

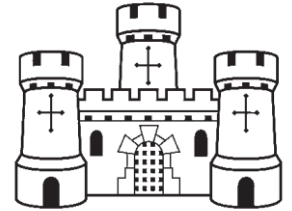
Public Document Pack

Date of meeting Tuesday, 17th June, 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 - 8)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF LAMPHOUSE WAY, WOLSTANTON. MARKDEN HOMES. 25/00131/FUL** (Pages 9 - 16)
- 5 APPLICATION FOR MINOR DEVELOPMENT - LAND REAR OF 5 MORNINGSIDE & 16 LAVEROCK GROVE, MADELEY. HEWITT&CARR ARCHITECTS. 24/00421/OUT** (Pages 17 - 28)
- 6 APPLICATION FOR OTHER DEVELOPMENT - INTERNATIONAL HOUSE, STUBBS GATE, NEWCASTLE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 25/00333/DEEM3** (Pages 29 - 34)
- 7 APPLICATION FOR OTHER DEVELOPMENT - FORGE COTTAGE, BRAMPTON ROAD, NEWCASTLE. MR THOMAS GUILBERT-NEWELL. 25/00272/FUL** (Pages 35 - 40)
- 8 5 BOGGS COTTAGE, KEELE, 14/00036/207C3** (Pages 41 - 42)
- 9 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972
- 10 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), Fear, Holland, Bryan, Hutchison, Burnett-Faulkner, Beeston, J Williams, G Williams, Gorton and Brown

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

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

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

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

Substitute Members:	Sweeney	S Jones
	Berrisford	Fox-Hewitt
	S Tagg (Leader)	D Jones
	Heesom	Edginton-Plunkett
	Johnson	Grocott
	J Tagg	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, 20th May, 2025
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Paul Northcott (Chair)

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

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

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

Resolved: That the minutes of the meeting held on 29th April 2025 be agreed as a correct record.

3. **APPLICATION FOR MAJOR DEVELOPMENT - LAND TO EAST OF WOODSIDE, BALDWIN'S GATE. JONES HOMES (NORTH WEST) LIMITED AND RENEW LAND. 22/01105/FUL**

Cllr Bryan enquired about the insufficient school provisions highlighted in the report and the surveys requested by Staffordshire Wildlife Trust. Cllr Bryan also raised concerns about the situation in relation to waste management.

The Development Manager stated that the Education authority had advised that it was projected there would be insufficient school places to mitigate the impact of the development and they were therefore seeking a financial contribution, payable to the County Council. Regarding the Staffordshire Wildlife Trust, it had been confirmed that there would not be any significant adverse impact as long as ecological mitigation was taken into account. Finally, as the main road to the site was to be adopted, there would be bin collection points for the dwellings on private drives.

Cllr Bryan asked where the information about additional school provisions could be found and who would decide where the financial contribution would be used.

The Development Manager advised that the County would determine school provisions that were required and the allocation of the funds was regulated by Section 106 and had to be consistent with the reasons why the money was raised.

Cllr Gorton enquired about the impact on the local wildlife and whether Staffordshire Wildlife Trust had carried out surveys. Clarification was also sought about whether the recommended breeding bird survey and arising mitigation measures had been accepted by the applicant. He asked for the actual distance between dwellings and bin collection points.

The Development Manager responded that a preliminary ecological assessment had been submitted and there would be mitigation measures to make the impact acceptable. The proximity with the local wildlife site meant there were additional issues in relation to hydrology and water content for which a survey had also been submitted further to the requests raised by the Trust who was satisfied that the development would have no significant impact on wildlife habitats. Regarding bin stores, distances varied across the site but were under 30 metres from properties as recommended by building regulations.

Cllr Fear was disappointed that half of the households would have to take their bins to a collection point. He also enquired about paragraph 14B of the National Planning Policy Framework (NPPF) on neighbourhood plans containing policies and allocations to meet identified housing requirements along with latest figures in terms of housing supplies.

The Development Manager advised that the Neighbourhood Plan could currently not be given a weight of its own right as it was more than five years old. In December 2024 there was a 5.2-year supply of housing. Further to amendments to the NPPF the housing requirements had increased meaning the current provisions became a 3.1-year supply which was below the 5 years the Council was required to demonstrate.

Cllr Holland commented that the application was undesirable in his view for the reasons expressed by his colleagues. The development would equate to loss of agricultural land, trees and wildlife habitat regardless of the size and wider impact, and require various flood mitigation measures meaning the harms would outweigh the benefits. He asked whether a refusal decision would be deemed reasonable.

The Development Manager responded that there were only two small isolated areas of versatile agricultural land as such on the site. The land could not be farmed separately and the entire unit would be treated as an agricultural land of lesser quality. The NPPF required that the harms be demonstrated and the Staffordshire Wildlife Trust had expressed being satisfied by the application subject to certain conditions and detailed mitigation measures being met which had been accepted by the developers.

Cllr Holland wished to clarify that Staffordshire Wildlife Trust did not say there would be no harms but that those harms could be mitigated which was a matter of judgement. Cllr Holland proposed that the application be refused.

Cllr Bryan suggested that loss of character be added as cause for refusal.

The Development Manager advised that this was a subjective criterion that members would be entitled to use, stressing that in her professional opinion the development wouldn't be harmful in that regard for being adjacent to existing developments.

Cllr J. Williams stated that more modest family houses with access to schools and medical facilities would be needed.

Cllr Bryan supported Cllr J. Williams comment on the wrong mix of housing, adding that the application did not include bungalows which may be another reason for refusal as being in discontinuity with other dwelling mixes in Baldwin's Gate.

The Development Manager commented that the application included a mixture in terms of dwelling size. There was no policy stating that there should be bungalows and other developments.

Cllr Fear asked how many three-bedrooms houses had been included within the forty dwellings.

The Development Manager responded there would be 12 x 3-bedrooms, 22 x 4-bedrooms and 6 x 5-bedrooms.

Cllr Fear referred back to paragraph 11.D of the NPPF and reasons deemed acceptable towards a refusal to supervene the presumption in favour of allowing developments. The case had been made for the location not to be sustainable – use of motor car and lack of amenities. It had then been argued that it wouldn't be the most effective use of the land. The refuse collection system proposed along with the absence of small dwellings and bungalows also showed the place was not well-designed. Finally it had not yet be demonstrated that the requirement for affordable homes was met.

The Development Manager clarified that the homes would be affordable in the proper sense of the term, not just cheaper.

Cllr Holland proposed refusal of the application on the grounds outlined by Cllr Fear, adding that in his view, building well-designed places included considering as a whole the village to which the application was attached and towards which the reliance on motor cars did not contribute.

Cllr Bryan seconded the proposal.

Cllr Gorton enquired about a footpath that seemed to lead onto the main road and may raise safety issues as well as evidence in relation to the drainage system arrangements supposed to help both the new development and offsite.

The Development Manager responded that the County Council Highways had advised they were satisfied with vehicular and pedestrian access to the site subject to conditions set out in the recommendations to be met. A transport assessment had notably been submitted. About drainage, there was a low risk of flooding on the site however mitigation measures had to be put in place so that the flows going out would not exceed how they currently were. A scheme had been designed to achieve this which would incidentally bring some improvement to the current system.

Cllr Gorton asked about if the nearest bus stop could be safely accessed and that the walking distance was appropriate.

The Development Manager confirmed that was the case and the Highways authority was satisfied.

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Cllr Bryan wished to stress that the provisions were very limited and there were no alternative options.

Revised recommendation proposed by Councillor Holland and Seconded by Councillor Bryan.

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

The adverse impacts of the development, namely the loss of best and most versatile agricultural land, harm to the ecological value of the site and its poor design which would result in reliance on private vehicle trips and use of bin stores, would significantly and demonstrably outweigh the contribution to housing supply and affordable housing that the scheme would make. The development would therefore be contrary to Policies CSP1 and CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies N3, N4 and N12 of the Newcastle-under-Lyme Local Plan 2011, Policies HG1 and NE1 of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan and the aims and objectives of the National Planning Policy Framework (2024), particularly paragraph 11d(ii).

[Watch the debate here](#)

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

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

- (i) Approved plans
- (ii) Approved materials
- (iii) Consent limited specifically to that applied for
- (iv) Limitation of hours of access to containers
- (v) No outside storage
- (vi) Installation of signage controlling the traffic
- (vii) Limitations on delivery of containers to the site
- (viii) Details of external lighting

Members requested that the Chair, on behalf of the Committee, sign off the lighting condition details.

[Watch the debate here](#)

5. LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2

Resolved:

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

[Watch the debate here](#)

6. PLANNING COMMITTEE SITE VISIT DATES FOR 2025/26

Resolved: That the information be received.

[Watch the debate here](#)

7. URGENT BUSINESS

The following item was considered urgent due to the contractors needing to commence work before the next scheduled meeting of the Planning Committee.

APPLICATION FOR FINANCIAL ASSISTANCE – 7 IRONMARKET, NEWCASTLE.
25/26001/HBG

Resolved: That a grant of £1,433 be given towards three new timber sash windows.

[Watch the debate here](#)

8. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

**Councillor Paul Northcott
Chair**

Meeting concluded at 9.15 pm

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LAND OFF LAMPHOUSE WAY, WOLSTANTON
MR MARK ELLIS – MARKDEN HOMES

25/00131/FUL

The application seeks to vary condition 2 of planning permission 22/00796/FUL (re-profiling of the existing site levels with the creation of development plateaus and associated drainage works and the development of 43 residential dwellings), to allow for changes to the site layout.

The application site, of approximately 1.39 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The statutory determination period for this application expired on 5 June but an extension of time has been agreed to 20 June.

RECOMMENDATIONS

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

- 1. Time limit**
- 2. Approved plans**
- 3. All other conditions that remain relevant to the original permission**

Reason for recommendations

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

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

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

KEY ISSUES

The application seeks to vary condition 2 of planning permission 22/00796/FUL (re-profiling of the existing site levels with the creation of development plateaus and associated drainage works and the development of 43 residential dwellings), to allow for the repositioning of plots 30 – 43.

The application site, of approximately 1.39 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

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

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

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

The proposal would not result in any additional impact on highway safety or trees beyond the original scheme, and therefore the key issues in the determination of this application are:

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

Impact on the character and appearance of the area

Paragraph 131 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 135 lists 6 criteria, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. In particular, Policy R3 states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it, exploiting existing site characteristics, such as mature trees, existing buildings or long views and incorporating them into the proposal. In addition, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

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

The proposal would result in an altered layout to plots 30 – 43 which form the northern part of the site. The revised layout would be formed around a new T-shaped section of highway, as opposed to the more linear layout approved under the original permission. The number of detached, semi-detached and terraced properties would remain as originally approved, albeit with a different layout. Landscaping would be used to help to soften the overall visual impact of the proposal.

As with the original scheme, the existing trees located along the northern and eastern boundaries of the site and the new planting along the western edge will ensure the development has a strong defining boundary which would help to improve the spatial and visual relationship between the site and nearby existing properties. With regard to impacts on the wider landscape, the trees located to the north and east of the site along the A500 and close to the highway of Vale View would act as a visual buffer between the development and the more open landscape towards Stoke on Trent.

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

Impact on residential amenity

Paragraph 135 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It further sets out at paragraph 185 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

There are existing residential properties to the south, west and north which share a boundary with the application site. Whilst the overall layout of the site would be altered as a result of this proposal, the layout and position of houses is still in accordance with the requirements set out in the Space Around Dwellings SPG. No objections have been received from local residents.

Whilst it is recognised that the new road layout would be a private road rather than an adopted highway, a detailed refuse plan has been submitted which demonstrates that the bin drag distances would comply with current building regulations guidance. In this respect the revised bin collection and storage details are considered to be acceptable.

On the basis of the above it is not considered that a refusal on amenity grounds could be sustained.

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
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development - General Parking Requirements

Other material considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (March 2024, as updated)

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (SAD) (July 2004)

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

Relevant Planning History

22/00796/FUL - Full planning application for proposed earthworks associated with the re-profiling of the existing site levels with the creation of development plateaus and associated drainage works and the development of 43 residential dwellings, comprising three and four bed 2 storey and 2.5 storey dwelling houses with ancillary parking and associated new road access – permitted

19/00301/OUT - (A) Full planning application for earthworks associated with the re-profiling of the existing site levels with the creation of development plateaus and associated drainage works; and (B) Outline planning application for the development of 64 residential (Class 3a) dwellings and flats, comprising two, three and four bed 2 storey dwelling houses and one and two bed apartments in two 3 storey blocks with ancillary parking and associated new access – permitted

A hybrid planning application was granted planning permission at appeal in 2001 on the adjacent land, reference 99/00918/FUL, for a new link road and residential development. A subsequent reserved matters application for the residential development (245 units) was permitted in 2002, reference 01/00943/REM. A series of other applications followed for the substitution of house types on certain plots

Views of Consultees

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

The **Lead Local Flood Authority** has no objections to the proposal.

National Highways has no objections to the proposal.

Staffordshire County Council as the **Education Authority** has no objections to the proposal.

Staffordshire Police have provided guidance on a number of security matters

No comments have been received from the **Environmental Health Division**, the **Waste Services Team**, **Severn Trent Water**, the **Environment Agency**, **Staffordshire Wildlife Trust**, the **Landscape Development Section** or the **Housing Strategy Team**.

Representations

None received.

Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00131/FUL>

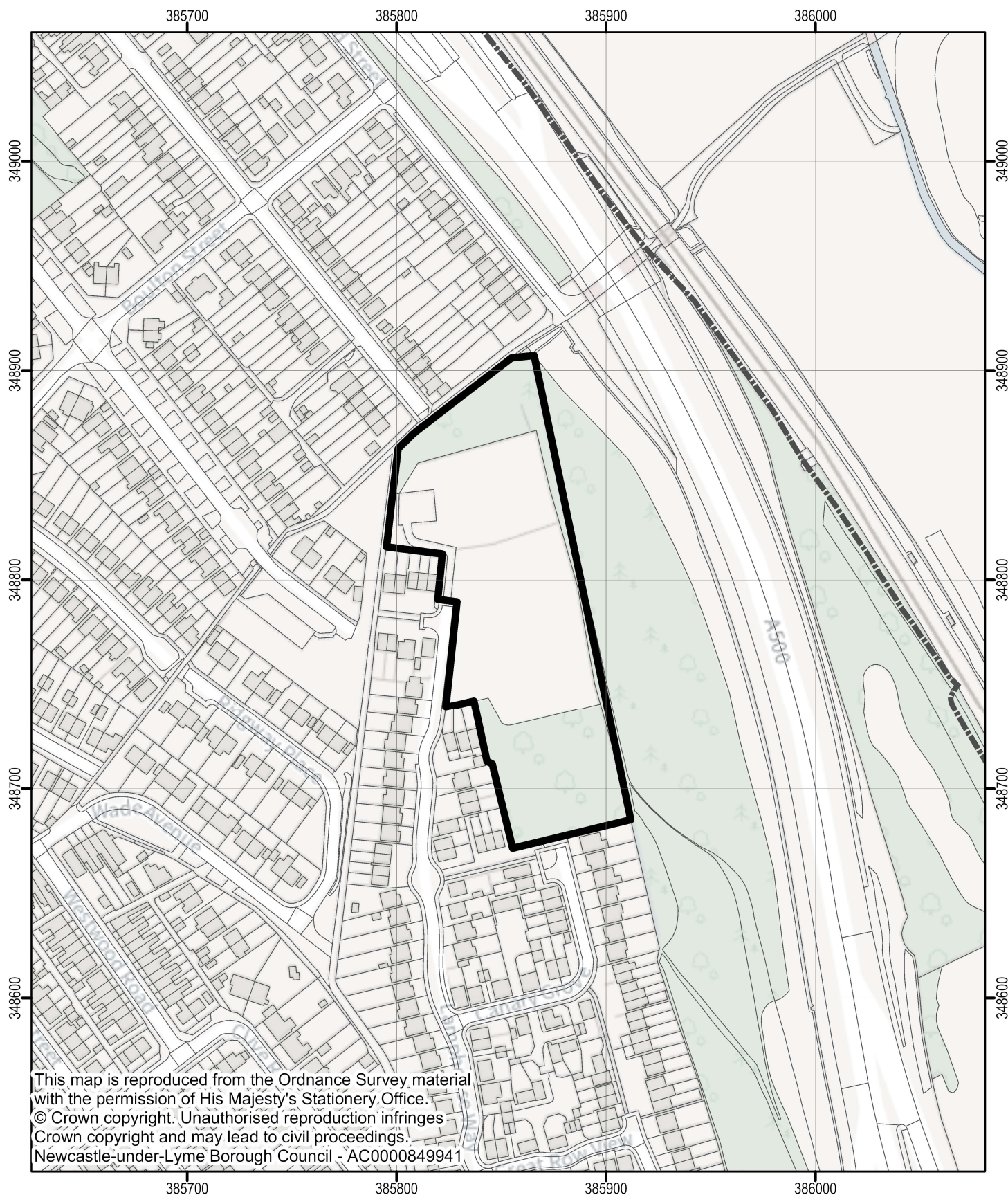
Background Papers

Planning File
Development Plan

Date report prepared

3 June 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.

The application site lies to the 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 application was deferred at the Planning Committee meeting on 22 April to enable Officers to obtain more information on the access and on the garages within the site.

The statutory determination period for this application expired on the 30 November 2024, however an extension of time has been agreed 20 June 2025.

RECOMMENDATION

Permit subject to the following conditions: -

- 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 application was deferred at the Planning Committee meeting on 22 April to enable Officers to obtain more information on the access and on the garages within the site.

The main issues for consideration in the determination of this full planning 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 be 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 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

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 subsequently submitted to address the concerns, demonstrates 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 known 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.

Additional information has also been provided by the applicant to address concerns raised at the meeting of the Planning Committee on 22 April. The applicant has confirmed that the road serving the properties would not be built to an adoptable standard but would remain in private ownership and a management company would be set up to ensure its ongoing and future maintenance. It should be noted that the Local Planning Authority has no policies which would require the road to be adopted, and this type of private road arrangement has been used on a number of other similar schemes within the borough. It has also been confirmed that the site would remain open for pedestrian use which would allow residents direct access to the nearby park located on Birchdale.

With respect to the existing garages which are positioned adjacent to the edges of the application site,

it has been confirmed that the intention would be for these to be renovated and then offered to nearby residents. This arrangement would help to partially address concerns raised by residents about the loss of parking from the site, however ultimately it must be recognised that the garages fall within private ownership and could be removed from site at any time without any consent from the LPA.

With respect to bin collection, refuse bins on collection days will be wheeled to a collection point at the junction of Morning Side, which is a distance of 36m from the indicated location of the dwellings.

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 shall not be included as a recommend condition within this report.

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 significant 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 CSP2:	Historic Environment
Policy CSP3	Sustainability and Climate Change

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

Developer contributions SPD (September 2007)

Affordable Housing SPD (2009)

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

Space Around Dwellings SPG (SAD) (July 2004)

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

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

Relevant Planning History

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>

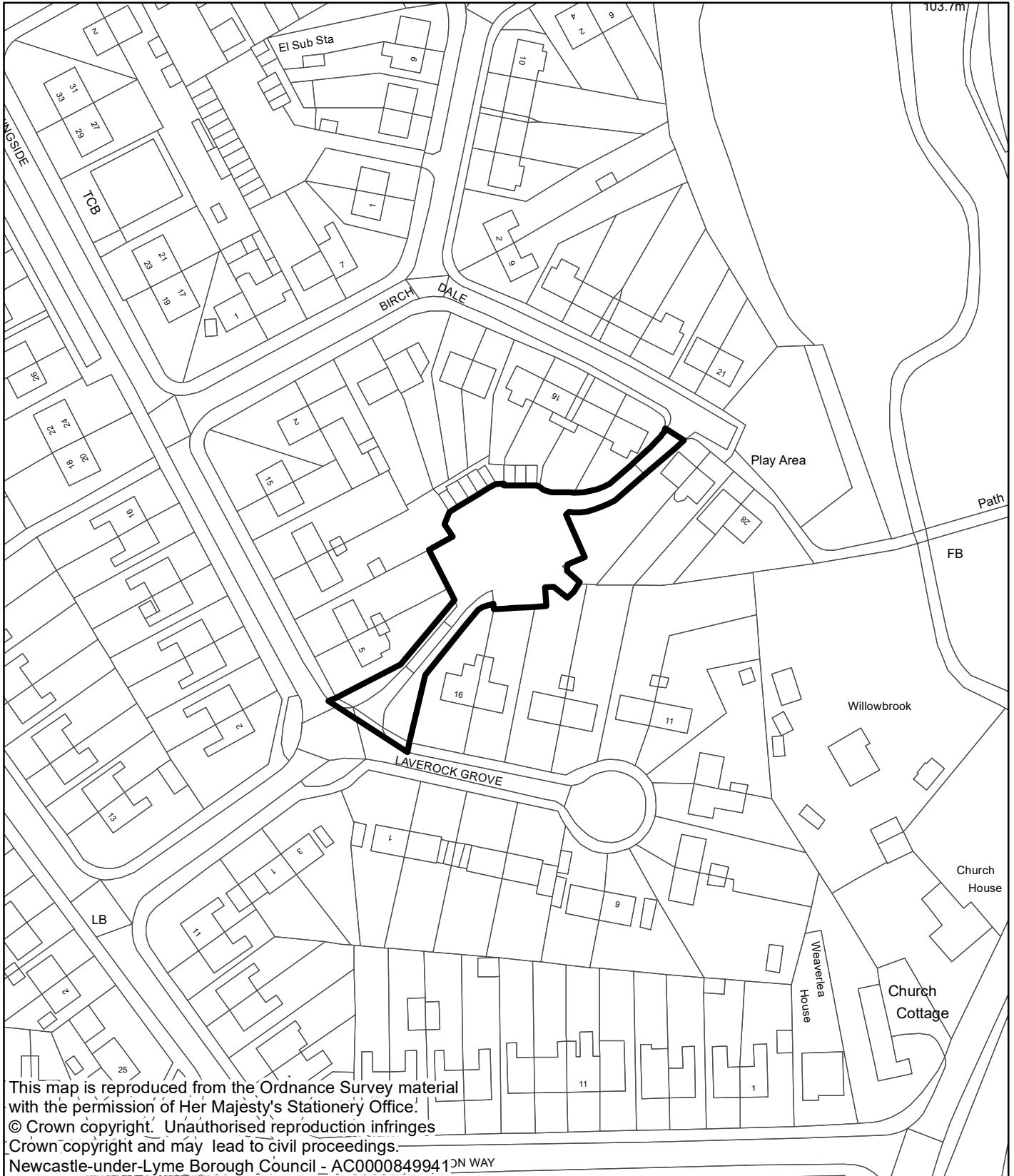
Background Papers

Planning File
Development Plan

Date report prepared

3rd June 2025

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



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Newcastle-under-Lyme Borough Council - AC0000849941

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

25/00333/DEEM3

The application seeks full planning permission for the variation of conditions 2, 6 & 7 of planning permission 24/00475/DEEM3 (Change of use for an existing office building to a Homeless Hub and HMO shelter for homeless people).

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

The statutory 8-week period for the determination of this application expires on 20 June 2025.

RECOMMENDATION

Permit, subject to the following: -

- 1. Variation of Condition 2 to refer to the revised plans**
- 2. Variation of Conditions 6 and 7 to require compliance with the recommendations of the revised Noise Impact Assessment**
- 3. All other conditions of 24/00475/DEEM3 that remain relevant**

Reason for Recommendation

The principle of the proposed use has been accepted with the approval of the previous application. The proposed revisions raise no highway safety or residential amenity issues, and the limited external amendments would have no adverse impact on the character and appearance of the area.

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 that complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

Full planning permission was granted last year for the change of use of this office building to a Homeless Hub and HMO shelter for homeless people (Ref. 24/00475/DEEM3). This application seeks full planning permission for the variation of conditions 2, 6 & 7 of that planning permission. Condition 2 lists the approved plans, condition 6 relates to compliance with a Noise Impact Assessment and condition 7 relates to use of external plant.

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

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

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

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat

the relevant conditions from the original planning permission, unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

Condition 2 list the approved plans. Limited changes are proposed to the elevations including the omission of two ground floor windows and a door on the south-eastern elevation, the addition of a vent at first floor level and omission of two high-level windows on the south-western elevation and some minor changes to the fenestration on the courtyard elevations to adhere to current fire regulations.

The proposed amendments are minimal and therefore, there would be no impact on the character and appearance of the area.

Condition 6 states as follows:

The glazing and ventilation systems to be used shall be those recommended within chapter 9 of the Noise Impact Assessment, dated 17th June, 2024, which was submitted in support of the application.

A revised Noise Impact Assessment has been submitted which has been considered by the Environmental Health Division (EHD). They are satisfied with its conclusions and therefore the wording of Condition 6 can be revised to refer to the amended report.

Condition 7 states as follows:

Prior to operational use of any external plant within the plant area shown upon plan 1272-12 Rev C, an assessment shall be made of the attenuation provided by the boundary wall and any additional enclosure of the plant area. Where the overall attenuation provided is insufficient to ensure that noise rating arising for the operational of the plant does not exceed the background noise level by +5, or more, is obtained within the gardens (or at the windows of the rear facades) at any property at Hatrell Street, details of any noise mitigation measures necessary to achieve this shall be provided to the Local Planning Authority for approval. The approved mitigation measures shall then be implemented and maintained thereafter.

The revised Noise Impact Assessment includes an assessment of the attenuation referred to in Condition 7. Given that the EHD is satisfied with the conclusions of that Assessment, no further submission is required. The wording of Condition 6 can be revised to require the development to be carried out in accordance with the recommendations of the amended report.

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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements

Other material considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (PPG) (as updated)

Supplementary Planning Guidance/Documents

Newcastle Town Centre SPD (2009)

Relevant Planning History

24/00475/DEEM3 Change of use for an existing office building to a Homeless Hub and HMO shelter for homeless people – Approved

Views of Consultees

The **Environmental Health Division** has no objections to the measures outlined in the Noise Impact Assessment Report.

Staffordshire Police has no objections subject to a number of recommendations regarding security.

Representations

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

- Unsuitable location for the proposed use due to proximity to a pub, a convent, dense housing, the Lyme Trust facility, the subway and a supermarket
- Impact on property value

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/25/00333/DEEM3>

Background Papers

Planning File
Development Plan

Date report prepared

5 June 2025

25/00333/DEEM3
International House
Stubbs Gate
Newcastle
Staffordshire
ST5 1LU



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Classification: NULBC UNCLASSIFIED

FORGE COTTAGE, BRAMPTON ROAD, NEWCASTLE
MR THOMAS GUILBERT-NEWELL

25/00272/FUL

Full planning permission is sought for the erection of a new fence at Forge Cottage, Brampton Road, Newcastle.

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

The statutory 8-week period for determination of this application expires on 27 June 2025.

RECOMMENDATIONS

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

- 1. Time limit condition**
- 2. Approved plans**

Reason for recommendations

It is considered that the proposed fence would preserve the character and appearance of the Brampton Conservation Area and there would be no impact on highway safety.

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 that complies with the provisions of the National Planning Policy Framework and therefore no amendments have been sought.

KEY ISSUES

Full planning permission is sought for the erection of a new fence at Forge Cottage, Brampton Road, Newcastle.

The application site is located within the urban area of the Borough and the Brampton Conservation Area, as identified on the Local Development Proposal Framework Map. To the south of the application site is The Manor House which is identified as a locally important building in the Conservation Area Townscape Appraisal Map and therefore represents a non-designated heritage asset.

The fence would be sited on top of an existing low wall which encloses the rear garden/yard of the property. The existing wall is only around 1.14m high. The proposed fence would be 0.59m high, therefore giving a total height of 1.73m. It would link to the existing 1.8m high close boarded fence which encloses the remainder of the rear garden of the property and would be stained brown to match the existing.

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

- Impact on the character and appearance of the Conservation Area and the significance of the adjacent non-designated heritage asset
- Impact on highway safety

Impact on the character and appearance of the Conservation Area and the significance of the adjacent non-designated heritage asset

Paragraphs 210-216 of the National Planning Policy Framework (the Framework) require, amongst other things, that new development should make a positive contribution to local character and distinctiveness, with any harm to the significance of a designated heritage asset requiring clear and convincing justification. In assessing the impact on non-designated heritage assets, a balanced

judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy CSP1 of the Core Strategy (CS) requires that the design of the development is respectful to the character of the area, and Policies B9, B10 and B13 of the Local Plan seek to preserve or enhance the character or appearance of Conservation Areas.

The application site was originally the forge to the former Brampton Manor but was converted to residential use in 1999. The rear garden of the property is currently enclosed by a combination of a low wall and 1.8m close boarded fencing. The property is set back from Brampton Road and the immediate area is lined by mature tree planting, hedgerows and boundary walls, with the latter enclosing the front of plots. As such, the property is not visible in important views through the Conservation Area.

The new fence would only comprise 3 small fence panels which would continue the existing structure out to the front of the property. It would also be viewed alongside the existing fences enclosing the gardens of the adjacent modern dwellings. Therefore, given its scale, position set back from Brampton Road behind established landscaping and the presence of other similar forms of enclosure in the locality, it is considered that the fence would preserve the character and appearance of the Conservation Area and the significance of the adjacent non-designated heritage asset.

The Conservation Officer has no objections to the proposal.

Impact on highway and pedestrian safety

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

The host property is set back from Brampton Vale Gardens, with a shared driveway serving the property and 3 other properties. Given the modest size of the proposed fence and its position set back from the road, it would not have any impact on highway safety. It would not restrict visibility for drivers emerging from the adjacent driveways serving neighbouring properties. The Highway Authority raises no objections to the proposal.

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 B8: Other Buildings of Historic or Architectural Interest
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

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.

Views of Consultees

The **Highway Authority** raises no objections.

The **Conservation Officer** raises no objections.

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/25/00272/FUL>

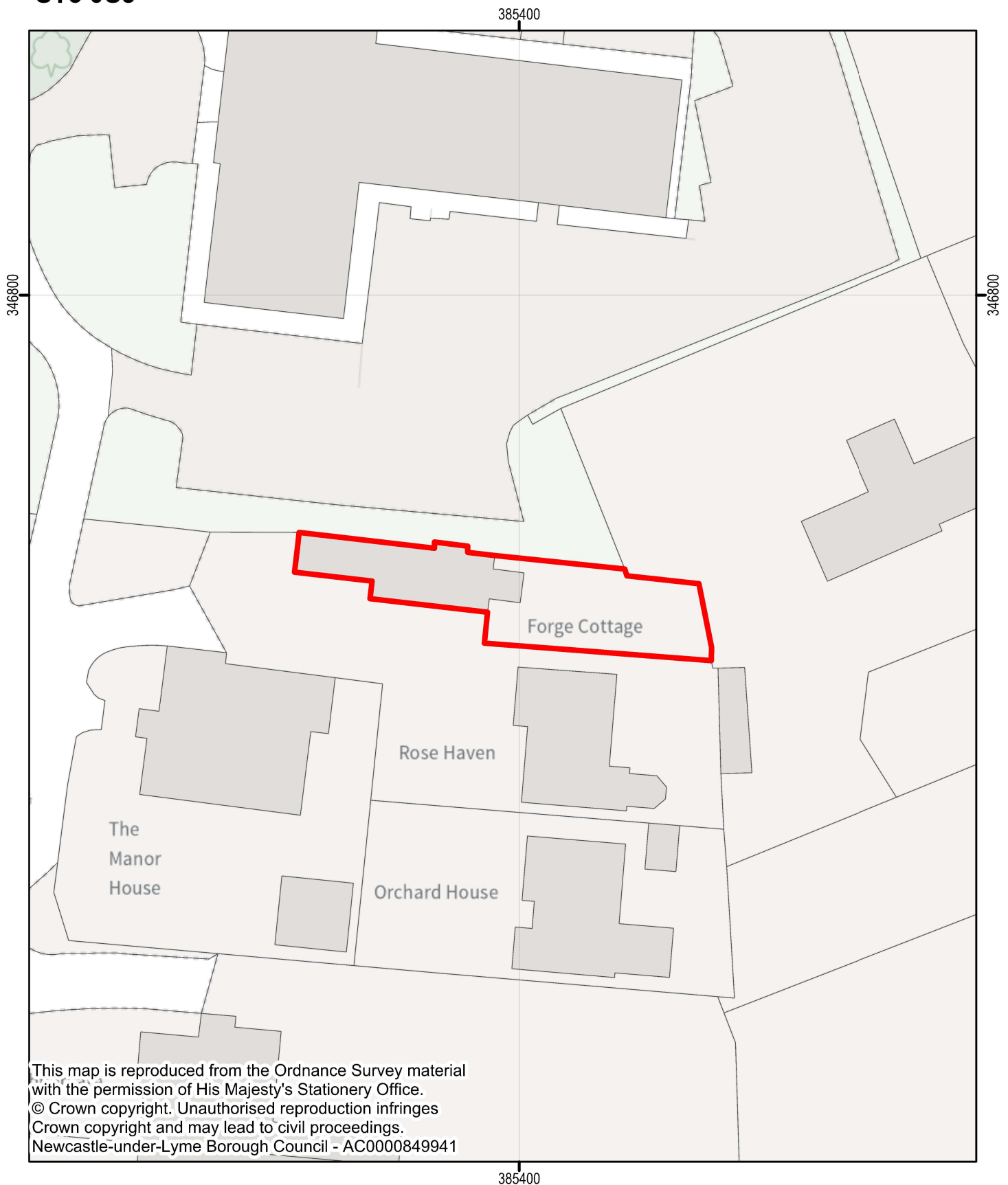
Background Papers

Planning File referred to
Development Plan referred to

Date report prepared

4 June 2025

25/00272/FUL
Forge Cottage
Brampton Road
Newcastle Under Lyme
Staffordshire
ST5 0UJ



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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 – 6 June 2025

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