

Public Document Pack

Date of meeting Tuesday, 22nd April, 2025

Time 7.00 pm

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

Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

To receive Declarations of Interest from Members on items included on the agenda.

3 MINUTES OF PREVIOUS MEETING(S) (Pages 3 - 6)

To consider the minutes of the previous meeting(s).

4 APPLICATION FOR MINOR DEVELOPMENT - LAND AND GARAGES, BRIERYHURST ROAD, KIDSGROVE. MR SIMON JONES. 24/00915/FUL (Pages 7 - 14)

5 APPLICATION FOR MINOR DEVELOPMENT - LAND REAR OF 5 MORNINGSIDE & 16 LAVEROCK GROVE, MADELEY. HEWITT&CARR ARCHITECTS. 24/00421/OUT (Pages 15 - 26)

6 APPLICATION FOR MINOR DEVELOPMENT - ROSE COTTAGE, WOODSIDE, HILL CHORLTON. MR L CLARKE, CCP DEVELOPMENTS (STONE) LIMITED. 25/00080/OUT (Pages 27 - 38)

7 APPLICATION FOR MINOR DEVELOPMENT - 39-41 MERRIAL STREET, NEWCASTLE UNDER LYME. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 25/00180/DEEM3 (Pages 39 - 44)

8 APPLICATION FOR MINOR DEVELOPMENT - 21 MERRIAL STREET, NEWCASTLE UNDER LYME. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 25/00184/DEEM3 (Pages 45 - 50)

9 APPLICATION FOR MINOR DEVELOPMENT - LAND AT HIGH STREET, KNUTTON. NEWCASTLE UNDER LYME BOROUGH COUNCIL. 25/00149/DEEM3 (Pages 51 - 58)

This item includes a supplementary report.

10 5 BOGGS COTTAGE, KEELE. 14/00036/207C3 (Pages 59 - 60)

11 URGENT BUSINESS

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

12 DISCLOSURE OF EXEMPT INFORMATION

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

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

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

SUBSTITUTE MEMBER SCHEME (Section B5 – Rule 2 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Sweeney	Whieldon
	S Tagg (Leader)	Fox-Hewitt
	Heesom	D Jones
	Johnson	Edginton-Plunkett
	J Tagg	Grocott
	S Jones	Dymond

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.

NOTE: IF THE FIRE ALARM SOUNDS, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

PLANNING COMMITTEE

Tuesday, 25th March, 2025
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Paul Northcott (Chair)

Councillors:	Crisp	Holland	J Williams
	Beeston	Hutchison	G Williams
	Bryan	Brown	
	Fear	Gorton	

Apologies: Councillor(s) Burnett-Faulkner

Substitutes: Councillor Stephen Sweeney (In place of Councillor Gillian Burnett -Faulkner)

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

1. **APOLOGIES**

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING(S)**

Resolved: That the minutes of the meeting held on 25 February, 2025 be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT SLACKEN LANE. GLEESON REGENERATION LIMITED 24/00089/FUL**

Councillor Sylvia Dymond spoke on this application

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

- (i) The applicant has failed to demonstrate that a safe and suitable means of access to the site for the intended scale of development is achievable, thereby having an adverse impact on highway safety.

- (ii) The proposal does not provide a high quality residential development as a result of its high density and due to issues surrounding parking dominant layouts, excessive hard standing at the front of properties and a lack of soft landscaping. The resulting development would be considered over development and overly urban in character.
- (iii) The access arrangements for the development would result in an increase in noise nuisance and loss of privacy to the properties of 'The Hawthorns' and no.34 Pickwick Place and would therefore have an unacceptably adverse impact on residential amenity.
- (iv) The proposed development would result in the loss of visually significant trees which would be harmful to the character of the surrounding area and to natural habitats within the site, and insufficient information has been provided to justify the tree loss as part of the proposals.
- (v) Insufficient information has been provided to demonstrate that the proposed development would provide a suitable and sustainable drainage system.

[Watch the debate here](#)

5. APPLICATION FOR MINOR DEVELOPMENT - CLIVE BEECH MOTORS LTD, PITGREEN LANE, WOLSTANTON. THE MIDDEN LIVERPOOL LTD. 24/00207/OUT

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

- (i) Submission of reserved matters
- (ii) Time limit condition
- (iii) Approved plans
- (iv) Restriction on building height to no more than max 2.5 storeys
- (v) Building to be for student accommodation only
- (vi) Construction Environmental Management Plan (CEMP)
- (vii) Construction hours restriction
- (viii) Reserved matters application to include details of delineation of car parking spaces

Members requested that a note be made that, were an application for variation of a condition in respect of parking, that it be flagged up to the Ward Councillors. In addition, that any final designs be made known to the Committee.

[Watch the debate here](#)

6. LAND AT DODDLESPool, BETLEY. 17/00186/207C2

Resolved: (i) That the information be received.

- (ii) That an update report be brought to committee in two months' time.

[Watch the debate here](#)

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 Time Not Specified

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LAND AND GARAGES, BRIERYHURST ROAD, KIDSGROVE
MR SIMON JONES

24/00915/FUL

Part retrospective planning permission is sought for the installation of shipping containers for storage with boundary fencing and a pergola at land and garages at Brieryhurst Road, Kidsgrove.

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

The 8-week period for the determination of this application expired on 28 February, but an extension of time has been agreed to 29 April.

RECOMMENDATIONS

PERMIT subject to conditions relating to the following matters: -

- **Approved plans**
- **Approved materials**
- **Consent limited specifically to that applied for**
- **Limitation of hours of access to containers**
- **No outside storage**
- **Details of exterior lighting**
- **Installation of signage controlling the traffic**
- **Limitations on delivery of containers to the site**

Reason for recommendations

Given the limited views of the site and the substantial boundary fencing, the impact on the character and appearance of the area is considered acceptable. Subject to the imposition of conditions, on balance, it is not considered that objections could be sustained on the grounds of impact on residential amenity or highway safety.

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

Amended plans and additional details were requested to address concerns and these were subsequently submitted. 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

Part retrospective planning permission is sought for the installation of shipping containers for storage with boundary fencing and a pergola at land and garages at Brieryhurst Road, Kidsgrove.

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

Some of the concerns raised by members of the public, particularly relating to land ownership and access rights, are civil matters and are not material planning considerations. This report will be focused upon the material planning matters.

The key issues in the determination of this application are;

1. Impact of the development on the character and appearance of the area
2. Impact upon neighbouring occupiers in terms of amenity
3. Impact on highway safety

Impact of the development on the character and appearance of the area

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

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

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

The application is partly retrospective as much of the groundwork is complete, 3 shipping containers are on site, and the fencing and pergola is complete. It is proposed to locate a total of 12 shipping containers on the site which was previously occupied by 12 garages serving the residential properties surrounding it.

The site is bounded by a timber fence which is 2.5m at its highest, although some sections are lower as agreed between the applicant and the adjoining neighbours. There is also security fencing and a security gate separating the site from the access to the highway, and the public right of way. The gate is 1.8m high.

The shipping containers are constructed from corrugated steel sheets with a typical flat roof construction. They have the approximate overall dimensions of 2.6m in height, 2.5m in width, and 6m in depth. The 12 shipping containers detailed in the plans would be arranged in a row of 5, and a row of 7, set against the northern boundaries of the site.

The pergola stands in the eastern corner of the site. It is constructed of timber, with a pitched roof covered in a synthetic membrane, which has solar panels affixed to its slopes. The pergola measures approximately 6m in width, 5.4m in depth, and 3.25m in height to the ridge of its roof.

Shipping containers are by their very nature temporary structures and therefore their appearance cannot be said to be of a high design quality. That said, given their relatively limited scale and the screening afforded by the substantial boundary fencing, the impact on the character and appearance of the area would not be significant. It is not considered that they would be any more harmful than the garages which preceded them. The overall siting and scale of the structures, both the shipping containers and the pergola, are considered acceptable.

To conclude, given the limited views of the site and the substantial boundary fencing, on balance, it is not considered that an objection could be sustained on the grounds of harm to the character and appearance of the area.

Impact on residential amenity

Paragraph 135 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.

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

The nature of the business would be that of private domestic storage as the applicant intends to rent the containers privately to local people, who will have exclusive access to the land via the security gate.

Several objections have been received from residents concerned about the effects of the development upon their amenity, and concerns that this development could be used as a springboard to other kinds of development on the site.

The Environmental Health Division (EHD) initially objected to the proposed development, concerned that since the proposed use class extends to both storage and distribution, such a commercial use could expand in the future to form a distribution hub.

Discussions have taken place between your Officers and the applicant and it is considered that a number of conditions can be imposed to ensure that the impact on residential amenity would be limited. Importantly, the permission would be solely for the specific domestic storage rental business described by the applicant. It would not be possible for the use to be extended or varied without a further planning permission.

In addition, a limit on the hours during which the containers may be accessed will limit any disturbance to neighbouring residents. Conditions are recommended prohibiting storage outside of the containers and requiring the submission of details of any exterior lighting on site.

On the basis of these conditions, the EHD raises no objections, and it is considered that the proposal complies with the guidance set out in the NPPF.

Impact on highway safety

Paragraph 116 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 on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Policy T16 of the Local Plan asserts that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street or parking problem.

The applicant has indicated that once delivered onto the site, the shipping containers would remain in-situ, would be used for domestic storage only, and vehicle movement is expected for delivery and collection of stored items only.

The site was previously occupied by domestic garages and access is still provided to rear parking for some properties. The vehicular access to the site is from Brieryhurst Road and is only capable of accommodating single vehicle movements.

The Highway Authority (HA) initially raised concerns regarding the proposed use on the grounds that a commercial operation is likely to represent an increase in vehicle movements to the site and this, along with the need for the delivery of the containers by HGV, would represent an intensification of a substandard access both in vehicle numbers and size.

Additional information has been provided by the applicant and revised comments have been received from the HA raising concerns regarding vehicle manoeuvrability, access from the highway and the enforceability of conditions.

It is clear from a visit to the site that there is no issue regarding vehicle manoeuvrability. The site area is substantial, and the boundary fencing and gates do not impede movements. Given that the number of containers would equal the number of garages previously on the site, it is not considered that there would be any intensification of the use of the access. The applicant has agreed to install signage to help to control the traffic, giving incoming vehicles the right of way. This would be controlled via a condition and a further condition is recommended requiring deliveries of containers to be carried out in accordance with certain stipulations.

Your Officers are satisfied that these conditions can be enforced and comparing the proposed use to the previous use of the site for garages, on balance, it is not considered that an objection could be sustained on the grounds of 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 Development Plan relevant to this decision:

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T16: Development – General Parking Requirements

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (2024)
Planning Practice Guidance (updated 2019)

Supplementary Planning Guidance:

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 subject to conditions regarding hours of use and external lighting.

The **Highway Authority** has queried access rights and the historical use of the site and has raised concerns regarding vehicle manoeuvrability, access from the highway and the enforceability of conditions.

Staffordshire County Council as **Public Rights of Way Authority** states that the possibility of the existence of a currently unrecognised public right of way makes it advisable that the applicant seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public. Any works to the surface of the footpath require discussions with the County Council Rights of Way Team prior to any works commencing.

No comments have been received from the **Mining Remediation Authority** or **Kidsgrove Town Council** and given that the period for comments has ended it must be assumed that they have no comments to make.

Representations

25 (twenty-five) letters have been received from members of the public. 14 are in support of the proposal for the following reasons:

- Site brought back into usage.
- Improved visual appearance of the area.
- Would provide secure storage facilities to residents.
- Would deter anti-social behaviour. Land is more secure, and safe.
- Land was untidy/ neglected. Overgrown trees cut back. No more fly tipping. Land is cleaner. Access to daylight improved.

- New fencing is an improvement, provides residents privacy.
- The containers if coloured would blend in with the surroundings.

11 object to the proposal on the following grounds:

- The application is retrospective, and works are ongoing.
- Ownership of the land and matters relating to its sale.
- Not a suitable location for a commercial business, not in keeping with the residential setting/ character of the area.
- Negative visual impact.
- Concerns over noise.
- Restricting access to a public right of way.
- Wooden roofed structure is not present in the submitted plans. Structure is large.
- Groundworks carried out in rushed manner without consideration for residents. Alterations to the ground level.
- Containers appear unstable. Supported by logs.
- No previous issues around security or anti-social behaviour.
- Boundary fences are high.
- Knock-on parking and highways and pedestrian safety issues.
- Concerns around what precisely will be stored, and by who.
- Hours of operation. Whether this would cause noise at unsociable hours.
- Works have caused flooding/ drainage issues for neighbouring properties.
- Removal of well-established trees and hedgerows.
- The burial of waste.
- Impact on ecology and wildlife.
- Restricting access to daylight.

Applicant/agent's submission

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

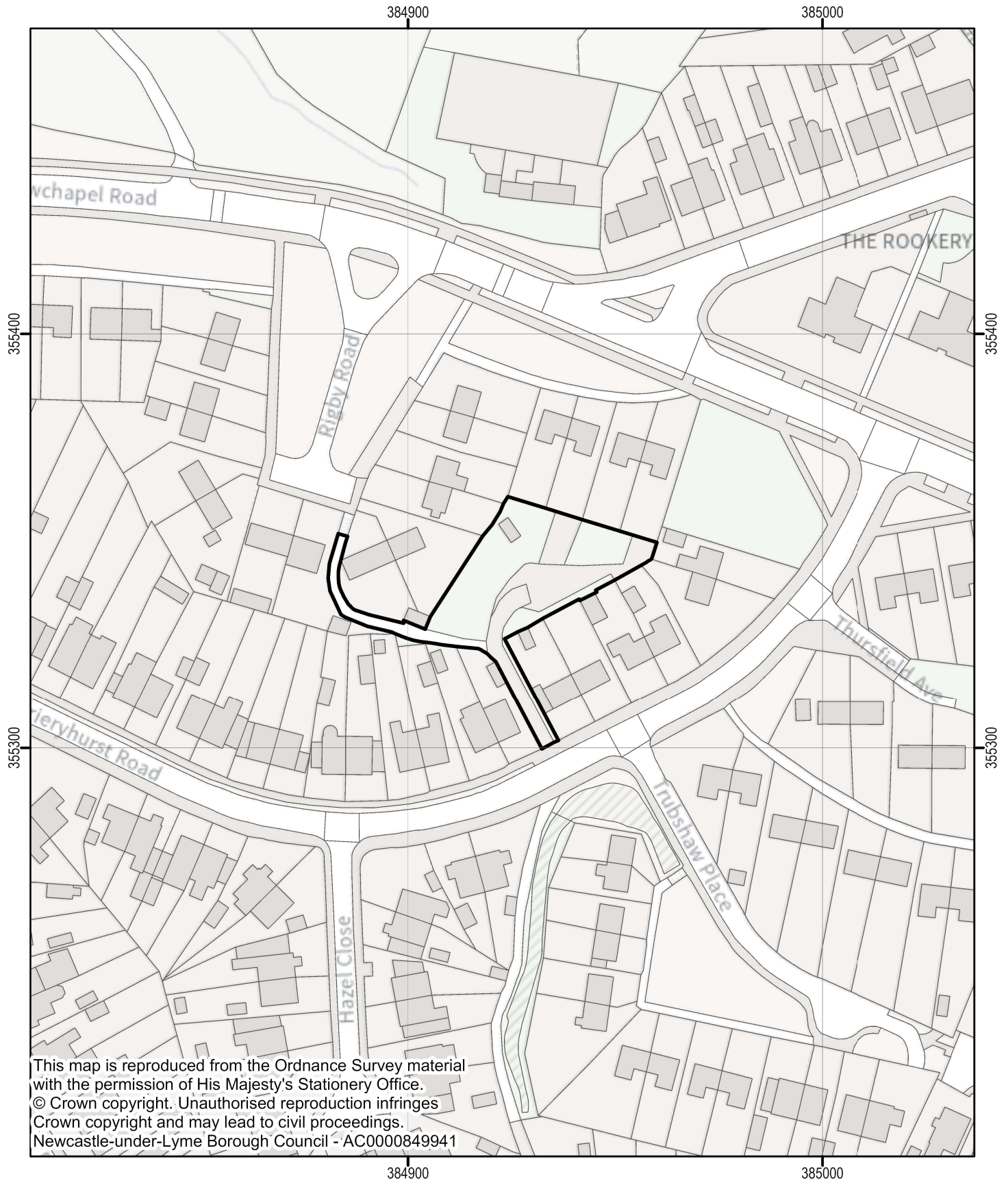
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00915/FUL>

Background Papers

Planning File referred to
Development Plan referred to

Date report prepared

9th April 2025



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LAND REAR OF 5 MORNINGSIDE & 16 LAVEROCK GROVE, MADELEY
HEWITT&CARR ARCHITECTS

24/00421/OUT

The application seeks outline planning permission for 2 dwellings with all matters reserved for subsequent approval at land to the rear of 5 Morningside and 16 Laverock Grove, Madeley.

The application site lies within the village envelope of Madeley as indicated on the Local Development Framework Proposals Map. Most of the site lies adjacent to the Madeley Conservation Area although a small part to its north-east lies within it.

The application has been called in to Committee on the grounds of highway safety, inadequate access, drainage and not in accordance with policies and community interests.

The statutory determination period for this application expired on 30 November 2024, however an extension of time has been agreed to 25 April.

RECOMMENDATION

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

- 1. Standard time limits for submission of reserved matters and commencement of development**
- 2. Approved plans**
- 3. Contaminated land**
- 4. Construction hours**
- 5. Habitat management plan for biodiversity net gain**
- 6. Tree protection plan, arboricultural impact assessment, existing and proposed levels and hard and soft landscape design to be submitted with any reserved matters application,**
- 7. Scheme of improvements to the vehicular and pedestrian access**
- 8. Details of future management, maintenance and access plan for the private driveways**
- 9. Driveways to be surfaced prior to first occupation**
- 10. Construction Environmental Management Plan**

Reason for recommendation

The proposal would utilise a brownfield site within a central part of Madeley and is therefore considered to be in a sustainable location for new residential development. The development would have no impact on the character and appearance of the Conservation Area and it is concluded that the proposal could be appropriately designed without resulting in any adverse impact on highway safety or on the residential amenity of neighbouring properties.

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

The Local Planning Authority has requested additional information during the consideration of the planning application to address specific concerns. Following the submission of these details, 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 2 dwellings, with all matters reserved for subsequent approval.

The application site lies within the village envelope of Madeley as indicated on the Local Development Framework Proposals Map. Most of the site lies adjacent to the Madeley Conservation Area although a small part lies within it.

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

- Principle of proposed residential development,
- Impact on Conservation Area,
- The design and the impact on the character and appearance of the area,
- Highway safety,
- Ecology and biodiversity,
- Residential amenity,
- Planning balance.

Is the principle of residential development on the site acceptable?

The application site lies within 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.

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 is currently unable to demonstrate an appropriate supply of specific, deliverable housing sites.

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 NP. As stated above, it has been accepted that the LP and CSS policies are out of date. The NP 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.

It is considered that the test in paragraph 11(d) has to be applied to this application given the lack of a 5 year housing land supply and the lack of up-to-date policies in relation to the provision of housing. Therefore, the tilted balance outlined within Paragraph 11(d) of the framework is engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

The site is located within a central part of Madeley and would utilise a brownfield site within an established residential area. It is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities. The site has good access to regular bus services to destinations around the borough and beyond.

Subject to any adverse impacts not outweighing the benefits it is considered that the proposal is acceptable in principle.

Impact on Conservation Area

Most of the site lies adjacent to the Madeley Conservation Area although a small part lies within it.

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

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

A Heritage Statement that accompanies the application details that the key elements which make up the significance of the Conservation Area (CA) are the extensive greenery and foliage on both banks of the River Lea, the Pool to the north and the historic buildings located to the east of the main road which runs parallel with the River Lea's green corridor for the length of the CA. It states that due to the presence of

the green corridor along the River Lea, views of the application site are precluded. It concludes that the proposed new dwellings would not constitute a visually incongruous addition to the setting of the CA. On this basis it is judged that the proposal will not harm the significance of the Madeley CA and nor will the proposal result in harm to the significance of the CA through development within its setting.

The Conservation Officer raises no objections to the application. For the reasons set out above, it is not considered that there would be any harm to the character and appearance of the Conservation Area. Therefore, the proposal accords with the policies of the development plan and the aims and objectives of the NPPF.

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 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.

The proposed development is for outline planning permission with all matters reserved however an indicative layout plan has been submitted to demonstrate how the proposal could be arranged on site. The site forms part of a rear parking courtyard which is surrounded by existing residential development that follows a suburban arrangement. The site is open in nature and is largely made up of existing hardstanding.

Surrounding properties in this part of Madeley tend to be laid out in a standard manner fronting streets, along a more-or-less consistent building line, with spacious front and rear gardens, with the density of housing being typical for a suburban location. Although the positioning of the proposed dwellings to the rear of existing properties would not be consistent with the surrounding built form, there are examples of properties set behind other in the surrounding area, such as those to the rear of Bramble Lea, and so this type of development is not an isolated type of arrangement within this part of Madeley.

The site is physically large enough to accommodate 2 properties with associated driveways and gardens and it is important to note that appearance and landscaping are reserved for subsequent approval. The proposed properties would be clearly visible from the rear windows of nearby dwellings, however the impact on the wider area would be limited due to the self-contained nature of the site. In addition to the above, recent changes to national policy have placed a strong emphasis on providing new homes within the country, and that a priority should be given to brownfield sites. The fact that the Council cannot currently demonstrate an up-to-date housing supply must also given substantial weight in the planning balance.

It is accepted that a design can be achieved that would provide a suitable level of landscaping within the site. As landscaping is reserved for subsequent approval conditions which seek to secure landscaping matters are not necessary at this stage.

In consideration of the above it is accepted that the proposed development is acceptable, subject to the final design being secured as part of the reserved matters application.

Highway Safety

Paragraph 116 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.

Several objections have been raised by local residents regarding the potential increase in traffic and the impact on highway safety.

The Highway Authority initially raised objections to the proposal due to concerns regarding the geometry of the driveway from Morningside and Birch Dale which was considered substandard in respect of its width, poor visibility, lack of pavements and it being poorly lit.

An amended block plan was subsequently submitted in support of the proposal to address the concerns which demonstrated that the houses could be positioned within the site without causing any adverse impact to highway safety. The Highway Authority have reviewed these amended details and have now confirmed that they raise no objections to the proposal subject to a number of conditions.

With respect to parking provision, the exact number of bedrooms the properties will have is not yet know but the indicative layout plan demonstrates that each house could benefit from at least 2 parking spaces each, which would be in line with the Council's parking requirements for a 3 bedroomed house. The proposed dwellings would also be able to provide sufficient space for bin storage to the rear of the plots.

Whilst the concerns of residents are noted, in the absence of any objections from the Highway Authority and given the fact that access and layout details would be considered with any reserved matters application, it is not considered that a refusal on highways grounds could be sustained.

Therefore, subject to the conditions requested by the Highway Authority, the proposed development is considered acceptable in terms of its impact on highway safety.

Ecology and Biodiversity

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

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

An on-site baseline biodiversity value has been provided within the submitted biodiversity Net Gain Assessment and the applicant has then made a post-development biodiversity value calculation by using the Statutory Biodiversity Metric Tool provided by DEFRA.

The site is comprised of a parking and garage courtyard and does not contain any important natural features and overall the site is considered to be of low ecological value.

A planting scheme of new grassland and landscaping is proposed which demonstrates that a 10% gain in biodiversity units when compared with the current baseline can be achieved.

In order to monitor the long-term biodiversity net gain for the site, a condition will be applied to any permission granted requiring the submission of a Biodiversity Net Gain Plan and Monitoring Plan prior to any development on site occurring. Subject to the use of these conditions, it is considered that the proposal has adequately demonstrated that the site will result in an on-site biodiversity net gain.

Whilst a request has been received by a resident of the Borough for swift brick/boxes to be installed, this requirement would be relevant to a reserved matters application and therefore is not recommended now.

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. 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

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.

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.

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 2 houses on the site would make a small contribution towards the Borough's housing land supply, particularly where a suitable supply of housing cannot be demonstrated. This benefit must therefore be attributed with substantial weight. It has also been demonstrated through the submission of technical details that the proposal would raise no issues with respect of residential amenity, significant visual harm, highway safety or ecology.

On this basis planning permission should be granted subject to the use of appropriate conditions, as recommended.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP2: Historic Environment

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

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 (2024)

Planning Practice Guidance (March 2024, as updated)

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

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (SAD) (July 2004)

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

Relevant Planning History

None.

Views of Consultees

The **Highway Authority** raises no objections to the proposal subject to conditions which relate to the submission of a scheme of improvements to the vehicle and pedestrian connections into the site, details of future management for the access plan of the site, a limitation to 2 dwellings only, the submission of a Construction Environment Management Plan and the surfacing of driveways.

The **Conservation Officer** raises no objections to the proposal.

The **Conservation Advisory Working Party** raised no objections to the proposal with respect of its impact on the Conservation Area, however they felt the development was inappropriate for the location and that outlook from nearby properties would be affected.

The **Environmental Health Division** raise no objections to the proposal subject to conditions relating to construction hours and contamination.

The **Landscape Development Section** raises no objections in principle to the proposals, subject to conditions regarding retained trees, Arboricultural Impact Assessment, tree protection plan, details of any special engineering within the RPA and other relevant construction details, existing and proposed levels and hard and soft landscape design.

Madeley Parish Council object to the proposal on the grounds that the development conflicts with policies set out in the Neighbourhood Plan with respect to impact on amenity, the overdevelopment of the site and on highway safety grounds.

Naturespace raises no objections to the proposal.

Representations

Twelve (12) letters of representation have been received raising objections on the following grounds;

- Safety of access and egress,
- Increased volume of traffic on surrounding road network,
- Flooding and drainage concerns,
- 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/24/00421/OUT>

Background Papers

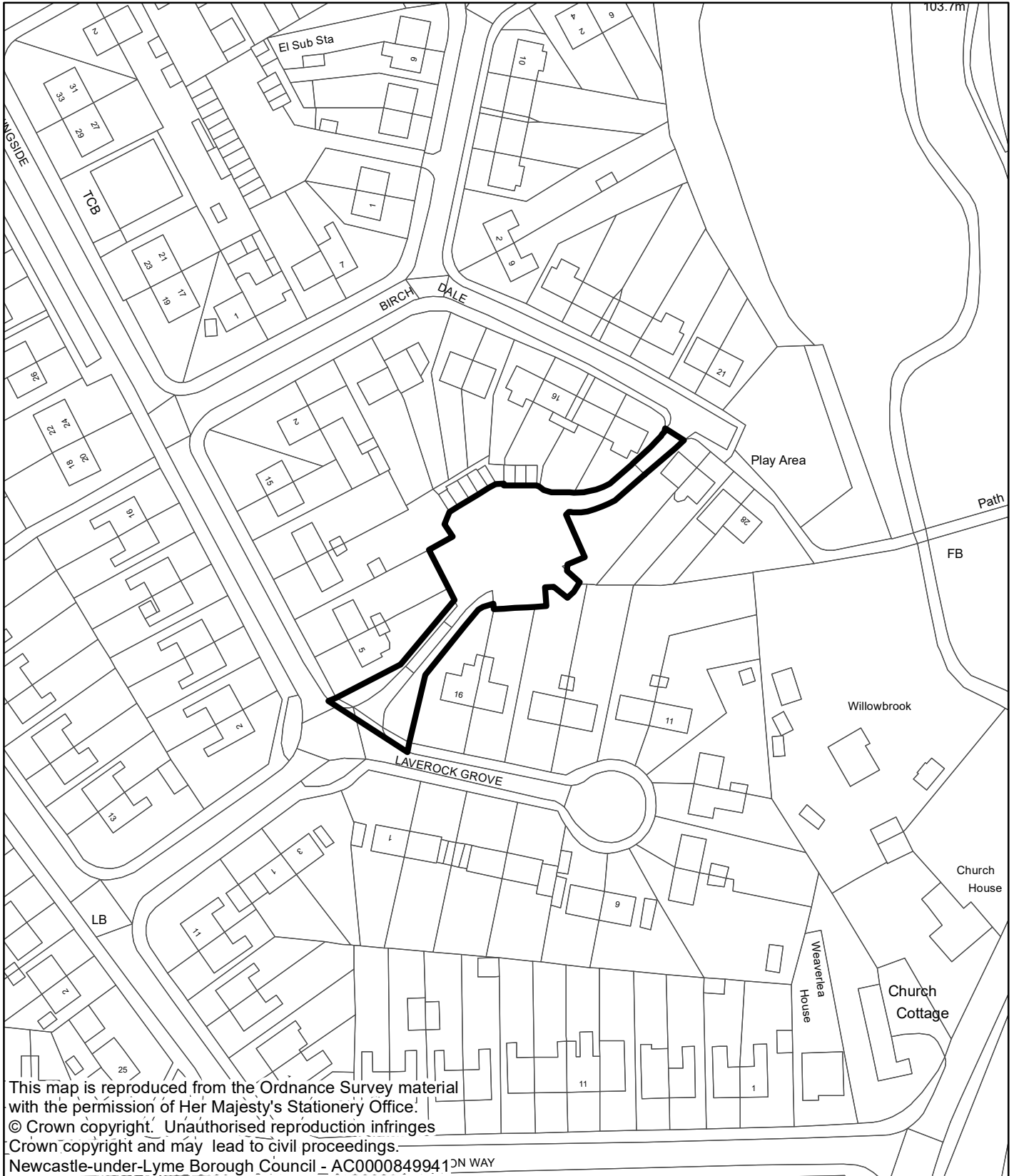
Planning File
Development Plan

Date report prepared

9 April 2025

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24/00421/OUT
Land Rear Of 5 Morningside &
16 Laverock Grove, Madeley



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ROSE COTTAGE, WOODSIDE, HILL CHORLTON
MR L CLARKE, CCP DEVELOPMENTS (STONE) LIMITED

25/00080/OUT

The application seeks outline planning permission with all matters reserved except for details of the main site access, for the demolition of existing outbuildings and the construction of four dwellings within the existing curtilage of the property known as Rose Cottage.

The application site is located within the open countryside and falls within a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee on the grounds of over intensive development, unsustainable location and lack of pavements on the highway.

The statutory determination period for this application expired on the 1 April and an extension of time has been agreed to 25 April.

RECOMMENDATION

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

- 1. Standard time limits for submission of reserved matters and commencement of development**
- 2. Approved plans**
- 3. Limit on construction hours**
- 4. Habitat and maintenance plan**
- 5. Unexpected contamination**
- 6. Surface water drainage scheme**
- 7. Works to be completed in accordance with ecological appraisal**
- 8. Access to be completed in accordance with the visibility splays details**
- 9. Works to be completed in accordance with the arboricultural assessment**

Reason for recommendation

The site is considered to be within a relatively sustainable location. The provision of 4 houses would make a 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 and where a suitable supply of housing cannot be demonstrated. It has been demonstrated that the proposal would raise no issues with respect to residential amenity, significant visual harm, highway safety or ecology. Subject to conditions, the development represents a sustainable form of development and should be supported.

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

Additional information has been provided in support of the application at the request of the Local Planning Authority and the proposal is considered to represent a sustainable form of development in accordance with the aims and objectives of the National Planning Policy Framework.

Key Issues

The application seeks outline planning permission for the demolition of existing outbuildings and the construction of four dwellings within the curtilage of the property known as Rose Cottage. All matters are reserved for subsequent approval except for details of the main site access.

The application site is located within the open countryside and falls within a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

A previous application has been approved at the site (Ref. 24/00471/FUL) which allowed for the subdivision of the main dwelling and the conversion of the existing outbuildings to a new dwelling, which resulted in a total of 3 dwellings being permitted within the site curtilage.

The main issues for consideration are as follows: -

- The principal of residential development in this location,
- Visual impacts of the proposal,
- Residential amenity,
- Highway safety,
- Impact on trees
- Impact on ecology
- Biodiversity Net Gain
- Planning balance

The principle of residential development in this location

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.

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.

Policy HG1 of the CHCMAW Neighbourhood Plan states that new housing development will be supported in sustainable locations. These are;

- Within the village envelope of Baldwin's Gate
- As a replacement dwelling, or limited infill housing or within a built frontage of existing dwellings; or
- In isolated locations in the countryside only where circumstances set out in paragraph 79 of the NPPF apply.

It also goes on to state that to be in a sustainable location, development must;

- Be supported by adequate infrastructure, or provide necessary infrastructure improvements as part of the development
- Not involve the loss of best and most versatile agricultural land;
- Avoid encroaching onto or impacting on sensitive landscape and habitats;
- Not involve the loss of any important community facility

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 cannot currently demonstrate an up to date housing supply.

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).

The CHCMWA Neighbourhood Plan was made on the 21st January 2020 and so the plan is less than five years old. However, the Plan does not contain policies and allocations to meet its identified housing requirement. As a result, it does not comply with the relevant measures outlined within Paragraph 14 and so it cannot be concluded that the adverse impact of allowing development that conflicts with the neighbourhood plan is, in itself, likely to significantly and demonstrably outweigh the benefits.

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 HG1 of the NP. As stated above, it has been accepted that the LP and CSS policies are out of date. The NP 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.

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

The application site is within reasonable cycling distance of local facilities, within Baldwins Gate located approximately 600m to the northeast. However, given the rural nature of the site it is likely that occupants of the properties would more than likely be reliant on the use of the private motor car to access a number of higher-level services and facilities.

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 site outside the settlement boundary would be contrary to this preferred approach. However, recent appeal decisions such as APP/P3420/W/24/3338220 (self-build dwelling at land adjacent Maerfield Gate Farm) and APP/P3420/W/19/3225154 (12 dwellings at Croft Farm, Stone Road) have demonstrated that Inspectors consider this site and those further to the south and southeast to be sustainable locations for new residential development. Given these appeal decisions it is not considered that a refusal on sustainability grounds could be sustained.

To conclude, the above 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 boost the supply of homes in the borough. The previous permission on the site for two additional dwellings also adds weight into the overall planning balance.

Whilst objections have been received from residents and from Chapel and Hill Chorlton Parish Council on the basis that the proposal is not in compliance with the emerging local plan policies, the new Local Plan has not yet been subject to its examination period and therefore the draft policies within it can be given limited to moderate weight.

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

Visual impacts of the proposal

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. 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 broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy R5 goes on to state that “buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area [and] infill development should generally follow the existing building line”. R12 states that residential development should be designed to contribute towards improving the character and quality of the area.

Policy DC2 of the CHCMAW Neighbourhood Plan states that development proposals must, amongst other things, complements the local landscape in terms of urban and built form, maintains and enhances the character and appearance of the landscape and reflect local character in terms of height, scale and massing.

The site is designated as being an Area Maintenance Area and Policy N19 of the Local Plan seeks development that will restore the character and improve the 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 proposed development is for outline planning permission with all matters reserved save for access however an indicative layout plan has been submitted to demonstrate how the proposal may be arranged on site.

There are a number of scattered dwellings close to the application site which have an informal layout and are of varying scales and character. The nature and character of the surrounding area is largely rural and the site is not seen in context with the wider settlement boundary of Baldwins Gate.

In terms of landscape impacts, the proposal would result in a clear change to the character of the application site which would see the introduction of a more suburban layout to this rural site. The visual change to the site would be most perceivable from the north of the site, due to the more open nature of this part of the application site, however an existing mature hedge would help to soften some of the impacts of the development which could be further mitigated by a comprehensive landscaping plan.

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. Appearance and landscaping are reserved for subsequent approval, however it is accepted that a design can be achieved that would provide a suitable level of landscaping within the site.

Overall it is considered that the proposal 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. In consideration of the above the proposed development is acceptable, subject to the final design being secured as part of the reserved matters application.

The proposed works are considered acceptable and in accordance with policy N19 of the local plan and policy CSP1 of the CSS.

Residential Amenity

Criterion f) within Paragraph 131 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.

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.

The Environmental Health Team have raised no objections to the proposal subject to a limitation on construction hours and subject to the reporting of any unexpected contamination within the site.

Subject to the recommendations set out above, the proposal is considered acceptable in respect to residential amenity and so accords with the provisions of the Framework.

Highway Safety

Paragraph 115 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 116 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.

The proposal would utilise and improve an existing access point that leads onto Woodside which is an unlit road with a national speed limit. A number of objections have been raised by local residents on highway safety grounds, on the basis that the surrounding roads are unlit and do not have pavements.

The Highway Authority has confirmed that they raise no objections to the proposal on technical grounds and that the new visibility splay would be a betterment in highway safety terms. The HA also note that the proposal would provide a footpath link towards Chorlton Moss which will improve access from the site into Baldwins Gate for future occupants.

With respect of parking provision, each of the new plots would be large enough to accommodate at least 3 parking spaces which would be in conformity with the Council's parking standards.

Although the Highway Authority have maintained their objections on sustainability grounds, it must be noted that the appeal decisions for nearby sites as referenced earlier in this report consider this site to

be a sustainable location for development, and as such, a refusal on those grounds cannot be sustained.

Therefore in light of the above and subject to conditions, the development is considered to accord with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Impact on Trees

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

An Arboricultural Assessment has been submitted in support of the application which notes that the proposed development would seek to retain all of the existing trees on the site, with the exception of two trees recommended for removal due to their poor health and condition. Both are category U trees (identified as T11 and T13). The indicative proposed site layout plan demonstrates that both these trees could potentially still be retained as part of the proposal as they will not be impacted by the position of any of the proposed dwellings.

Subject to the submission of a detailed landscape plan which must form part of any reserved matters application it is considered that the impact on trees and hedgerows is acceptable.

Impact on Ecology

A Preliminary Ecological Survey has been undertaken by HCA Services to establish whether or not any protected species are present within the site or existing buildings.

A number of mitigation and enhancement measures are set out with regard to bats, reptiles, birds and hedgehogs. These measures would be controlled through the use of a condition.

The Ecological appraisal has therefore demonstrated that the proposed works can be undertaken with minimal interference to any local biodiversity interests, subject to reasonable avoidance and mitigation measures.

Biodiversity Net Gain

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

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

An on-site baseline biodiversity value has been provided within the submitted biodiversity Net Gain Assessment and the applicant has then made a post-development biodiversity value calculation.

To achieve the 10% BNG requirement a planting scheme of new hedging, new woodland and mixed scrub, these would result in a total gain 23.20% net gain in habitats and 61.68% net gain in hedgerows for the site.

The results of the assessment demonstrate that more than a 10% gain in biodiversity units when compared with the current baseline can be achieved.

In order to monitor the long-term biodiversity net gain for the site, a condition will be applied to any permission granted requiring the submission of a Biodiversity Net Gain Plan and Monitoring Plan prior

to any development on site occurring. Subject to the use of these conditions, it is considered that the proposal has adequately demonstrated that the site will result in an on-site biodiversity net gain.

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 4 houses on the site would make a 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 and where a suitable supply of housing cannot be demonstrated. This benefit must therefore be attributed with substantial weight. It has also been demonstrated through the submission of technical details that the proposal would raise no issues with respect of residential amenity, significant visual harm, highway safety or ecology.

On this basis planning permission should be granted subject to the use of appropriate conditions, as recommended.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

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

Newcastle-Under-Lyme Local Plan 2011

Policy H9: Conversion of Rural Buildings for Living Accommodation
Policy E12: The Conversion of Rural Buildings
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas

Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Area

Policy HG1: New Housing
Policy NE1: Natural Environment
Policy N2: Sustainable Drainage
Policy DC2: Sustainable Design

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (2024)
Planning Practice Guidance (2024 as amended)

Supplementary Planning Guidance

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

Planning History

00/00458/COU - Change of use of outbuilding to form office – Approved

24/00471/FUL - Subdivision of existing dwelling and conversion of existing domestic outbuilding (including external alterations and extensions) to create a total of three dwellings – Approved

Views of Consultees

The **Environmental Health Division** raise no objections to the proposal subject to conditions relating to construction hours and the reporting of unexpected contamination.

The **Highway Authority** note that the proposal is acceptable on technical grounds, however they maintain their objections on the grounds that the site is not in a sustainable location.

Chapel and Hill Chorlton Parish Council object to the proposal on the grounds that the development conflicts with policies HG1 and NE1 of the Neighbourhood Plan and with policies HOU1, PSD2, PSD3, PSD4, IN2, SE10 and RUR2 of the emerging draft Local Plan.

Maer and Aston Parish Council object to the proposal on the grounds of over intensive development, unsustainable location and lack of pavements on the highway.

Whitmore Parish Council has no objections to the application.

Staffordshire County Council as the **Public Rights of Way Authority** note that the Definitive Map of Public Rights of Way for Staffordshire shows no public rights of way crossing the application site.

The **Landscape Development Section** raise no objections to the proposal subject to conditions relating to the development being completed in accordance with the aboricultlrua impact assessment, landscaping details and tree protection plans to be provided.

Representations

14 letters of objection have been received which raise the following concerns:

- Loss of countryside and visual impact
- Highway safety
- Lack of infrastructure
- Flood risk
- No local job opportunities
- Unsustainable location
- Loss of wildlife
- Nuisance caused by construction period
- Conflicts with the policies set out in the Neighbourhood Plan and emerging Local Plan

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/25/0080/OUT>

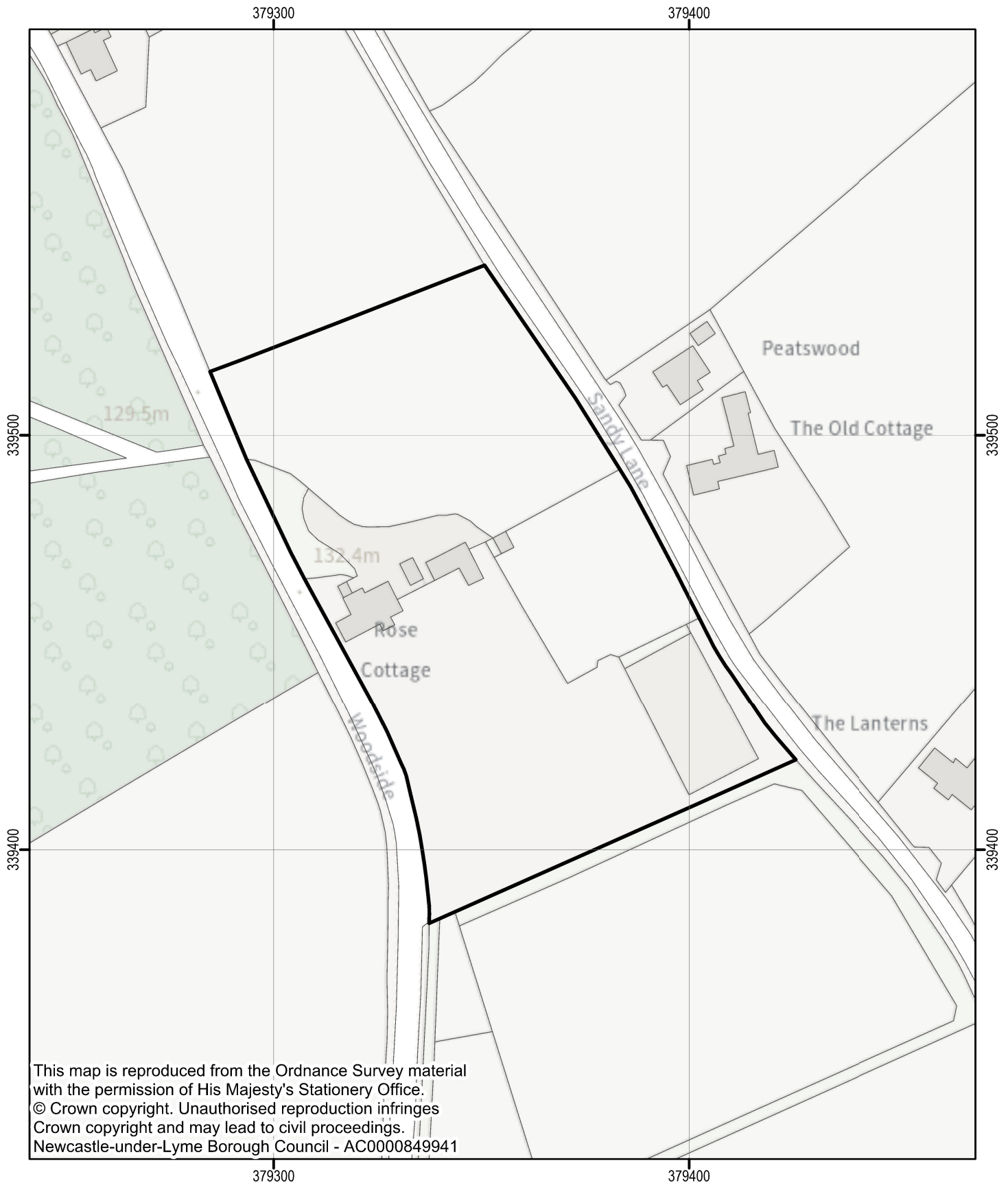
Background Papers

Planning File
Development Plan

Date report prepared

10 April 2025

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39-41 MERRIAL STREET, NEWCASTLE UNDER LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

25/00180/DEEM3

The application seeks full planning permission for the retention of replacement shop front windows and doors at 39-41 Merrial Street.

The units, which are currently occupied by a café, are located within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The statutory 8-week period for the determination of the application expires on 28 April 2025.

RECOMMENDATION

Permit, subject to conditions relating to:

- i. Approved plans**

Reason for Recommendation

The external alterations do not have any adverse impact on the character and appearance of the Conservation Area and the design of the proposal accords with the policies of the development plan and the aims and objectives of the NPPF.

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

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

KEY ISSUES

The application seeks full planning permission for the retention of replacement shop front windows and doors at 39-41 Merrial Street. The units, which are currently occupied by a café, are located within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The sole issue in the determination of the application is the impact of the development on the character and appearance of the Conservation Area.

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

Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

The ground floor of the units previously comprised large steel framed single glazed shop front windows and timber doors with horizontal and vertical beading. To improve the external appearance and thermal performance of the building, the windows and doors at ground floor have been replaced with double-glazed units with black aluminium frames.

The Conservation Officer raises no objections to the application. Given that the visual appearance of the windows and doors is very similar to the existing, it is not considered that there is any harm to the character and appearance of the Conservation Area. Therefore, the proposal accords with the policies of the development plan and the aims and objectives of the NPPF.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Other material considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (PPG) (as updated)

Supplementary Planning Guidance/Documents

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

Newcastle Town Centre SPD (2009)

Newcastle Town Centre Conservation Area Appraisal (August 2008)

Relevant Planning History

23/00901/COU Change of use from offices to café - Approved

Views of Consultees

The **Conservation Officer** raises no objections to the application.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00180/DEEM3>

Background Papers

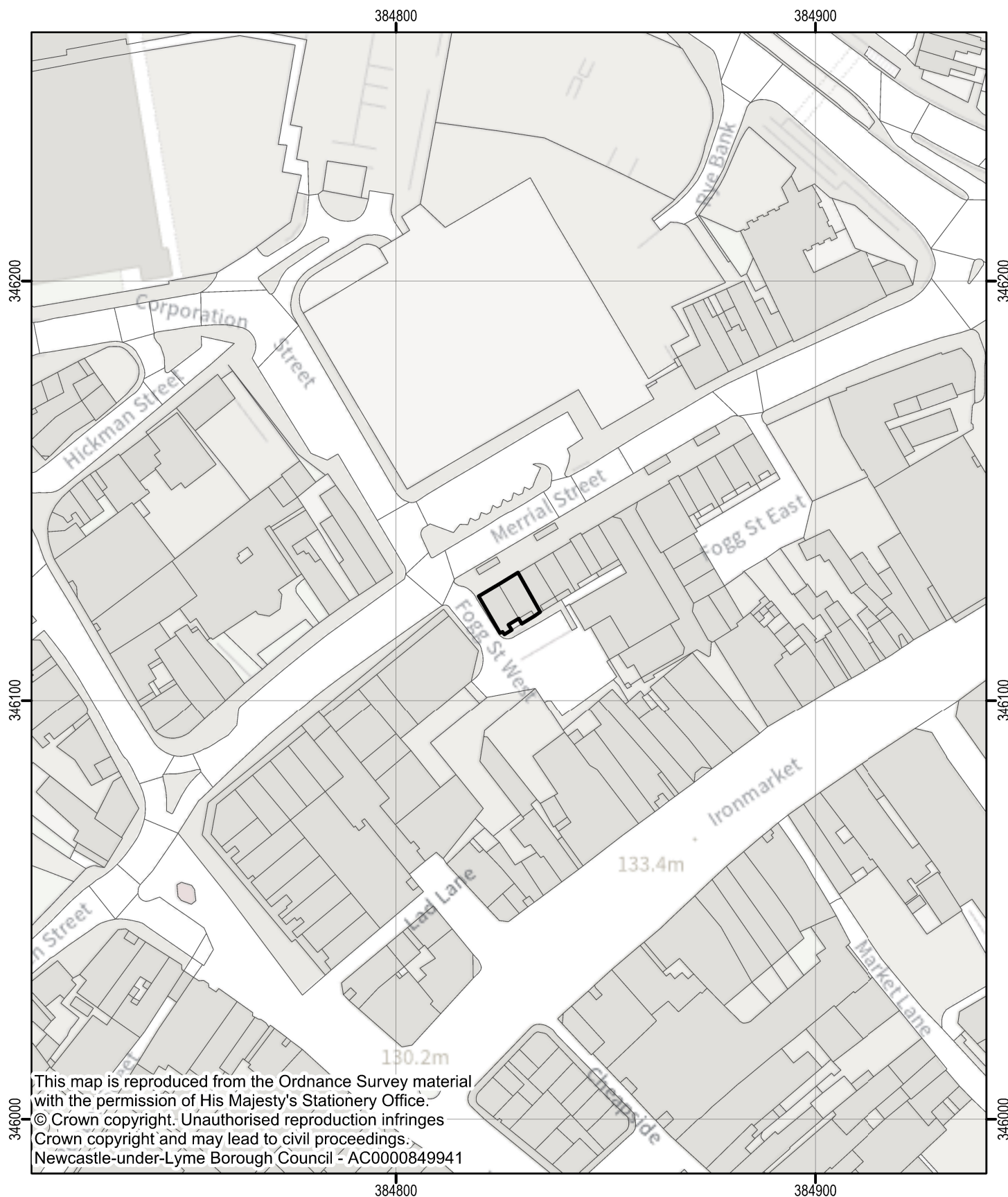
Planning File
Development Plan

Date report prepared

7 April 2025

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25/00180/DEEM3
39-41 Merrial Street
Newcastle
Stafforshire
ST5 2AE



Newcastle Borough Council



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21 MERRIAL STREET, NEWCASTLE UNDER LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

25/00184/DEEM3

The application seeks full planning permission for the retention of a replacement shop front window and door at 21 Merrial Street.

The retail unit is located within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The statutory 8-week period for the determination of the application expires on 28 April 2025.

RECOMMENDATION

Permit, subject to conditions relating to:

- i. **Approved plans**

Reason for Recommendation

The external alterations do not have any adverse impact on the character and appearance of the Conservation Area and the design of the proposal accords with the policies of the development plan and the aims and objectives of the NPPF.

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

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

KEY ISSUES

The application seeks full planning permission for the retention of a replacement shop front window and door at 21 Merrial Street. The retail unit is located within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The sole issue in the determination of the application is the impact of the development on the character and appearance of the Conservation Area.

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

Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

The ground floor of the unit previously comprised a large steel framed single glazed shop front window and timber door with horizontal and vertical beading. To improve the external appearance and thermal performance of the building, the windows and door at ground floor have been replaced with double-glazed units with black aluminium frames.

The Conservation Officer raises no objections to the application. Given that the visual appearance of the windows and door is very similar to the existing, it is not considered that there is any harm to the character and appearance of the Conservation Area. Therefore, the proposal accords with the policies of the development plan and the aims and objectives of the NPPF.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Other material considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (PPG) (as updated)

Supplementary Planning Guidance/Documents

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

Newcastle Town Centre SPD (2009)

Newcastle Town Centre Conservation Area Appraisal (August 2008)

Relevant Planning History

None

Views of Consultees

The **Conservation Officer** raises no objections to the application.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00184/DEEM3>

Background Papers

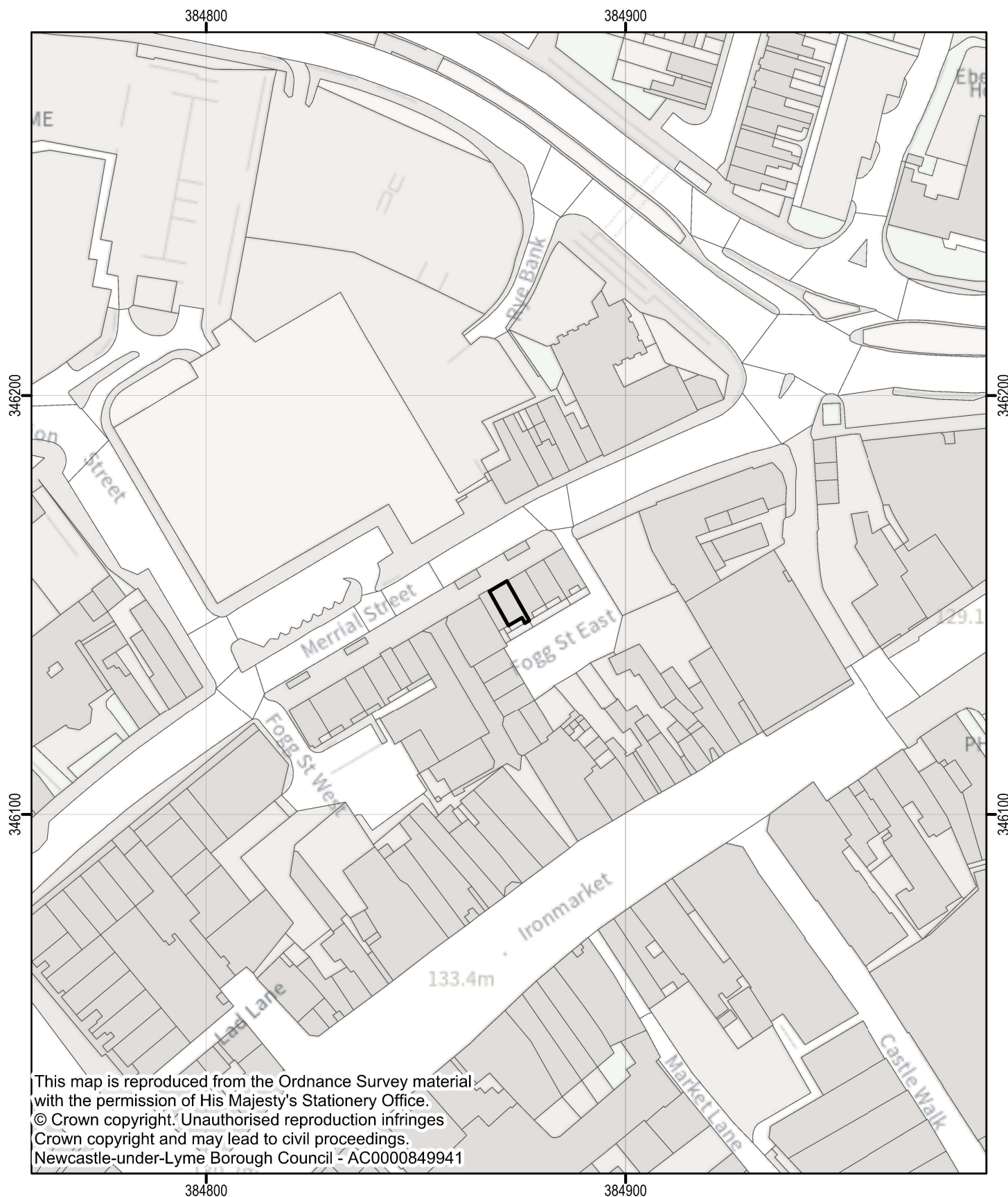
Planning File
Development Plan

Date report prepared

7 April 2025

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25/00184/DEEM3
21 Merrial Street
Newcastle
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Newcastle Borough Council

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LAND AT HIGH STREET, KNUTTON
NEWCASTLE UNDER LYME BOROUGH COUNCIL

25/00149/DEEM3

Planning permission is sought to vary conditions 2, 7 and 9 of permission Ref. 23/00974/DEEM3, which was approved last year and comprises a new village hall with associated vehicular and pedestrian access arrangements, parking area and landscaping.

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

The 8-week period for determination of the planning application expires on 29th April 2025.

RECOMMENDATION

PERMIT subject to the following:

- **Variation of conditions 2, 7 and 9 to refer to the amended plans**
- **All other conditions from 23/00974/DEEM3 that remain relevant**

Reason for Recommendations

The minor design changes are acceptable and would not adversely affect the character and appearance of the area or residential amenity.

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

Planning permission is sought to vary conditions 2, 7 and 9 of permission Ref. 23/00974/DEEM3, which was approved last year and comprises a new village hall with associated vehicular and pedestrian access arrangements, parking area and landscaping. Condition 2 lists the approved drawings and conditions 7 and 9 are required to be varied because they refer to drawing numbers that are to be changed.

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

The proposed changes to the approved plans comprise the following:

- Pitch of main roof lowered and overhangs reduced
- Windows added to elevation C and changes to glazing on elevation A
- Columns added to elevation D
- Internal layout amended
- Landscaping amended to suit changes to building

The principle of development has been established by the granting of the previous planning permission and the siting of the village hall, access, and parking remain unchanged. The main considerations therefore relate to whether the changes are acceptable in terms of their impact on the character and appearance of the area and on residential amenity.

Character and appearance

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 proposed amendments to the design comprise roof changes, the addition of columns, changes to glazing and associated landscaping changes.

The external design changes are minor and can be accommodated without adverse impact on the character and appearance of the new village hall and wider street scene. The revisions enable additional hedges/landscaping to be planted adjacent to the entrance lobby, which will have benefits in increasing the level of landscaping and in turn biodiversity at the site.

The proposal is therefore considered to be acceptable in terms of the scale, massing, design and materials, in keeping with the character and appearance of the area. The development would comply with local planning policy and the requirements of the NPPF.

Residential amenity

Paragraph 135 (f) of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The design and internal layout changes maintain the general arrangement of most of the glazing on the elevations serving the main function rooms and opening on to the amenity areas to the southwest and northwest. There is an adequate separation distance from the new residential properties.

Therefore, it is considered that the proposal would not harm adjoining residential amenities and would comply with the relevant criteria in the National Planning Policy Framework.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

Policy 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 \(NPPF\) \(2024\)](#)

[Planning Practice Guidance \(NPPG\) \(2024\)](#)

[Supplementary Planning Documents \(SPDs\)](#)

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

Relevant Planning History

23/00974/DEEM3 New build village hall comprising 2no. function rooms and associated ancillary services. Outdoor amenity space and parking provision - Permitted

Adjoining site - Land At High Street / Acacia Avenue: 23/00771/FUL Full planning application for a residential development with associated access, internal infrastructure, landscaping and wider works – Permitted subject to S106 and conditions

Views of Consultees

The **Highway Authority** has no objections to the proposal as the changes do not affect the highway.

Staffordshire Police Crime Prevention Design Advisor has reviewed the proposal and has no adverse comments to make.

The **Environmental Health Division** and the **Landscape Development Section** have not yet provided responses. Any additional consultation responses received prior to the committee meeting will be provided in an update to Members

Representations

None received

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

7 April 2025

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
22nd APRIL 2025

Agenda Item 9

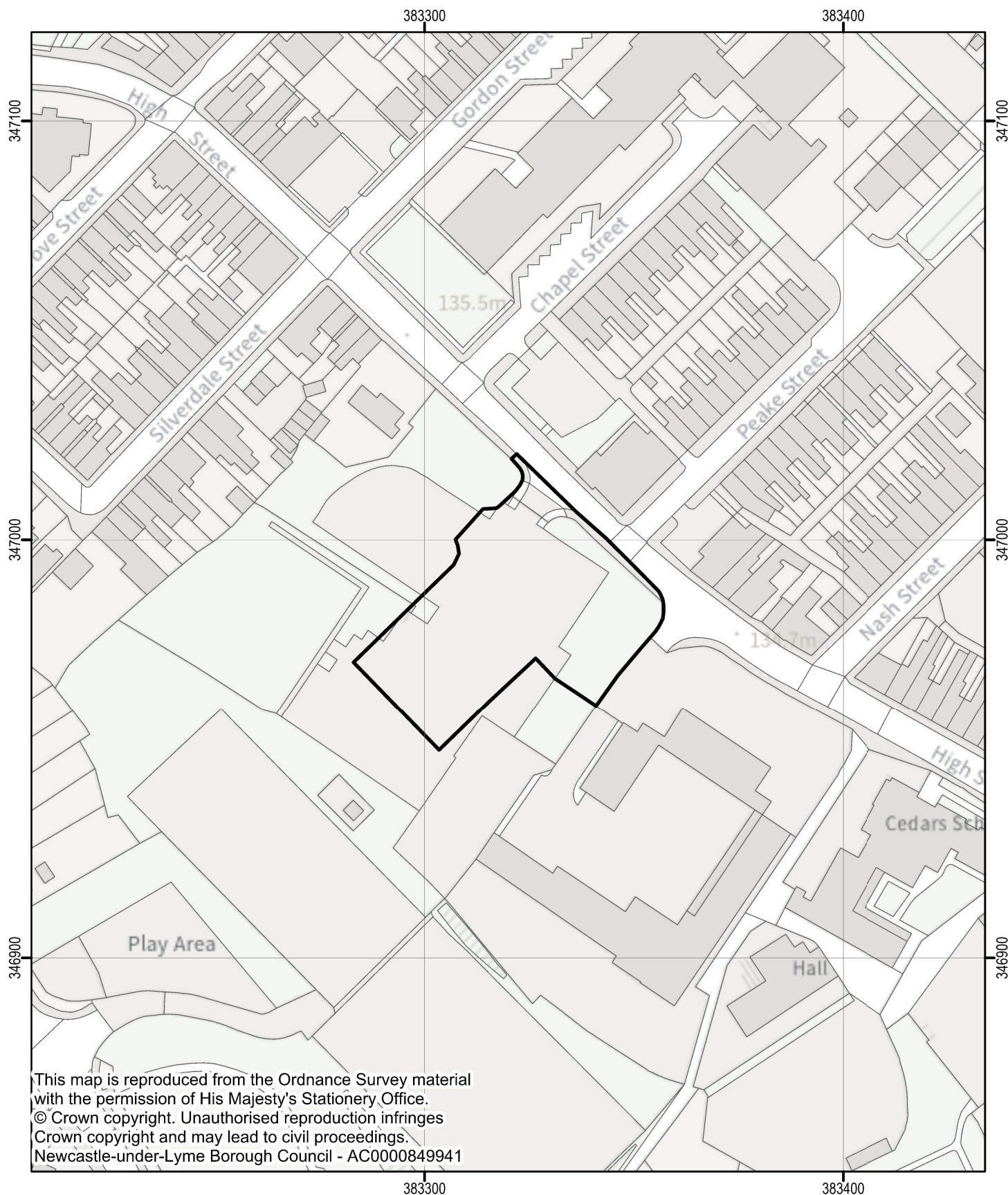
Application Ref. 25/00149/DEEM3

Land at High Street, Knutton

Following publication of the agenda, an additional consultation response has been received from the Council's **Landscape Officer**, confirming there are no objections subject to all works being carried out to British Standard BS 5837: 2012.

The recommendation and conditions remain unchanged and as set out in the report.

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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 3rd 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 20th 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, the existing mobile home on the site has been demolished and the site cleared. Dialogue continues 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 new 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 – 7 April 2025

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