal subject to conditions regarding tree protection and levels. A contribution of £78,106 is requested for off-site Public Open Space improvements.

The **Environmental Health Division** have no objection subject to conditions relating to land contamination, a construction environmental management plan and hours of operation for construction work.

Staffordshire County Council as **Education Authority** state that the development would not require an education contribution.

The **Coal Authority** has no objection subject to conditions regarding land stabilisation.

**Staffordshire Police Designing Out Crime Officer** offer advice in regard to boundary treatments and security measures.

**Severn Trent Water** have no objection subject to subject to standard conditions on drainage.

#### Representations

Two letters of representation have been received raising objections/observations on the following grounds;

- Social impact of loss of the retail shop in this location
- Knock on effect of residents having to travel further to purchase goods
- Request for 'swift bricks' to be incorporated into development

Councillors Brown and Adcock support the submission of Silverdale Parish Council regarding the loss of a retail unit.

#### Applicant/agent's submission

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

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/22/00397/FUL>

#### Background Papers

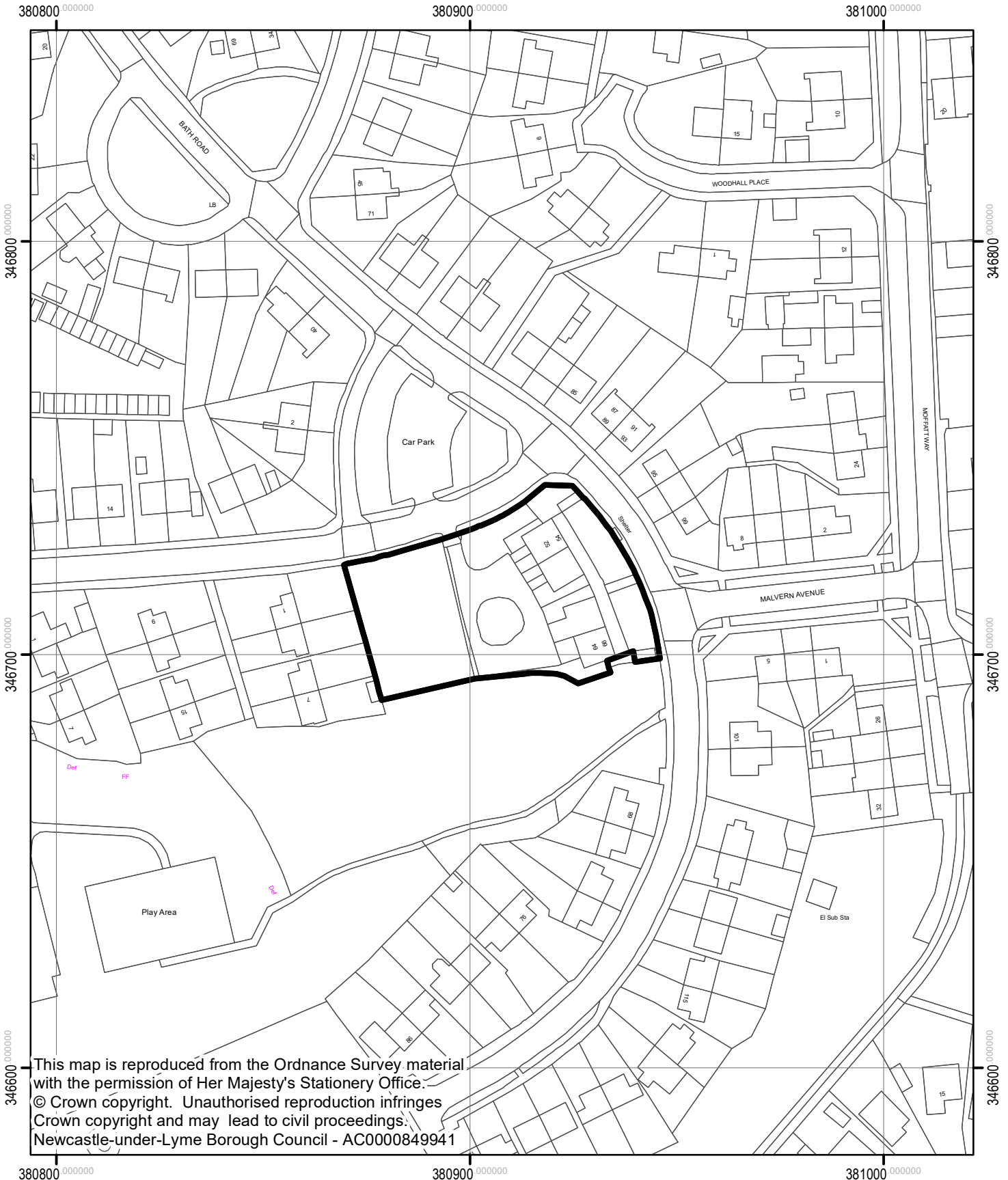
Planning File  
Development Plan

#### Date report prepared

19 November 2024

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24/00101/FUL  
Land At Bath Road  
Silverdale



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**LAND BETWEEN APEDALE ROAD AND PALATINE DRIVE, CHESTERTON  
GLEESON DEVELOPMENTS**

**24/00594/FUL**

Full planning permission is sought for the variation of condition 2 of application reference 21/00655/FUL which granted consent for the erection of 330 no. dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks. Condition 2 lists the approved plans and documents linked to the full planning permission.

The application site, of approximately 16.1 hectares in extent, is within an Area of Landscape Regeneration and the Newcastle Urban Neighbourhood and abuts the Green Belt, as indicated on the Local Development Framework Proposals Map.

**The 13-week period for the determination of this application expired on 6<sup>th</sup> November 2024 but an extension of time to 7<sup>th</sup> December has been agreed.**

**RECOMMENDATION**

**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 Recommendation**

The variation of condition application relates to minimal changes to the original consent for 330 dwellings including slight alterations to house types, plot locations and a temporary access route for a sales area. Subject to all of the conditions of 21/00655/FUL which will carry through to any new planning permission then the substitution of plans attached to the original approval is considered to be a sustainable form of development.

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

Full planning permission is sought for the variation of condition 2 of application reference 21/00655/FUL which granted consent for the erection of 330 no. dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks. Condition 2 lists the approved plans, reports and associated information.

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 principle of allowing the development has been established through planning permission 21/00655/FUL. The number of dwellings is not altered from this original permission and there is no material change in terms of the impact on flood risk, environmental health matters or ecology.

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

#### Design & Visual Impact

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 promotes development that is of a high quality which is sympathetic to the character and distinctiveness of the site and surrounds.

The applicant proposes to make a series of minor positional changes to plots ranging between 0.5 and 1m which are to improve interface distances and off-street parking provision. These are considered minor tweaks given the nature of the development and the context of the original approval. Additionally, a detached garage is to be relocated to allow for parking and some swapping of house types to improve plot layouts. Finally, there is the addition of a temporary access point off Apedale Road facilitating vehicular access to the sales and marketing area. This also includes a double garage on plot 329 to provide a sales area which would be considered commonplace on this type of housing development.

There are no concerns relating to design given the limited scale of the changes proposed and therefore there would be negligible impact on the street scene and wider area.

Concerns have been raised by both ward councillors and local residents in relation to the temporary access road and how this will affect the semi-mature trees and planting that is currently in situ. The applicant has advised that removal of trees and vegetation will be kept to a minimum and any losses would be offset by the landscaping strategy of the wider site as such in design terms and visual impact then this is considered acceptable. Further information has been sought from the applicant and an update will be given to Members prior to the Committee meeting.

#### Residential Amenity

Criterion f) within Paragraph 135 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

SPG (Space around Dwelling) provides guidance on privacy, daylight standards and environmental considerations.

Sufficient distances will be retained between the proposed dwellings and nearby properties in accordance with the Council's 'Space around Dwellings' SPG.

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 Safety

Paragraph 114 of the NPPF ensures that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users.

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.

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.

A temporary minor access is proposed to the east of the main access to the development from Apedale Road which will facilitate small amounts of vehicular traffic to use the temporary sales area. It will be removed once the sales and marketing of the site has been completed. The Highway Authority has no objection and it is concluded that this element of the proposal complies with the provisions of the NPPF in terms of impact upon highway safety.

### Reducing Inequalities

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

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

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

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

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

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

## **APPENDIX**

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

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

Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4:	Natural Assets

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

Policy T16:	Development - General Parking Requirements
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees
Policy N17:	Landscape Character – general Considerations
Policy N22:	Area of Landscape Regeneration

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

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

#### [Planning Practice Guidance \(March 2014, as updated\)](#)

#### Supplementary Planning Guidance/Documents

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

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

#### Relevant Planning History

13/00525/OUT Residential development of up to 350 dwellings including open space, new vehicular accesses, infrastructure, ancillary development and associated earthworks – Approved

21/00655/FUL The erection of 330 no. dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks - Approved

#### Views of Consultees

The **Highway Authority** has no objection to the proposal.

The **Environmental Health Division** has no comments to make.

#### Representations

One letter of representation has been received raising concerns regarding heavy traffic and parking issues in the area.

#### 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/24/00594/FUL>

#### Background Papers



Classification: NULBC **UNCLASSIFIED**

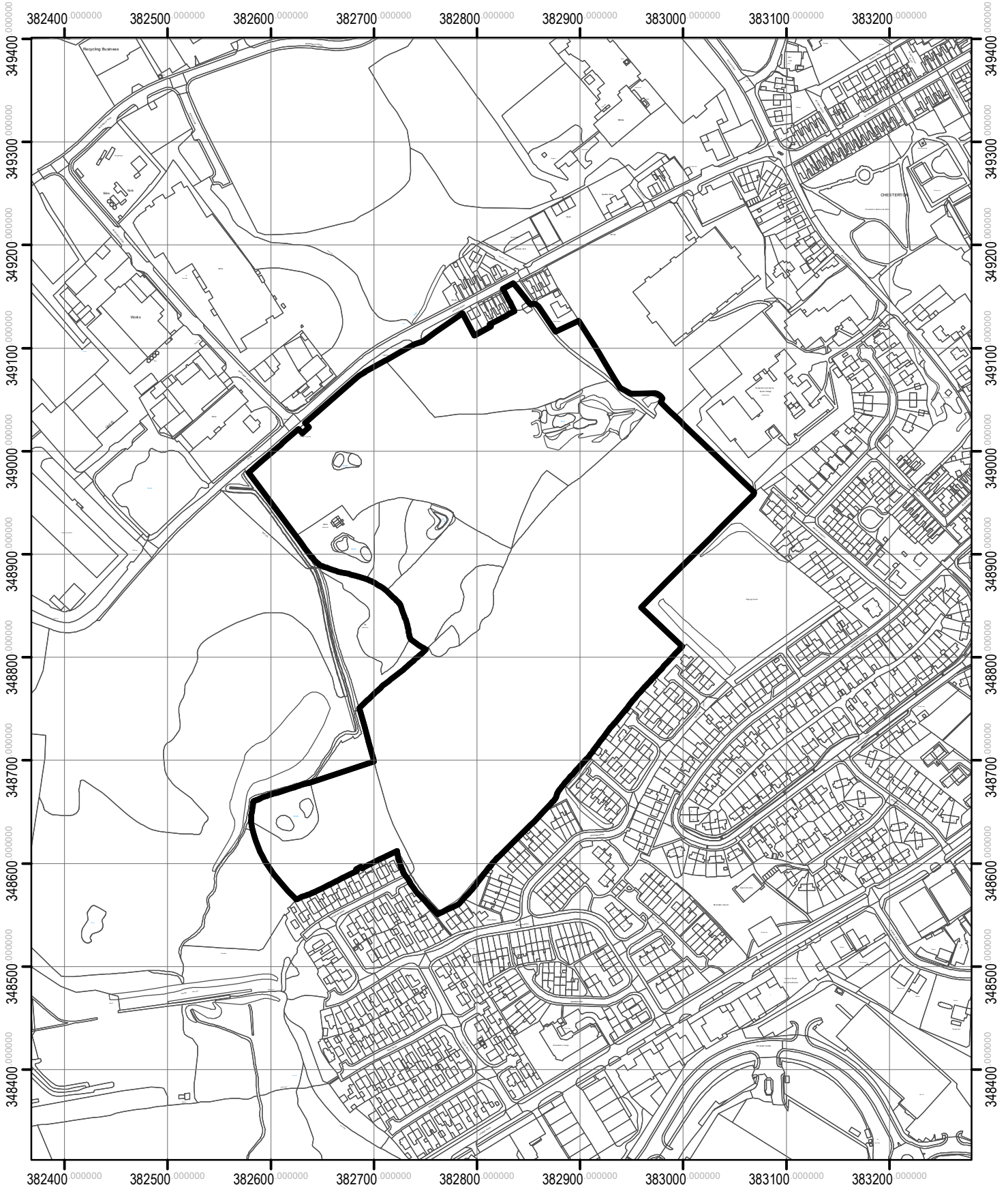
Planning File  
Development Plan

Date report prepared

18<sup>th</sup> November 2024

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**24/00594/FUL**  
**Land Between Apedale Road And**  
**Palatine Drive**  
**Chesterton Newcastle Under Lyme**  
**Staffordshire**



**Newcastle Borough Council**

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**FORMER JUBILEE BATHS, NELSON PLACE, NEWCASTLE**  
**INTEGRITAS PROPERTY GROUP (IPG) NUMBER 8 LTD**

**24/00576/FUL**

Full planning permission is sought for the temporary variation of Condition 3 of Application Reference 17/00252/FUL which granted consent for the demolition of the former swimming baths and construction of a 273-room student development with associated communal area and car parking, Condition 3 restricts occupation of the development to students only and the temporary variation sought is to allow the use of up to 68 rooms within the development to be occupied as serviced apartments until 30<sup>th</sup> September 2025.

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

**The 13-week period for the determination of this application expires on 31<sup>st</sup> October but an extension of time to 6<sup>th</sup> December has been agreed.**

**RECOMMENDATION**

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

- 1. Variation of condition 3 to allow the use of up to 68 rooms within the development to be occupied as serviced apartments until 30th September 2025**
- 2. Any other conditions which are still relevant to the original decision**

**Reason for Recommendation**

On the basis that only 68 of the 273 rooms would be occupied which would result in the same parking shortfall as the approved scheme, it is not considered that a refusal on highway safety grounds could be sustained.

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

Amended details have been provided and the application is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

**Key Issues**

Full planning permission is sought for the temporary variation of Condition 3 of Application Reference 17/00252/FUL which granted consent for the demolition of the former swimming baths and construction of a 273-room student development with associated communal area and car parking, Condition 3 restricts occupation of the development to students only and the temporary variation sought is to allow the use of up to 68 rooms within the development to be occupied as serviced apartments until 30<sup>th</sup> September 2025.

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

The applicant has submitted a Planning Statement highlighting the following points:

- The reason for requesting this variation is due to the delayed construction of the development which has meant that the applicant has been unable to accept students in the September 2024 student intake. The site is therefore unable to operate as student accommodation until September 2025 at the earliest.
- The introduction of serviced apartments would be supported by policies and would make an immediate contribution to the housing need, of which the council can only currently demonstrate a 5.26-year housing land supply, marginally above the required 5.
- No physical changes are proposed to the building.

- As part of application 17/00252/FUL, a S106 agreement secured a residents' parking zone contribution, and a condition secured a parking survey to establish whether any on-street parking issues arise as a result of the development. These same agreements/conditions would remain in place.
- In reviewing the approved application, it is noted that 'in accordance with saved maximum Local Plan Parking Standards, the approved 273 student flats would require 69 parking spaces based on 1 parking space per 4 students. This equates to 27% of the maximum parking requirements or potential shortfall of 50 parking spaces if fully occupied'.
- In respect of this approach, 68 serviced apartments would require 68 parking spaces based on 1 parking space per hotel bedroom. This would therefore result in a shortfall of 49 parking spaces if fully occupied. Given this parking level has already been approved previously it is deemed the level of parking would be acceptable.
- The site is not intended for use as asylum seekers' accommodation.

In considering an application to vary a condition, the Authority has to consider only the question of the conditions subject to which planning permission may be granted. If the Authority considers that planning permission may be granted subject to different conditions, it can do so. If the Authority considers that the conditions should not be varied it should refuse the application.

The reason given for the imposition of Condition 7 is as follows:

*For the avoidance of doubt and because the level of parking provided would not be sufficient for other types of residential occupation.*

Although an objection has been received on the grounds of the potential impact on a local hotel/serviced apartment provider, competition is not a material planning consideration. The sole issue in the consideration of the application is whether the level of car parking is acceptable.

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

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

The development has 19 parking spaces and 96 cycle spaces at basement level.

It was originally proposed to vary the condition to allow all of the 273 rooms to be used as serviced accommodation. The Highway Authority (HA) objected on the grounds that there would be a significant shortfall in the required on-site parking causing off-site traffic/congestion issues in nearby residential streets.

Further to discussions between the applicant and the HA, the scheme has been amended to propose that just 68 rooms within the development could be occupied as serviced apartments. On review of the applicant's revised Planning Statement, the HA agrees that the occupation of 68 flats as serviced apartments would not result in any additional parking demand to that of the approved 273 room student accommodation. The proposed reduction of rooms to be occupied as serviced apartments therefore mitigates the previous concerns of the HA.

The secured planning obligations secured via S.106 agreement and other planning conditions will not be affected by the variation of condition 3.

It is considered that the occupation of the building by non-students is likely to lead to more of the residents owning a car. However, on the basis that only 68 of the 273 rooms would be occupied, that would result in the same parking shortfall as the approved scheme and therefore it is not considered that a refusal on highway safety grounds could be sustained.

## APPENDIX

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

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP2:	Spatial Principles of Economic Development
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP3:	Sustainability and Climate Change
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

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

Policy T16:	Development – General Parking Requirements
Policy C4:	Open Space in new housing areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

### **Other Material Considerations include:**

[National Planning Policy](#)

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

[Planning Practice Guidance](#)

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#)

[Newcastle-under-Lyme Open Space Strategy](#)

### **Relevant Planning History**

- 15/00166/FUL Demolition of former swimming baths and construction of 244 room student development with associated communal area and car parking - Approved
- 16/00244/FUL Construction of 273 room student development with associated communal area and car parking - Refused and appeal dismissed
- 17/00252/FUL Demolition of former swimming baths and construction of 273 room student development with associated communal area and car parking, alternative to Planning Approval 15/00166/FUL – Approved
- 17/00252/NMA Application for a Non-Material Amendment to planning permission 17/00252/FUL for the additional areas of render to the fourth-floor external wall and alterations to the boundary treatment and landscaping adjacent to the Jubilee Baths – Approved

### **Views of Consultees**

The **Highway Authority** has no objections.

### **Representations**

One letter of representation has been received from the owner of the Lymedale Suites on Liverpool Road expressing concern that this proposal will have a very severe detrimental long-term impact on their hotel /serviced apartment operation and the wider market for hotels and serviced apartments in

the Newcastle area which will potentially threaten jobs and their long-term ability to invest in their business.

**Applicant's/Agent's submission**

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/24/00576/FUL>

**Background papers**

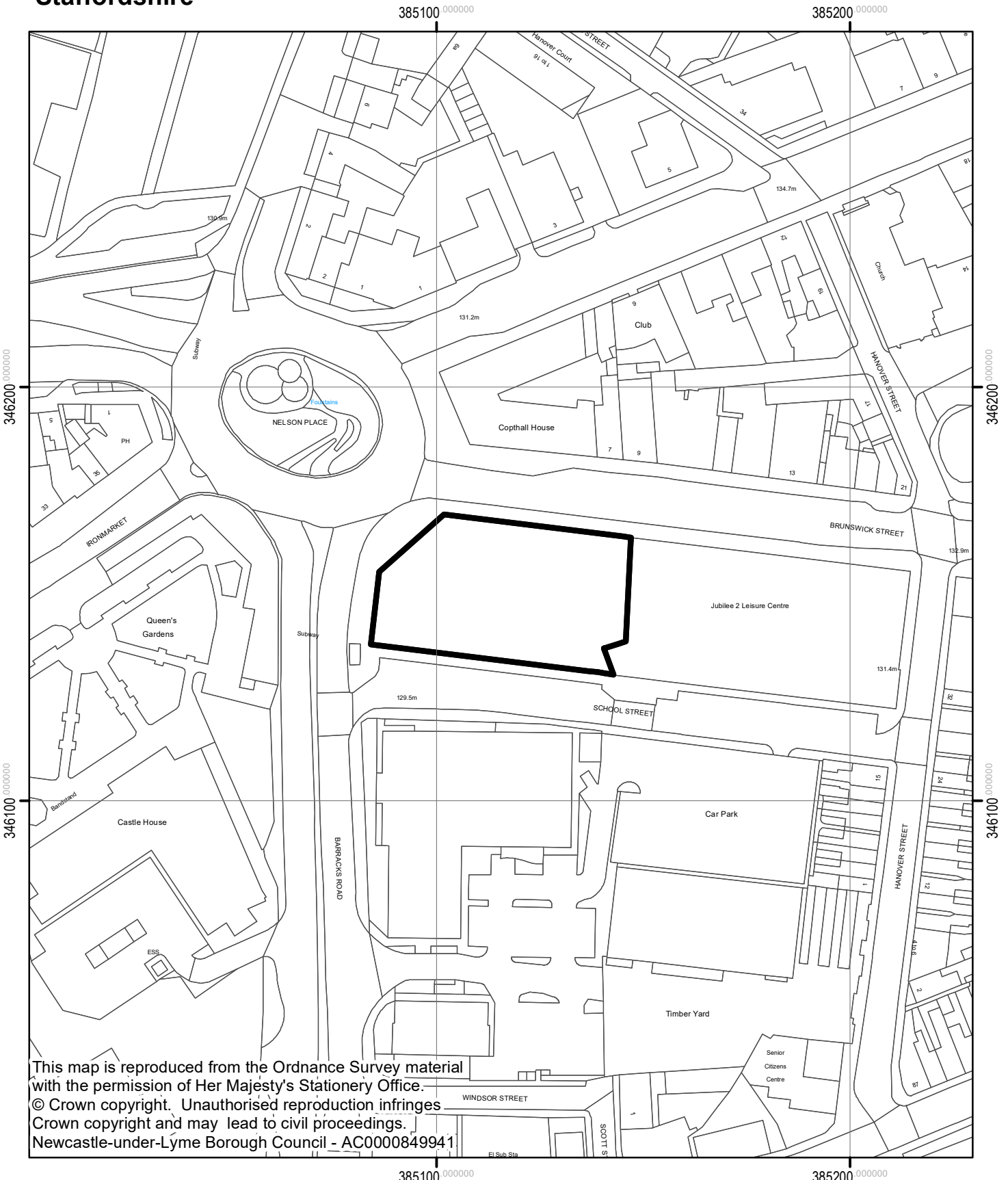
Planning files referred to  
Planning Documents referred to

**Date report prepared**

22 November 2024



Former Jubilee Baths  
Nelson Place  
Newcastle Under Lyme  
Staffordshire



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**UNITS 10 - 14 & 35 - 39 PARKHOUSE INDUSTRIAL ESTATE EAST  
NEWCASTLE UNDER LYME BOROUGH COUNCIL**

**24/00707/DEEM3**

Full planning permission is sought for the recladding and raising of the metal pitched roofs on units 1-14 and 35 -39 at the Parkhouse Industrial Estate East site. The application site is located within the urban area of the Borough, as indicated on the Local Development Framework Proposals Map.

**The 8-week period for determination of the planning application expires on 10<sup>th</sup> December 2024.**

**RECOMMENDATION**

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

- 1. Standard time limit**
- 2. Approved plans**
- 3. New roofing materials to be dark/recessive in colour**

**Reason for Recommendation**

The proposal represents limited and acceptable changes to the existing industrial units within a sustainable location. The development will not result in any adverse visual impacts.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework, and it has not been necessary to request amendments.

**Key Issues**

Full planning permission is sought for the recladding and raising of the metal pitched roofs on units 1 -14 and 35 -39 at the Parkhouse Industrial Estate East site. The application site is located within the urban area of the Borough, as indicated on the Local Development Framework Proposals Map.

There are no objections in principle to the works and given the nature of the scheme there are not considered to be any amenity or highway safety issues. The sole issue to consider in the determination of the application is therefore the design of the proposals and their visual impact.

Paragraph 131 of the NPPF 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 NPPF 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 Strategy requires that the design of the development is respectful to the character of the area.

The units are constructed of red brick with corrugated metal sheet roof cladding and there are a number of clear polycarbonate rooflights on each unit. The proposal would see a new plastisol colour coated metal profiled sheet laid on a bar and bracket system added to the existing metal sheet roof which would allow space for 180mm insulation. These alterations would result in the overall height of the roof being raised by approximately 200mm.

The exact colour of the replacement roof has not yet been agreed and therefore a condition will be applied to any permission requiring that the roof is of a dark/recessive colour. The visual impact of the slight height increase to the roof is considered to be negligible and would not result in any significant or adverse impact on the site or surrounding area, particularly given the appearance of the industrial estate in which the application site lies.

To conclude, subject to conditions, it is considered that the proposal would not adversely affect the character and appearance of the area, with provision of designated parking, and it would comply with local planning policy and the requirements of the NPPF.

### Reducing Inequalities

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

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

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

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

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

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

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

## **APPENDIX**

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2023)

Planning Practice Guidance (NPPG) (2019)

Supplementary Planning Documents (SPDs)

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

Relevant Planning History

None relevant.

Views of Consultees

**The Environmental Health Division** has no objections to the proposal.

Representations

None received.

### **Background Papers**

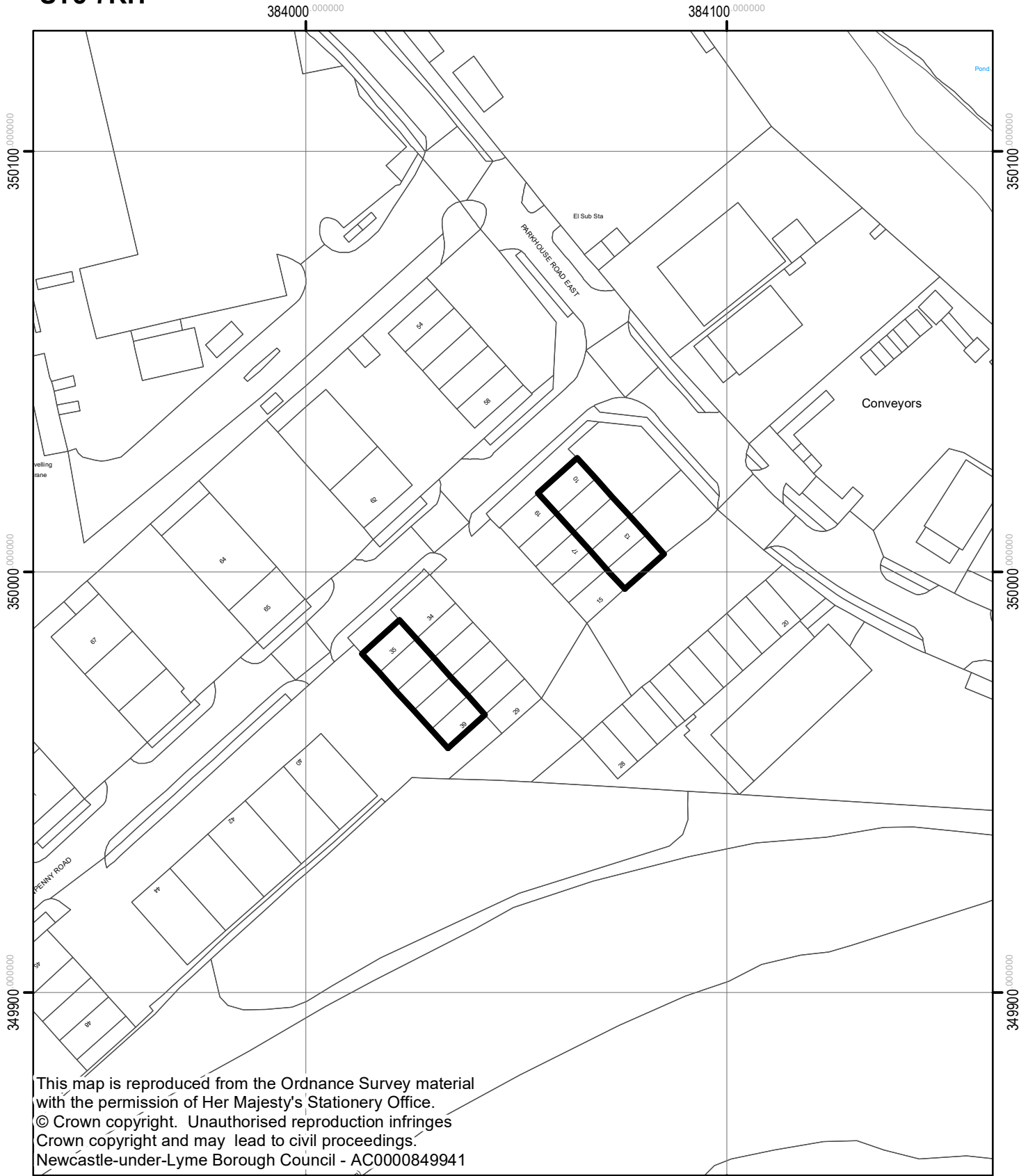
Planning files referred to  
Planning Documents referred to

### **Date report prepared**

18<sup>th</sup> November 2024

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**Units 10 - 14 & 35 - 39**  
**Parkhouse Industrial Estate East**  
**Newcastle-Under-Lyme**  
**ST5 7RH**



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**BATHPOOL PARK, BOATHORSE ROAD, KIDSGROVE**  
**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**24/00723/DEEM3**

Advertisement consent is sought for the installation of 1 welcome sign and 3 maps/information signs at Bathpool Park which is located on Boathorse Road, Kidsgrove.

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

**The 8-week period for determination of the planning application expires on the 26<sup>th</sup> December 2024.**

**RECOMMENDATION**

**PERMIT subject to standard advertisement conditions.**

**Reason for Recommendations**

The proposed signs would not result in any material harm to the character or appearance of the site and would not have any adverse impact on highway safety.

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

Amended plans have been sought and received and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

**Key Issues**

The application seeks advertisement consent for 1 welcome sign and 3 maps/information signs at Bathpool Park which is located on Boathorse Road. The site lies within the rural area of the Borough and falls within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The NPPF seeks to achieve sustainable forms of development through securing a high quality built environment and the provision of a good standard of amenity for all existing and future occupants of land and buildings. The NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. Only adverts which have an appreciable impact on the buildings and surroundings should be subject to detailed assessment. The NPPF confirms that proposals should be subject to control only in the interests of amenity, public safety and should take into account cumulative impacts.

On this basis, the main issues to consider are the impact of the proposal on the character and appearance of the area and any issues of highway safety.

**Design and impact on the character and appearance of the area**

The application site forms part of Bathpool Park, which is a public park situated to the south of Kidsgrove.

Three of the new signs will provide information such as maps while the other sign will be a welcome sign to the park. Each of the signs would measure 1.2m x 1.8m in plan and would be supported by two galvanised steel poles which would give them an overall height of 2.3m. None of the signs are to be illuminated.

A Grade II listed rail tunnel lies approximately 60m to the north of the nearest proposed sign, however given the modest nature of the proposal, it is not considered that the new signs would have any impact on the setting of this listed structure. The Council's conservation officer has been consulted on the application but has raised no objections to the proposal.

The proposed signage is considered to be proportionate in scale, appropriately designed and positioned in the context of the application site and the area. Although it is recognised that the number of signs proposed is more than what has previously been associated with the park, the level of signage is not unusual for this type of land use, and on that basis, there are not considered to be any objections.

To conclude, it is considered that the siting and design of the advertisements would safeguard the character of the area and overall, the impact on the visual amenity of the area would be acceptable.

### Highway Safety

The Highway Authority initially raised concerns that one of the proposed signs (location 2 as shown on the submitted plans) would cause reduced visibility for drivers entering the car park from Boathorse Road. To address this concern amended plans have been received which have set the sign back by 2m from the highway. The Highway Authority have now confirmed that they no longer raise any objections to the proposal.

No signs are to be illuminated and in the absence from any objections from the HA, it is considered that the proposal would not result in an adverse impact on public safety or highway safety.

### 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 CSP1: Design Quality

Policy CSP2: Historic Environment

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2023)

Planning Practice Guidance (NPPG) (2019)

Supplementary Planning Documents (SPDs)

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

Relevant Planning History

None.

Views of Consultees

The Council's **Urban Design and Conservation Officer** has no objections to the proposals.

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

**Cadent Gas** raise no objections to the proposal, subject to an informative being added to any decision notice.

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

Representations

None received.

### **Background Papers**

Planning files referred to

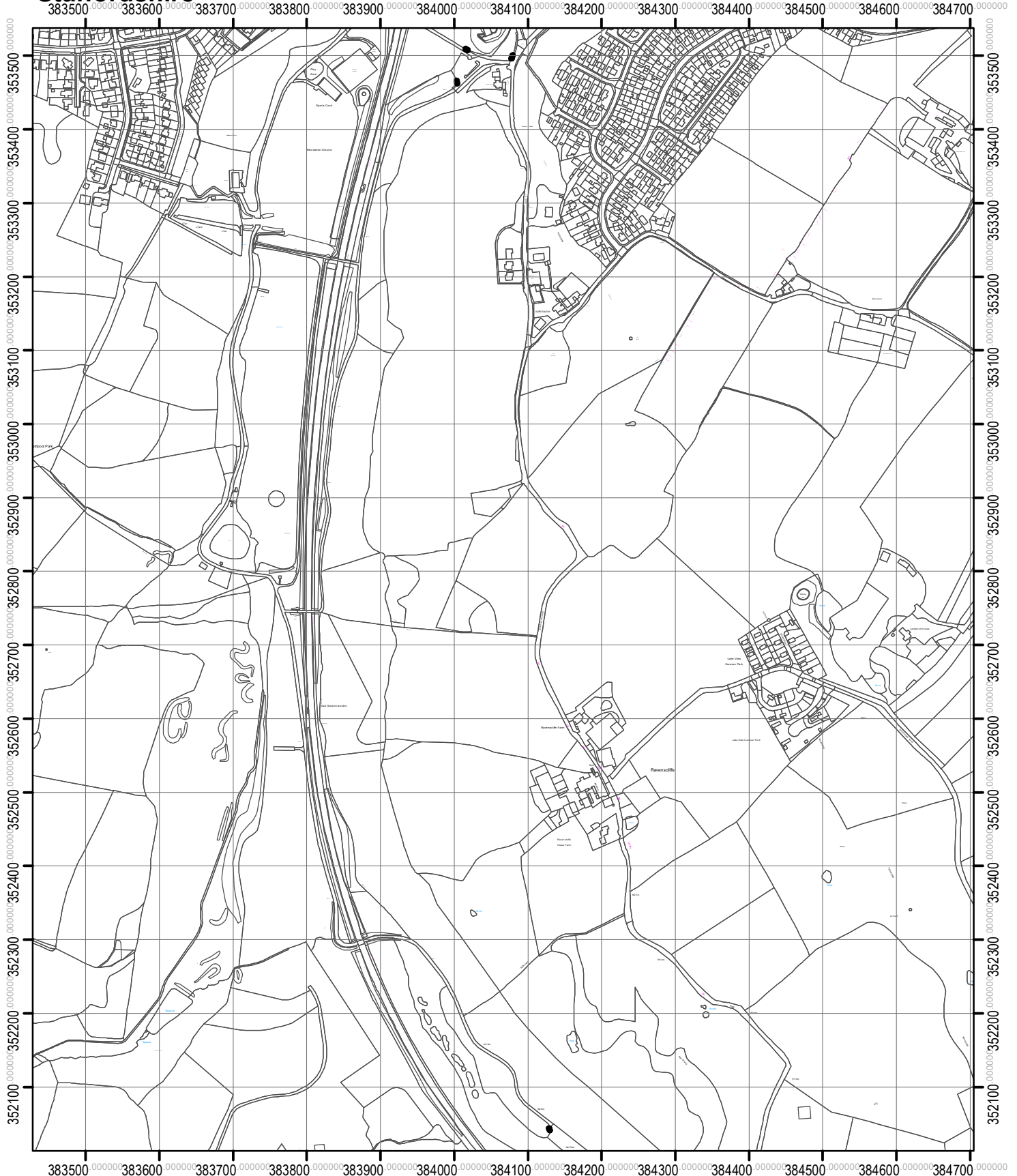
Planning Documents referred to

### **Date report prepared**

13<sup>th</sup> November 2024

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**Bathpool Park  
Boathouse Road  
Kidsgrove Stoke-On-Trent  
Staffordshire**



**Newcastle Borough Council**

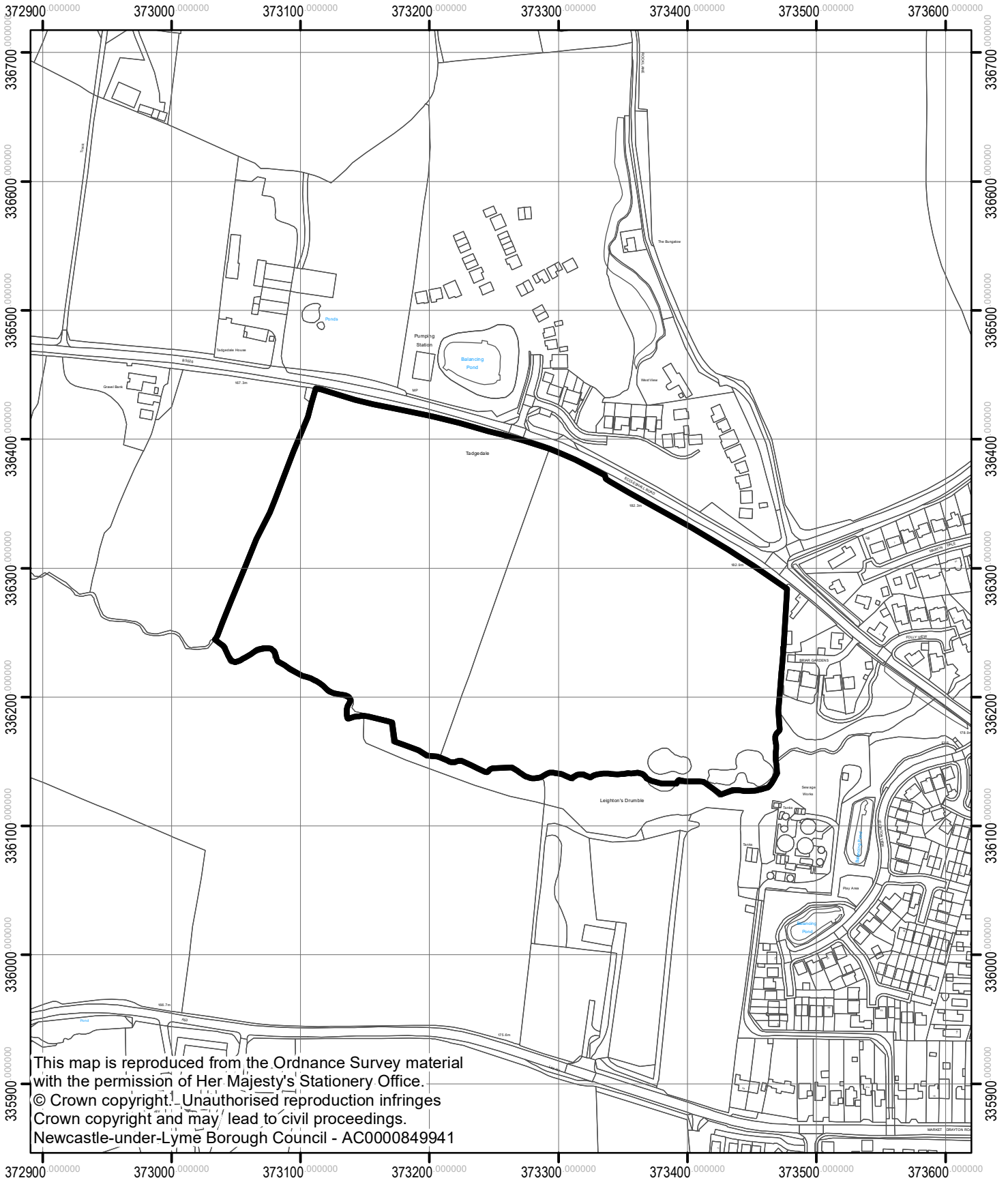
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Newcastle-under-Lyme Borough Council - AC0000849941



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

St Margarets Primary School, Knutton Road, Wolstanton (Ref: 24/25005/HBG)

### RECOMMENDATION:

That the following grant be approved: -

**£5,000 Historic Building Grant be given towards conservation repairs at St Margarets Primary School, Wolstanton**

### Purpose of report

To enable members to consider the application for financial assistance.

### St Margarets Primary School, Knutton Road, Wolstanton

The application is for conservation repairs to the school building, principally on elevations within the courtyard and on Knutton Road. The School is a Grade II Listed Building by James Brooks, an influential London architect in 1871, built from brick with stone dressings. The building is also within the Wolstanton Conservation Area.

The windows are mullioned and recessed behind short columns with turned capitals and bases. Some of the columns are showing signs of disrepair and under this project only one will be repaired, due to costs. Others still have structural integrity so will be dealt with as finances allow later. This pair of windows will also be replaced like for like with all other windows being repaired and re-decorated. There is a historic crack on the High Street elevation which will be tied with helifix bars (a recognised method to stitch masonry in a relatively non-invasive way) and brickwork made good. A considerable amount of repointing with lime mortar will also be undertaken principally on the Knutton Road elevation and in the lower section some masonry will be reinstated and a more appropriate handrail installed. Two doors will also be repaired.

The building is a prominent building in the Conservation Area and is in urgent need of refurbishment. Hopefully the school will continue the repairs and repointing in subsequent years to come.

Entrust manages all schools and their buildings in Staffordshire and they are planning, facilitating and project managing the work. They have been through a procurement process with contractors and received quotations for the work.

The work set out above including VAT and fees is £95,686.55. 20% of this cost is £19,137.31 but as the maximum grant to give within the terms of this fund is £5,000, it is proposed to award the school the maximum grant towards the cost of the works.

The Conservation Advisory Working Party will consider the grant application and their comments reported to the committee.

Financial Implications

Historic buildings and structures are entitled to apply for up to a maximum of £5,000 from the Conservation and Heritage Grant Fund. The intervention rate is 20% of the cost of the work for Listed Buildings. For other historic buildings in the Conservation Area, the intervention rate is 10%.

There is sufficient funding to meet this grant application with an allocation this year to the Fund of £16,886. This allows for existing commitments.

## **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.

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 (Condition 3) and details of a scheme to restore the land to its condition before the development took place (Condition 4).

Details to discharge conditions 3 and 4 were subsequently submitted in accordance with the agreed timeline. Whilst approval was given to Condition 4 site restoration, the drainage details were refused following consultation advice received from Severn Trent Water. 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>

Recently, there has been dialogue with the owner of 5 Boggs Cottages regarding occupation of the site and other potential works/development. Officers have met with the owner and emphasised that the occupation of a mobile home would require full compliance with the conditions attached to the appeal decision i.e. drainage matters to be addressed to the satisfaction of the Council.

Date report prepared – 22 November 2024

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