

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

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

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

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

RECOMMENDATION

Permit, subject to conditions relating to;

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

Reason for Recommendation

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

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

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

KEY ISSUES

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

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

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

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

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

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

Design and impact on the character and appearance of the area

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

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

Policy CSP1 of the Council's Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

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

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

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

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

Residential Amenity

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

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

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

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

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

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

Reducing Inequalities

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

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

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

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

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

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

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

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

APPENDIX

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

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

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

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

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

Other material considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

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

[Relevant Planning History](#)

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

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

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

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

[Views of Consultees](#)

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

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

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

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

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

[Representations](#)

None received.

Applicant/agent's submission

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

Background Papers

Planning File
Development Plan

Date report prepared

30th July 2024