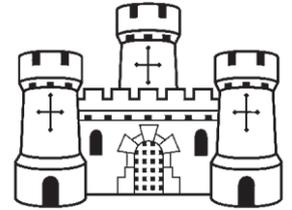


# Public Document Pack

**Date of meeting** Tuesday, 13th September, 2022  
**Time** 7.00 pm  
**Venue** Garden & 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 - 4)  
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - BALDWINS GATE FARM, NEWCASTLE ROAD, BALDWINS GATE. RICHBOROUGH ESTATES. 21/01041/OUT** (Pages 5 - 26)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF CROSS STREET, CHESTERTON .DURATA DEVELOPMENT LTD . 22/00012/REM** (Pages 27 - 36)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. DUCHY HOMES LIMITED. 22/00462/FUL** (Pages 37 - 46)
- 7 **TREE PRESERVATION ORDER - LAND AT 32 THE VILLAGE, KEELE. TPO 218** (Pages 47 - 50)
- 8 **URGENT BUSINESS**  
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

**Members:** Councillors Northcott (Chair), Bryan, Crisp (Vice-Chair), Fear, Gorton, Holland, Hutchison, D Jones, S Jones, Moffat, G Williams and J 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:	Beeston	S Tagg
	Fox-Hewitt	Panter
	Dymond	Skelding
	Edginton-Plunkett	Sweeney
	Grocott	J Tagg
	Heesom	

*If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need to:*

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place)

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

**NOTE:** THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, 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.

# Agenda Item 3

*Planning Committee - 16/08/22*

## PLANNING COMMITTEE

Tuesday, 16th August, 2022  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

**Present:** Councillor Northcott (Chair)

Councillors:	Crisp	Holland	Moffat
	Bryan	Hutchison	G Williams
	Gorton	D Jones	J Williams

**Apologies:** Councillor(s) Fear and S Jones

**Substitutes:** Councillor Heesom  
Councillor J Tagg

<b>Officers:</b>	Nick Bromley	Senior Planning Officer
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Simon McEneny	Executive Director - Growth and Development
	Scott Bracken Daniel Dickinson	Senior Planning Officer Head of Legal & Governance /Monitoring 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 19 July, 2022 be agreed as a correct record.

### 3. **APPLICATION FOR MAJOR DEVELOPMENT - ONE LONDON ROAD, NEWCASTLE UNDER LYME, ADOBE MANCHESTER LIMITED, 22/00548/FUL**

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

- (i) Variation of condition 1 to list the revised plans; and
- (ii) Any other conditions attached to planning permission 20/00557/FUL that remain relevant at this time.

**Planning Committee - 16/08/22**

**4. APPLICATION FOR OTHER DEVELOPMENT - OLD HALL, POOLSIDE, MADELEY, MR GARY WHITE, 22/00550/FUL AND 22/00551/LBC**

**Resolved:** (A) That application 22/00550/FUL be permitted, subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Materials to be in accordance with the submitted information

(B) That application 22/00551/LBC be permitted subject to the undermentioned conditions:

- (i) Time limit for commencement of development
- (ii) Approved plans
- (iii) Materials to be in accordance with the submitted information

**5. APPLICATION FOR OTHER DEVELOPMENT - 1 COPPER CLOSE, STOKE-ON-TRENT. MR AND MRS HOPPER. 22/00594/FUL**

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

- (i) Time limit condition
- (ii) Approved Plans
- (iii) Materials

**6. UPDATE ON BREACH OF PLANNING OBLIGATION ENTERED INTO IN ASSOCIATION WITH 11/00284/FUL FOR THE ERECTION OF TWENTY THREE HOUSES AT THE FORMER SITE OF SILVERDALE STATION AND GOOD SHED, STATION ROAD, SILVERDALE**

**Resolved:** That the information be received.

**7. 5 BOGGS COTTAGE, KEELE, REFERENCE 14/00036/207C3**

**Resolved:** That the information be received.

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

**Resolved:** That the information be received.

**9. URGENT BUSINESS**

There was no Urgent Business.

**Councillor Paul Northcott  
Chair**

Meeting concluded at 7.16 pm

**BALDWINS GATE FARM, NEWCASTLE ROAD, BALDWINS GATE**  
**RICHBOROUGH ESTATES**

**21/01041/OUT**

The application is for outline planning permission for the construction of up to 200 dwellings. All matters except for access (appearance, landscaping, layout and scale) are reserved for subsequent approval.

The site, which comprises Baldwins Gate Farm and associated agricultural land, lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

**The 13 week period for the determination of this application expired on 5<sup>th</sup> July but an extension of time has been agreed to 16<sup>th</sup> September 2022.**

## **RECOMMENDATION**

**(A) Subject to the applicant entering into a Section 106 obligation by 4<sup>th</sup> November 2022 to secure the following:**

- **The provision of 25% on-site affordable housing**
- **A contribution of £1,453,680 for both primary and secondary school places**
- **A contribution of £10,000 towards travel plan monitoring**
- **A contribution of £124,067 towards local health infrastructure**
- **A contribution towards the off-site provision of a Multi-Use Games Area**
- **A contribution of £830 per dwelling for an annual bus pass for one year**
- **A management agreement for the long-term maintenance of the open space on the site**

**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 and supporting documents**
- 3. Provision of access**
- 4. Junction improvements**
- 5. Off-site highway works**
- 6. Travel Plan**
- 7. Construction Environmental Management Plan**
- 8. Hours of construction**
- 9. Noise mitigation measures**
- 10. Air quality mitigation measures**
- 11. Contamination**
- 12. Electric vehicle charging points**
- 13. Details of foul and surface water drainage scheme**
- 14. Development to be carried out in accordance with the approved Flood Risk Assessment (FRA)**
- 15. A written scheme of archaeological investigation**
- 16. Tree and hedgerow protection measures for retained trees**
- 17. Arboricultural method statement**
- 18. A minimum of 5.36ha of green open space to be provided on site**
- 19. Approval of details of play facilities and timing of provision of open space and these facilities**
- 20. Ecological and biodiversity mitigation and compensation**
- 21. Reserved matters submission to comply with the principles of the Design and Access Statement**
- 22. Details of community facilities for the retained buildings**

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

## **Reason for Recommendation**

While there would be some local impact on the character and appearance of the area and some loss of best and most versatile agricultural land, the residential development of the site would make a significant contribution to the Council's housing supply and would provide affordable housing within the rural area.

It is considered therefore that the adverse impacts do not significantly and demonstrably outweigh the benefits of the proposal and accordingly, planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are imposed, as recommended.

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

Additional information has been sought and provided and the scheme 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 is for outline planning permission for the construction of up to 200 dwellings. All matters except for access (appearance, landscaping, layout and scale) are reserved for subsequent approval.

The site, which comprises Baldwins Gate Farm and associated agricultural land, lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. It is located outside of, but immediately adjacent to, the village settlement boundary.

Baldwins Gate Farmhouse is a locally listed building. There is one veteran tree on the site, a mature Oak tree located in the south-western part of the site.

The key planning matters in the determination of the application are:

- Principle of proposed residential development
- Landscape and Visual Impacts
- Affordable Housing
- Landscape and Open Space
- Highway Safety
- Trees and Hedgerows
- Ecology and Biodiversity
- Residential amenity
- Flood Risk and Drainage
- Agricultural Land
- Heritage and Archaeology
- Planning Obligations
- Planning Balance

### **Principle of the proposed residential development**

Baldwins Gate Farm and associated agricultural land is a greenfield site located on the edge of the settlement of Baldwins Gate, outside of, but immediately adjacent to, the village settlement boundary.

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.

However, 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.

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

The proposed development is not supported by 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))

Footnote 7 which relates to paragraph 11(d) states that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 31st March 2021.

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 all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and

- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

Given that the LNP was made over two years ago, the above criteria do not all apply and therefore, the breach of that Plan is not on its own, likely to significantly and demonstrably outweigh the benefits.

Notwithstanding this, it is considered that the test in paragraph 11(d) 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.

In sustainability terms, although the site is outside the village envelope of Baldwins Gate, your Officer considers that the village represents a relatively sustainable location. It has a primary school, doctors' surgery, church, village hall, post office and general store, butcher/delicatessen, garage, pub/restaurant and children's play area and playing field. There is an hourly bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury. It is considered therefore that the village is well served by local services and that public transport provision is reasonable. It is the case that the occupiers of the proposed dwellings will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. Top-up shopping for example, would be obtainable from within the village and accessible from the application site by foot or cycle. It is acknowledged that the bus service does not operate in the evenings or on Sundays but it is considered that the bus service would provide an alternative for those without access to a car for certain trips. There are bus stops within walking distance of the application site.

Baldwin's Gate has over the years been the subject of several planning appeals where the Local Planning Authority's position as to whether or not it is a sustainable location for residential development has been considered. Three different Inspectors have taken the view that Baldwin's Gate has sufficient facilities to justify a description of a "sustainable location". In particular, in allowing an appeal for up to 113 dwellings on Gateway Avenue, Baldwin's Gate (Ref. 13/00426/OUT), the Inspector concluded that although Baldwin's Gate performs less well than other, larger settlements in terms of accessibility and range of facilities, it can be regarded as a reasonably sustainable location.

Although this site is outside the village envelope, it would still be close to existing facilities. It is located approximately 500m from the village centre and the nearest bus stops to the site are located on the A53, approximately 450m east of the site. Manual for Streets advises that walkable neighbourhoods are typically characterised as having facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot.

A Travel Plan has been prepared to reinforce the alternative modes of transport available. It sets out a package of measures which are designed to increase the use of sustainable modes of transport and minimise single-occupancy car journeys. This includes making residents aware of cycle, bus and walking routes, providing electric charging points, secure cycle parking, high speed broadband to encourage home working and information on car share schemes.

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

In addition to maintaining a continuous five year supply of specific deliverable housing sites, with the appropriate buffer, the Council are expected to deliver a minimum of 7,000 new houses over the emerging Local Plan period of 2020 – 2040. The housing requirement over this period would comprise allocated sites distributed throughout the borough within the emerging Local Plan and windfall sites that would come forward for development.

The Government's objective is to significantly boost the supply of homes. To do this, it is important that a sufficient amount and variety of land comes forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (Paragraph 60, NPPF).

It is acknowledged that both local and national planning policy seeks to provide new housing development within existing development boundaries on previously developed land where available. It

is accepted that residential development on this greenfield site outside the settlement boundary would be contrary to this preferred approach. Nevertheless, this site would contribute to meeting the housing need (minimum 7,000 new homes) over the emerging plan period in a sustainable and accessible location which would help to significantly boost the supply of homes in the borough.

### Landscape and Visual Impacts

Paragraph 124 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 127 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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 NE1 of the CHCMAW Neighbourhood Plan states that new development will be supported that complements the landscape setting and character of the area, preserves or enhances and does not cause significant harm or degradation to the intrinsic rural character and ecological and environmental features of the area. Policy DC2 details a number of criteria that new development should meet if it is to be supported. This includes, amongst other things, that the development reflects local character, maintains and enhances the character and appearance of the landscape and responds sensitively to local topography.

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.

Although an indicative layout has been submitted to show how the site may be developed, layout, scale, appearance and internal access arrangements are all matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail on or consider the layout submitted.

Up to 200 new dwellings are proposed comprising a variety of house types.

LNP Policy HG2 requires a balanced mix of dwelling types to meet requirements identified in the latest assessment of local housing needs. This includes dwellings suitable for those wishing to downsize, young families and first-time buyers and specialist accommodation suitable for the elderly, vulnerable or disabled persons. The proportions of different dwelling types and sizes must be based

on evidence of local housing need and this should be demonstrated as part of any planning application.

Newcastle-under-Lyme & Stoke-on-Trent Housing Needs Assessment (June 2020) acknowledges that a broad mix of housing is required during 2020-2037.

It is considered that a broad mix of housing proposed as part of this development seeks to provide the type of dwellings for one person households, couples without children, households with dependent children, families with other adults and other types of households. In this regard the mix, type and size of dwellings is acceptable.

The density of the residential area of the site would be 30 dwellings per hectare but including the open space, the density of the overall site would be 15 dwellings per hectare. Your Officer's view is that given the location of the site, the density of the proposed scheme is appropriate. There is a mix of dwelling size and style in the area. Residential patterns vary within the village and densities vary with the recently constructed Gateway Avenue development having a density of 26 dwellings per hectare.

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

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

NLP Policy N21, supports, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape. However, within Landscape Restoration Areas, it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

A Landscape and Visual Appraisal (LVA) has been submitted with the application. The LVA states that those who will experience the largest change in the view are located to the immediate surroundings, especially those users of the A53 along the southern boundary, and transient users and residents of Madeley Road and Manor Road. The remaining visual receptors will experience a lesser degree of change, filtered through existing vegetation and farm buildings. No incongruous or uncharacteristic elements will be introduced to any views.

Although the proposed development would result in the introduction of new built form into an area of currently undeveloped agricultural land on the edge of Baldwin's Gate, it would be situated immediately adjacent to, and in the context of, the existing developed edge along the A53 and the recently constructed Meadowbank development to the north east. It is considered that the large green infrastructure link through the site, the addition of orchard planting and allotments, the existing bunding within the site, the incorporation of native tree planting and hedgerows with scattered trees along the site's north western boundary to filter views of the proposed development, would all help to assimilate the site in the landscape.

As stated in the LVA, views of the site would be limited to those gained in the immediate surroundings. Subject to a high quality layout and design and subject to conditions regarding proposed landscaping, it is not considered that the development would have such an adverse impact on the character or quality of either the village or the wider landscape to justify a refusal.

### **Affordable Housing**

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

LNP Policy HG2 requires any affordable housing to be provided within the development or nearby within the neighbourhood area, and not through contributions to affordable provision elsewhere. Development must be tenure-blind, with affordable housing mixed in with the standard market housing.

The affordable homes would be split 60% social rented (30 dwellings), 40% shared ownership (20 dwellings) and fully integrated within the development so as to be tenure blind and indistinguishable from the market housing. Of the 25% of the affordable homes proposed, 30 dwellings would be 2 bedroom houses and 20 dwellings would be 3 bedroom houses.

This is considered acceptable and the affordable housing proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

### **Landscape and Open Space**

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

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

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

NP Policy HG3 expects new residential development to provide for accessible, high quality, local play, sports and recreational facilities.

Within the development there would be the provision of 5.62ha of open space comprising of a mix of community parkland, allotments, natural play areas and a community orchard. The children's play area proposals must meet the minimum of Fields in Trust LAP and LEAP standards. The proposed area and type of open space to be provided is shown in the table below

<b>Open Space</b>	<b>Area Proposed</b>
Amenity Open Space (including kick-about space and community parkland)	4.47ha
Children's Natural Play	0.04ha
Allotments	0.27ha
Community Orchard	0.3ha
Landscape Buffer/Planting	0.3ha
<b>Total</b>	<b>5.38ha</b>

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

The open space provided meets the Council's required space standards of open space and play equipment. Furthermore, the provision of the type and amount of open space proposed would play an important role in contributing to the creation of healthy lifestyles.

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

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

### **Highway Safety**

CSS Policy SP3 addresses the need to secure more choice of, and create better access to, sustainable modes of transport whilst discouraging less sustainable modes. CSP1 expects new development to be accessible to all users and to be safe, uncluttered, varied, and attractive.

NP Policy DC3 expects the form and layout of development to provide ease of movement for pedestrians and cyclists, cater for a people with a range of mobility requirements and avoid severe adverse impacts on the capacity of the highway network

NPPF Paragraph 110 notes that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 advises 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.

Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The proposed vehicular access would be directly off the A53, along the southern frontage of the site and would take the form of a new four-arm roundabout junction with the A53 Newcastle Road and Woodside.

A Transport Assessment and Travel Plan have been submitted with the application. The Transport Assessment has assessed the potential transport impact on the local highway network and puts forward mitigation to improve highway safety and address junctions that are operating over capacity. Also, it provides a summary of existing alternative modes of travel including pedestrian, cycling and public transport (i.e. bus and rail modes). The use of alternative modes of transport are reinforced by the Travel Plan which sets out measures and initiatives to promote sustainable travel to and from the site.

The development is forecast to generate up to 104 two-way vehicle trips during any peak hour; this equates to less than two additional vehicles on the local highway network every minute.

The TA states that the proposed roundabout junction would upgrade the existing A53/Sandy Lane priority T-junction and would bring a significant benefit to highway safety on the A5 which has suffered from a poor safety record.

As part of the proposals the Madeley Road junction with the A53 would be realigned to square the Madeley Road approach up as it approaches the A53, improving visibility from the minor arm and the overall operation of the junction. The associated analysis demonstrates that the proposed improvement will provide additional capacity at the junction.

At the A51/Newcastle Road (A53) junction and the A51/A53 (N) junction to the southwest of Baldwins Gate, the analysis demonstrates that both junctions are currently operating at or over capacity, with the additional development traffic exacerbating the queueing and delays present at both junctions. As a result, signalised mitigation schemes have been designed and the modelling demonstrates that the mitigation schemes provide significant betterment compared to the situation without the proposed development in place.

In addition to the junction mitigation proposals identified above, there would be a pedestrian (puffin) crossing on the A53 at the northeast corner of the site, to provide safe and suitable pedestrian connectivity to the bus services and facilities within the village

On the A53 to the west of the site access, the existing footway will be improved to provide a 2.0m width and will connect to new provision along the initial section of Madeley Road, before connecting within the site to provide a circular walk route around the residential new development. The development site will deliver a 3.0m wide shared footway/cycleway facility from the A53 in the northeast corner of the site into the residential development.

Furthermore, the existing bus stops in the vicinity of Sandyfields would be upgraded to provide Real Time Information (RTI) and the flagpole stop on the eastern side of the A53 will be upgraded to provide a new cantilever shelter with seating.

The Highway Authority accepts the findings of the Transport Assessment and the follow up Technical Note. Therefore, they have no objections to the principle of development subject to suitably worded conditions and a planning obligation securing £10,000 to monitor the Travel Plan.

It is considered that a safe and suitable access to the site for all users would be achieved and that any impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety would be mitigated to an acceptable degree.

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

#### Trees and Hedgerows

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets.

NLP Policy N12 seeks to 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. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

There are no trees on the site which are protected by Tree Preservation Orders. A single, veteran oak tree of high arboricultural value is located within the south-western part of the site. The veteran tree would be retained and measures would be put in place to aid in its long-term physiological condition.

Two well-established hedgerows line the A53 on the southern site boundary. These are considered to be of low/moderate amenity value. The removal of some of this hedgerow is unavoidable to accommodate proposed flood water attenuation areas. However, the size of the site provides opportunities for new hedgerow and tree planting to compensate for this loss and provide an overall, long-term betterment to the site's green infrastructure. The details of the site's landscaping and green infrastructure would be considered as part of any reserved matters application.

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

#### Ecology and Biodiversity

NPPF Paragraph 180 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

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

and wherever possible, enhance the area's natural assets, landscape character, waterways, green corridors and priority species and habitats.

NLP Policy N3 expects development to take account of the potential effects of development proposals upon wildlife and geological features and avoid or minimise any adverse effects and, where appropriate, to seek to enhance the natural heritage. Habitats/features of nature conservation or geological value will be retained in situ and protected from adverse impact. Replacement habitats/features will be provided on at least an equivalent scale where the Council agrees that the loss of wildlife habitats or geological features is unavoidable.

NLP Policy N8 seeks to resist development that may, directly or indirectly habitats, unless the applicant can demonstrate that the need for the development clearly outweighs the need to safeguard the habitat. Where development affecting such habitats can be approved, appropriate measures will be required to minimise damage, to provide for appropriate habitat restoration and/or re-creation to compensate for any loss.

LNP Policy NE1 supports new development that complements the landscape setting and character of the area, preserves or enhances and does not cause significant harm or degradation to the intrinsic rural character and ecological and environmental features of the area.

An Ecological Assessment has been submitted which indicates that the proposals for the site include for the retention of the majority of habitats identified as being of ecological importance, namely hedgerows, mature trees and the large veteran oak tree. There will be the loss of grassland, ruderal habitats, a pond and the partial loss of some hedgerows to accommodate site access but the proposals will include for the creation of new areas of grassland, scrub and shrub planting, sustainable urban drainage systems, allotments and hedgerow and tree planting. This will result in the creation of new habitats on site with known biodiversity value.

The Assessment states that the existing on site buildings support a range of common and priority breeding bird species and therefore it is recommended that precautionary construction methods are employed to safeguard nesting birds using the site. Compensation for loss of nesting opportunities will be provided through the installation of bird bricks and bird boxes throughout the development and landscaping. The site also has potential to support roosting, foraging and commuting bats, and as such, compensation, mitigation, and enhancement measures, including the provision of compensatory and new roosting opportunities, the retention and creation of dark corridors, and a habitat creation scheme designed to maximise opportunities for bats will be incorporated into the scheme.

Subject to the imposition of a condition requiring appropriate mitigation, it is not considered that an objection could be sustained on the grounds of ecological impact. For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

#### Residential Amenity

Paragraph 174 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 185 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 186 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.

An Air Quality Assessment submitted with the application concludes that the development would not have a significant impact upon local air quality.

A Noise Assessment has also been submitted which acknowledges that the dominant noise source would be road traffic noise from the A53 and Madeley Road and that the other noise source is Rail Traffic Noise as the neighbouring parcel of land is being developed as part of the HS2 'Crewe to Stafford Railway Line'. The proposed general mitigation strategy for the site to achieve indoor ambient noise levels for dwellings and acceptable noise levels for external amenity spaces includes all or a combination of:

- Selection of glazing, acoustically attenuated ventilation and building fabric with a sufficient sound reduction index;
- Careful consideration of dwelling orientation to protect private amenity spaces; and/or
- Installation of acoustically sound fencing at garden boundaries having an unscreened, or partial unscreened view to the roads.

Although no comments have been received from the Environmental Health Division, it is considered that the air quality for the development is acceptable and with the implementation of the specified mitigation strategy, noise levels across the proposed development can be attenuated to achieve acceptable external and internal sound levels. For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

The application is supported with a Phase 1 Ground Investigation (GI). It identifies a number of potential sources of contamination, which include, above ground storage tanks, animal burial pits, vehicle repair activities and infilled ponds. As a result of the potential sources of contamination the GI states there is a low to moderate risk of contamination and recommends further site investigations.

Environmental Health have no objections to this approach subject to suitably worded conditions which requires sufficient site investigation works to adequately assess the nature and extent of any land contamination on the site with a subsequent remediation scheme and appropriate verification report that demonstrates its effectiveness.

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

#### Flood Risk and Drainage

NPPF Paragraph 167 outlines that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The application is supported by a Flood Risk and Drainage Assessment (FRDA). The site lies in Flood Zone 1 which is land/property with the lowest risk of flooding.

Due to the topographical challenges, the proposed site has been split into 3 catchments areas. Surface water will be conveyed, stored and treated within the proposed features on site. These will include detention basins, permeable paving and infiltration basins. The disposal of foul water from Catchments 1 and 2 will be via a new proposed connection into the existing foul water sewer within the A53. The disposal of foul water from Catchment 3 will be via a new proposed connection into the foul water sewer located within the new development east of the site.

The FRDA concludes that with the above measures in place, the development of the site will not create any flood risk issues for the wider area.

The Environment Agency, Staffordshire County Council as the Lead Local Flood Authority, United Utilities and Severn Trent Water all have no objections to the drainage approach and strategy subject to suitably worded conditions securing the detailed drainage design and foul and surface water flows.

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

### Agricultural Land Quality

Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Policy HG1 of the CHCMAW Neighbourhood Plan states that to be in a sustainable location, development must, amongst other things, not involve the loss of best and most versatile agricultural land.

The best and most versatile land is defined as that which lies within Grades 1, 2 and 3a. The Agricultural Land Quality Assessment (ALQA) submitted with the application identifies that the site contains approximately 8ha of Grade 2 'Very Good' quality agricultural land, approximately 3ha of Grade 3a 'Good' quality agricultural land and 1ha of Grade 3b 'Moderate' agricultural land. Consequently, the development results in a loss of approximately 11ha of the Best and Most Versatile Agricultural Land (BMVAL).

The site forms part of Baldwin's Gate Farm and the application states that the remaining 237ha of the agricultural land would continue to be farmed for grazing and mowing with some arable cultivation to grow forage crops. Although it is acknowledged that the site is only a very small part of the wider landholding, the site comprises best and most versatile land and therefore your Officer considers that it must be concluded that the loss of this land is a material consideration which weighs against the proposal. Whether this and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report.

### Heritage and Archaeology

Baldwin's Gate Farm farmhouse is a locally listed building.

NPPF Paragraph 195 expects Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 197 notes that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

LP Policy B8 ensures the conservation of locally important buildings and structures by encouraging their retention, maintenance, appropriate use and restoration.

LP Policy B3 requires archaeological assessments and field evaluations to be submitted prior to the determination of proposals affecting sites of known or potential archaeological significance.

LNP Policy DC1 seeks to protect, preserve and promote the area's conservation areas and heritage assets and find new uses for disused buildings that make a positive contribution to the local built heritage.

The Locally listed farmhouse is shown to be retained which is welcomed and the improvement to the openness of its setting is considered an enhancement. The Council's Conservation Officer is pleased that the impressive house and farm buildings are being retained with space around them and on the approach to the buildings.

The submitted Archaeology and Heritage Statement provides an assessment of the potential impact on designated heritage assets in the wider area such as a scheduled Neolithic/Bronze Age barrow approximately 600m to the west and a scheduled Iron Age hillfort approximately 800m to the south. The assessment that the setting of these will not be harmed is supported.

The Statement identifies some, albeit low, archaeological potential within the site, and highlights some historic farm buildings which are due to be directly impacted by the proposals. The County Archaeologist raises no objections subject to conditions requiring further archaeological evaluation.

It is considered that the development has a positive impact on the heritage assets and their setting and that the staged archaeological evaluation is appropriate given the low, archaeological potential.

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

#### Planning Obligations

CSP10 'Planning Obligations' requires developers to have regard to the consequences that may arise from development. The policy sets out a number of areas which should be considered including transport, infrastructure, affordable housing, education and community facilities, open spaces, sports and recreation facilities and environmental improvements and mitigation.

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

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

The applicant has confirmed their willingness to agree to the provision of 25% on-site affordable housing and a financial contribution of £830 per dwelling to cover the cost of a voucher equivalent to an annual bus pass providing unlimited bus travel across the West Midlands Zone for one year. In addition, Staffordshire County Council as the Education Authority has requested a sum of £1,453,680 for both primary and secondary school places, the Highway Authority has requested a travel plan monitoring fee of £10,000 and Staffordshire and Stoke on Trent Clinical Commissioning Groups has requested a sum of £124,067 towards local health infrastructure. The Landscape Development Section has requested a contribution towards an off-site Multi-Use Games Area. The amount required has not yet been agreed and so will be reported in a supplementary report. It is considered necessary for the community facilities to be available for use as such and that a management agreement is required for the long-term maintenance of the open space on the site.

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

### 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 development would result in some local impact on the character and appearance of the area and there would be a loss of best and most versatile agricultural land. However, the development would boost the supply of housing to meet the need for a minimum of 7,000 homes over the emerging plan period (2020-2040). The development would fulfil a social role by delivering a mix of market housing and affordable housing in the rural area. Also, it is accepted that the new roundabout junction with the A53 Newcastle Road and Woodside would result in an improvement to highway safety.

It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. On this basis planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are imposed, as recommended.

## **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
Policy CSP4:	Natural Assets
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

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

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside.
Policy C4:	Open Space in New Housing Areas.
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures.
Policy N4:	Development and Nature Conservation – Use of Local Species.
Policy N8:	Protection of Key Habitats.
Policy N10:	New Woodland Considerations
Policy N12:	Development and the Protection of Trees.
Policy N13:	Felling and Pruning of Trees.
Policy N14:	Protection of Landscape Features of Major Importance to Flora and Fauna.
Policy N17:	Landscape Character - General Considerations.
Policy N21:	Areas of Landscape Restoration
Policy B3:	Other Archaeological Sites.
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities.

#### [Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan](#)

Policy HG1:	New Housing
Policy HG2:	Housing Mix
Policy HG3:	Local Play, Sports and Recreational Facilities
Policy NE1:	Natural Environment
Policy N2:	Sustainable Drainage
Policy COM1:	New Community Facilities
Policy COM3:	Developer Contributions
Policy DC1:	Local Heritage
Policy DC2:	Sustainable Design
Policy DC3:	Public Realm and Car Parking
Policy DC4:	Connectivity and Spaces
Policy DC6:	Housing Standards

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

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

[Planning Practice Guidance](#) (2014 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)

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

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

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

#### Relevant Planning History

There is no relevant planning history for the site.

#### Views of Consultees

The **Highway Authority** raises no objections subject to conditions regarding provision of the access, provision of junction improvements, and provision of off-site works for the crossing on the A52. A Section 106 agreement is required securing a travel plan monitoring fee (£10,000).

**The Environmental Health Division** (Contamination) has no objections subject to conditions.

**Natural England** has no comments to make on this application.

**Staffordshire and Stoke on Trent Clinical Commissioning Groups** has requested a contribution of £124,067 towards local health infrastructure. This is on the basis of the development having a likely impact of an additional 480 patients in the locality.

**Staffordshire County Council Education Authority** have considered the impact on school places at the Baldwin's Gate CE (VC) Primary School and Madeley High School and advise that it is projected that there would be insufficient school places in the local area to mitigate the impact of this development at both primary and secondary phases of education.

This development would trigger the need for additional accommodation at Baldwins Gate VC (CE) Primary and would require the school to grow to a 1FE primary school (210 places plus nursery). This would benefit the school educationally as they would be able to teach the curriculum to single year group classes, and increased pupil numbers would support the school to be more sustainable longer term. In addition, this development would be added to the cumulative impact of developments that require mitigation in the catchment of Madeley High School.

The education contributions for additional educational facilities at Baldwins Gate (CE) VC Primary and Madeley High School are £732,900 and 720,780 respectively. As such, there are no objections subject to a S106 agreement securing the required educational contribution.

**Severn Trent Water** have no objections subject to the inclusion of conditions for the disposal of foul and surface water flows.

**United Utilities** have no objections subject to the imposition of conditions.

The Council's **Waste Management Section** states that the layout indicated on the plan is unsuitable from a collections perspective. Layouts providing circulation routes for collection vehicles are essential.

The **Council's Conservation Officer** is pleased that the locally listed farm buildings are being retained with some space around them and also on their approach to the buildings. Concerns are raised that the proposal is dense and suburban in its appearance which does not reflect the character of the landscape here. Also concerns over loss of biodiversity and hedgerows which also are key to the retaining rural character. Topography is also important along with the local vernacular.

**The Lead Local Flood Authority** have no objections.

Staffordshire County Council as the **Mineral and Waste Planning Authority** conclude that the proposed development would not lead to the sterilisation of significant mineral resources and therefore have no objections.

Staffordshire County Council's **Historic Environment Team** has no objections subject to further archaeological evaluation, comprising a staged evaluation and a Level 2 historic building record.

The **Environment Agency** advises that the historical uses of this site including the potential presence of an animal burial site represents a contamination risk that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive due to the presence of a Principal Aquifer and in proximity to a groundwater Source Protection Zone. As such, no objections are raised subject to a condition requiring the submission of a remediation strategy.

The **Landscape Development Section** has no objections in principle to the proposed tree retention/removal and is supportive of the open space proposals.

All retained trees should be protected as recommended in the arboricultural impact assessment and in accordance with BS5837:2012. The retention of the veteran oak tree T1 and the proposed associated remedial works. Permission should be subject to submission of a tree protection plan, arboricultural method statement and details of special engineering and any other relevant construction details within RPAs, all in accordance with BS5837:2012.

The children's play proposals should provide a minimum of Fields in Trust LAP and LEAP standards. In addition to this the Fields in Trust guidelines for developments of between 10 and 200 dwellings require a contribution for a multi-use games area (MUGA). 201 to 500 dwellings would require a MUGA to be provided. There are no apparent existing sites within Baldwins Gate to accommodate this. A MUGA should be provided on the site within the areas of proposed open space or as part of the farm house buildings complex retained for community use. The total number of dwellings for this development and the adjacent housing development of 109 properties currently being completed, the outline planning application for which was also by Richborough Estates, would justify such a provision.

**Whitmore Parish Council** objects in the strongest possible terms on the grounds that it represents yet further opportunistic and unwarranted development into open countryside. The proposal is contrary to the Neighbourhood Plan, does not satisfactorily include sustainable drainage or demonstrate that sewage waste and foul water can be adequately accommodated, the scale of the development is inappropriate for the village, it would destroy the character of the community and the surrounding countryside and rural setting, the infrastructure is insufficient to accommodate the additional dwellings, the land is potentially contaminated, it will result in a loss of valuable agricultural land and impact on its natural habitat, limited biodiversity mitigation is proposed, it will cause nuisance to surrounding areas during construction and the proposals fail to demonstrate that the development will not have a detrimental impact on the operational performance or safety of the local highway network.

**Chapel and Hill Chorlton Parish Council** object to the proposal as it is contrary to the Neighbourhood Plan and to the Baldwins Gate Design Statement prepared by AECOM for the Neighbourhood Plan.

**Maer & Aston Parish Council** objects on the grounds of lack of need, impact on the environment and ecology, impact of surface water and drainage, traffic impact and extreme pressure on services.

The **Police Crime Prevention Design Advisor** states that any reserved matters application should clearly explain within the Design and Access Statement and demonstrate in the site layout how crime prevention and community safety measures have been considered and incorporated within the proposal.

No comments have been received by the due date from **Staffordshire Wildlife Trust** and therefore it must be assumed that they have no observations to make upon the application.

## Representations

**191 letters of objection** have been received raising concerns on the following grounds:

- The development does not accord with the provisions of the development plan in force in the area
- There is no evidence of the need for 200 additional dwellings
- Baldwins Gate is not a key rural service centre and is unsuitable for a development of this size
- Efforts should be made to find suitable brownfield sites
- Inability for infrastructure to cope with an additional 200 homes (drainage, GP surgery, schools, limited local shopping and employment)
- Increased traffic movements on an already inadequate main highway, increasingly congested at peak hours, rendering residents much difficulty in accessing right turns safely onto the A53 from Coneygreave Lane, Appleton Drive, Fair-Green Road, Tollgate Avenue, Meadow Way and Lakeside Drive
- The proposed community parkland would not be of any extra benefit to a majority of existing residents and the area already has good access to open countryside and a number of well used public footpaths within a short distance.
- There will be a loss of valuable agricultural land.
- Impact of construction (due to noise, dust, transport disruption and pollution)
- Adverse impact on the character of the village as well as the local landscape
- A footpath connecting the two sites is totally unacceptable as the site boundaries were not to be opened
- The density represents yet another significant increase over established developments in the immediate vicinity
- Irreversible damage to the local landscape and character of the village and the impact it would have on wildlife and natural habitats

**42 letters of support** have been received stating the following:

- There is a shortage of suitable housing in the area, especially affordable housing with a lot of young people struggling to get onto the property ladder
- Much housing in the area isn't in the best condition
- It brings more work to the area
- Retaining as much green space as possible whilst also building enough homes should be encouraged

## Applicant's/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/21/01041/OUT>

## Background papers

Planning files referred to

Planning Documents referred to

## Date report prepared

1 September 2022

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**LAND OFF CROSS STREET, CHESTERTON**  
**DURATA DEVELOPMENT LTD**

**22/00012/REM**

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 35 dwellings.

It follows the approval of a hybrid application, reference 20/00369/FUL, comprising the demolition of all buildings within the site and the following:

- Full planning permission for the construction of 9 bungalows, with associated car parking, landscaping and amenity space (Phase 1) on land off Gibson Grove, adjoining Cross Street and Audley Road.
- Outline planning permission, with all matters reserved except access, for
  - (i) 43 dwellings (Phase 2a and 2b)
  - (ii) 73 supported living apartments for the over 55's and associated communal facilities along with additional car parking, landscaping and amenity space (Phase 3).

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

**The statutory 13 week determination period for this application expired on the 8<sup>th</sup> April and a subsequent extension of time to the statutory determination period has been agreed to the 20<sup>th</sup> September 2022.**

**RECOMMENDATIONS**

**Subject to the Landscape Development Section raising no objections to the application, PERMIT the application subject to the following conditions:**

- 1. Link to outline planning permission and conditions;**
- 2. Approved plans;**
- 3. Facing and roofing materials;**
- 4. Boundary treatments;**
- 5. Hard and soft and landscaping, including semi-mature tree planting and associated method statement and management proposals;**
- 6. Waste Storage and collection arrangements;**
- 7. Provision of access and parking arrangements;**
- 8. The relocation of existing Bus Stop on Church Street and the relocation of existing street lighting and telegraph pole columns;**
- 9. Approval does not constitute the LPA's approval pursuant subject of other conditions of the outline planning permission, these needing to be subject of separate application**

**Reason for recommendations**

Subject to it being demonstrated that an appropriate number and type of replacement trees are now proposed and the Landscape Development Section raising no objections, the proposed development represents a good quality design that would be suitable for the site and the character of the area. The level of tree loss within the site is supported following the submission of arboricultural information. The development would provide acceptable living conditions for future occupiers and protect the amenity levels of neighbouring occupiers. Any issues can be addressed by suitably worded conditions and on this basis the scheme is acceptable and meets development plan policies and the requirements 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 LPA and applicant have engaged in extensive discussions and the LPA has requested further information during the consideration of the application to address concerns. Following the submission

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

## **KEY ISSUES**

1.1 This is an application for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 35 dwellings. It follows the approval of a hybrid application, reference 20/00369/FUL, comprising the demolition of all buildings within the site and the following:

- Full planning permission for the construction of 9 bungalows, with associated car parking, landscaping and amenity space (Phase 1) on land off Gibson Grove, adjoining Cross Street and Audley Road.
- Outline planning permission, with all matters reserved except access, for
  - (i) 43 dwellings (Phase 2a and 2b)
  - (ii) 73 supported living apartments for the over 55's and associated communal facilities along with additional car parking, landscaping and amenity space.

1.2 The application relates to Phase 2b of the wider re-development.

1.3 The principle of residential development on the site has been established by the granting of outline planning permission, following the completion of a Section 106 agreement which secured a financial contributions of £5,579 for each family dwelling on the site towards the maintenance and improvement of public open space nearby.

1.4 The outline planning permission was subject to a number of planning conditions including the requirement to get surface water drainage approved before development commences. Whilst it is noted that the LLFA have commented that there is insufficient information to demonstrate that an acceptable drainage strategy is proposed there is no requirement for this information to be submitted as part of any reserved matters applications. The application can therefore be determined in the absence of such information.

1.5 The outline planning permission remains extant and given that this is a reserved matters application the key issues for consideration now are limited to:-

- The design of the scheme and the impact on the form and character of the area
- The impact on the residential amenity and living conditions of neighbouring and future occupiers;
- Parking and highway safety matters;
- Reducing Inequalities.

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

2.1 Paragraph 126 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 130 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

2.2 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 NPPF.

2.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

2.4 Saved Policy N12 of the adopted Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

2.5 The proposed development forms part of the wider redevelopment works for this part of Chesterton. Therefore, the design for the 35 dwellings needs to be viewed in the context of the wider redevelopment works.

2.6 The proposal is for a mix of two storey semi-detached and terraced dwellings that would front Audley Road, Church Street and High Street in this part of Chesterton.

2.7 Whilst five different house types are proposed, the dwellings would all have a similar appearance with facing brick to all elevations and pitched tiled roofs. The dwellings would also have a pitched roof canopy porch feature.

2.8 Two different tones of facing brick are proposed with slate effect roof tiles and reconstituted stone cills to reflect the existing local character. The two tones of facing bricks would also add variety and design interest to the street scene.

2.9 The applicant has submitted amended plans to address observations made by the Police Crime Prevention Design Advisor (SPCPDA). These primarily include proposed hedge planting around plots 1, 8/9, 16/25, 17 & 20-22; increased timber fencing around gate access; secondary gate access provided to plots 32 and 33; and railings included along central woodland walkthrough. The introduction of these design features will further improve the security for residents and the community.

2.10 It is acknowledged that frontage car parking is proposed for large elements of the scheme but on balance it is not considered that car parking would dominate the street scene, particularly on Audley Road and Church Street. However, soft landscaping is an important factor in breaking up the hard appearance of the parking areas. Furthermore, Members will recall that the hybrid application, in particular Phase 1, reference 20/00369/FUL, resulted in the loss of 19 mature trees and as part of the mitigation measures there was a requirement for replacement tree planting, including the planting of semi-mature/mature trees in suitable locations within the wider site.

2.11 Condition B7 of the hybrid permission requires details of replacement tree planting for trees lost or damaged during the construction phase of the development, which shall include at least the same number of replacement trees as the number of trees to be removed. The replacement trees need to be semi-mature and the Landscape Development Section (LDS) have raised concerns about the proposed replacement trees and whether they constitute semi-mature or not. They also set out that a method statement and management plan for planting semi-mature trees is required because they are more vulnerable to poor ground conditions.

2.12 The applicant has now submitted a revised soft landscaping scheme, which includes 51 trees and the further comments of the LDS are being sought. The applicant has also set out that the improved landscaping will include 51 trees, 223 Ornamental Shrubs, 151 Native Shrub mix species, 131 Ornamental Hedging, 62 Climbers, 731.867m<sup>2</sup> of Woodland Edge Perennial Meadow Mix, which will improve the site's wildlife and habitat value, as required by condition B12 of the outline planning permission.

2.13 Whilst the LDS has also requested further tree information, the outline application was the appropriate time to request this information and condition C4 of the permission secured these details and a further condition is not justified. On this basis and subject to LDS raising no objections to the location and type of semi-mature/mature trees, it is considered that the proposed development represents an acceptable design which would help to support the design philosophy of the wider redevelopment works.

### 3.0 Residential amenity matters

3.1 Paragraph 127 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.

3.2 Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings, including the need for privacy, daylight standards, and environmental considerations.

3.3 The proposed dwellings would primarily front either Audley Road, Church Street or High Street and the submitted plans show the separation distances between proposed dwellings. These separation distances comply with the Council's SPG and on this basis it is accepted that an acceptable standard of amenity would be achieved. All of the dwellings would have an acceptable amount of amenity space also.

3.4 Acceptable separation distances are also achieved between proposed dwellings and existing neighbouring properties which will ensure that the living conditions of existing occupiers of neighbouring dwellings would be protected.

3.5 A Noise Impact Assessment (NIA) has been submitted with the application in order to comply with condition B11 of the outline planning permission which required the submission of an assessment of the impacts of noise arising from the use of the Red Lion public house, which is located adjacent to the application site on Church Street.

3.6 The NIA sets out that predicted noise levels from amplified music and external patron noise will need to be mitigated against, in order to minimise the impact on future residents of the proposed dwellings. The NIA therefore concludes that mitigation measures are required to minimise the impact on future residents. These include minimum glazing and ventilation technical specifications for the proposed dwellings.

3.7 The Council's Environmental Health Division has raised no objections subject to the mitigation measures identified and set out in Section 5 of the NIA. This can be secured by an appropriately worded planning condition.

3.8 Subject to conditions the development is in accordance with the Council's SPG and the NPPF.

#### 4.0 Parking and highway safety

4.1 Policy T16 of the Local Plan states that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2. The policy goes on to specify that development which provides significantly less parking than the maximum specified standards will not be permitted if this would create or aggravate a local on street parking or traffic problem. Such a policy is however of limited weight as it not in accordance with the Framework. The Framework indicates at paragraph 106 that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In a Ministerial Statement of March 2015 the then Secretary of State indicated that the government is keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets.

4.2 The NPPF, at paragraph 111, 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.

4.3 The proposed development will be a mix of semi-detached and terrace properties, each with either 2 or 3 bedrooms. Saved policy T16 of the local plan sets out that for 2 and 3 bedroom properties there should be a maximum of 2 off street car parking spaces for each dwelling. In this instance each 2 and 3 bed property would have 2 car parking spaces and this is therefore considered acceptable for this sustainable urban area which is within easy walking distance of amenities, services, education provision and employment opportunities. There is a regular bus service within close proximity to the site.

4.4 The Highways Authority (HA) has raised no objections subject to conditions to secure the accesses for each dwelling, lighting design and a bus stop on Church Street.

4.5 The Waste Management Section (WMS) has raised concerns about bin collection arrangements and in particular bin stores being located between parked cars. However, the bin stores appear to provide free access for a waste vehicle to collect them. The roads would allow a refuse vehicle to access the properties and bin storage and collection arrangements can be secured by condition.

4.6 Electric vehicle charging provision has been secured as part of the previous application and a further condition is not therefore required.

4.7 Subject to conditions, the proposed development would not lead to significant highway or car parking implications and accords with policy T16 of the local plan and the requirements of the NPPF.

## 5.0 Reducing Inequalities

5.1 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.

5.2 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.

5.3 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

5.4 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

5.5 The development will not have a differential impact on those with protected characteristics.

## **APPENDIX**

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

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

Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets

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

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

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

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

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

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

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

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

#### Relevant Planning History

20/00369/FUL	Demolition of all existing buildings and a) full planning permission for the development of 9 bungalows (C3 Use Class) along with car parking, landscaping and associated amenity space; and b) outline planning permission with all matters reserved except access for (i) the development of 43 dwellings (C3 Use Class) and (ii) an older persons scheme comprising 73 supported living apartments for the over 55's and associated communal facilities, along with additional car parking, landscaping and amenity space	Permitted
22/00011/FUL	Full planning permission for the development of 8no. dwellings, with associated car parking, landscaping and amenity space	Permitted

#### Views of Consultees

The **Waste Management Section** states that it appears that plots 25-29 have a shared store between plots 27 and 28, and that plots 30-35 also share a bin store, located between plots 32 and 33. If this is the case, then containers will be provided in the form of a shared 1100ltr household rubbish bin, a shared 660ltr bin for mixed paper and card, and a shared 660ltr bin for paper, glass and cans. Forthcoming legislation is likely to make food waste collection provision mandatory, so a 140ltr wheeled bin will need to be accommodated for this.

These bin stores appear to be accessed between parked cars. Assurance is required that the access cannot be parked on and obstructed, and that it is of sufficient width for containers to reach the highway. The access between the cars could be fenced, or the bin store located between the parked cars, for example.

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

- No occupation of dwellings until vehicular access provided
- Approval of lighting design

- Submission of revised plan showing bus stop on Church Street.

The **Landscape Development Section** has advised that the proposed specification on the drawing states that 'Standard' and 'Heavy Standard' trees are to be planted, these would be smaller (when planted) than 'Semi-Matures'. Semi Mature trees would have a more immediate visual impact.

It is also advised that the ground where the semi-mature trees are to be planted should be protected throughout the construction period to ensure that trees are given the best chance of survival in soil that has not been heavily compacted (semi mature trees can be more vulnerable to poor ground conditions than younger/smaller trees) or that decompaction and soil amelioration techniques are used before trees are planted. Therefore it is suggested that the developer provides a method statement and management proposals for planting semi-matures including proposals for replacement trees should these trees fail. Furthermore, landscaping proposals for the initial scheme (phase 1) showed a conflict between services and new planting; we could do sight of services plans so that we can be sure that tree planting in the positions shown is achievable.

The **Environmental Health Division** have advised that the submitted Noise Assessment has identified that windows need to be kept shut in the apartment facing the Red Lion to ensure that appropriate noise levels are achieved internally and the noise from the premises does not cause complaint which could result in enforcement action against the premises. Given the policies in the NPPF Policy 180 and 182, it is appropriate to discharge this condition subject to the mitigation measures identified being installed and in addition appropriate informative for future tenants being installed in the flats to advise that windows are intended to be kept shut on health and nuisance grounds. Alternative ventilation provision will be necessary and any concerns about overheating and ventilation with windows closed will be addressed via the Building Regulations Parts F and O. If building regulations compliance is via an Approved Inspector, the contents of the noise assessment and its recommendations must be brought to the attention of the AI.

**Staffordshire County Council Flood Risk Team (LLFA)** advises that insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** are generally supportive of the layout proposals, albeit there are a number of aspects where recommendations are made as follows:

- Consideration should be given to the use of defensive external hedge planting up against rear garden boundaries which border publicly accessible land to provide additional security and reduce opportunities for criminal and anti-social behaviour.
- There are locations where a 0.9m boundary treatment meet higher rear garden boundary treatments providing a convenient climbing aid for anyone looking to gain entry to a rear garden.
- The benefits of retaining the two groups of trees and providing a formalised connection between High Street and Church Street is acknowledged. The lack of enclosure at either end of this open space appears to be a missed opportunity to encourage people to use the proposed path.
- The accessible gap between plots 32 and 33 should be eliminated if possible.
- It is recommended that the dwellings meeting Secured by Design Homes 2019 design guide.

Comments were also invited from the **Greater Chesterton Locality Action Partnership** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

#### Representations

None received.

#### Applicant/agent's submission

The application is supported by the following documents:

- Planning Statement
- Design and Access Statement

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00012/REM>

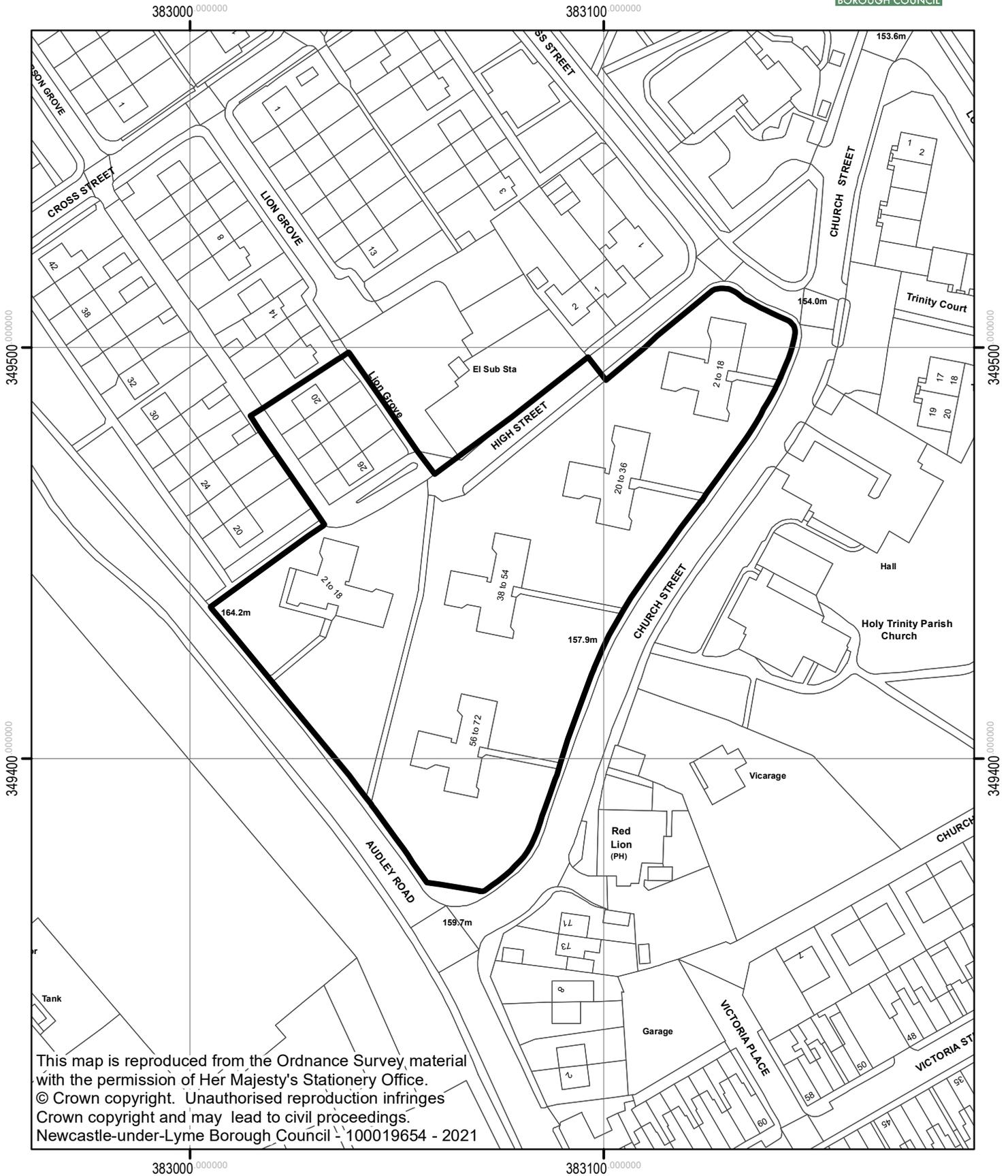
**Background Papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

31<sup>st</sup> August 2022

22/00012/REM  
Land Off Cross Street  
Chesterton



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**LAND AT NEW ROAD, MADELEY**  
**DUCHY HOMES LIMITED**

**22/00462/FUL**

The application seeks a variation of condition 2 of planning permission 21/00866/FUL to substitute approved plans with amended plans for new house types. Planning permission 21/00866/FUL granted consent for a variation of condition 2 of the original planning permission 19/00036/FUL (Proposed residential development of 32 residential dwellings with site access, car parking, landscaping and all associated engineering works) to also substitute approved plans with amended plans for new house types.

The application site lies on the western side of New Road which is a C classified road, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map. The site however does not lie within the North Staffordshire Green Belt. The site area is approximately 1.1 hectares.

**The 13 week period for the determination of this application expires on the 24 August but an extension of time has been agreed to 19 September 2022.**

**RECOMMENDATIONS**

**Refuse** for the following reasons;

- 1. The proposed development, which includes a retaining wall, privacy screens and staircases, would result in an unacceptable and harmful impact on the visual amenity of the area, which would not enhance the character and quality of the landscape; and**
- 2. The proposed development would have a detrimental and harmful impact on the living conditions of no.4 and no.5 Woodside, which is unacceptable.**

**Reason for recommendations**

The development now proposed is unacceptable and would have a harmful impact on the visual amenity of the area, which would also not enhance the character and quality of the landscape. It would also have a detrimental and harmful impact on the living conditions of no.4 and no.5 Woodside. The proposed development is therefore contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy N20 of the Newcastle-under-Lyme Local Plan 2011, Policy DES1 of the Madeley Neighbourhood Plan 2018-2037 and with the aims and objectives of the National Planning Policy Framework 2021, along with the National Design Guide and Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010).

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

Officers have attended meetings with the applicant and residents throughout the planning application process but it is considered that the applicant is unable to overcome the fundamental objections to the development.

**KEY ISSUES**

The application seeks a variation of condition 2 of planning permission 21/00866/FUL to substitute approved plans with amended plans for new house types. Planning permission 21/00866/FUL granted consent for a variation of condition 2 of the original planning permission 19/00036/FUL (Proposed residential development of 32 residential dwellings with site access, car parking, landscaping and all associated engineering works) to also substitute approved plans with amended plans for new house types.

The changes being sought include engineering works to accommodate the new house types now proposed and retaining walls are proposed in various locations around the site. In particular a large retaining wall has already been constructed adjacent to the southern boundary.

The application site lies on the western side of New Road which is a C classified road, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map. The site however does not lie within the North Staffordshire Green Belt. The site area is approximately 1.1 hectares.

Since the previous permission was granted, the Madeley Neighbourhood Plan has been made and is now a material planning consideration.

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

The number of proposed dwellings and the access arrangements are not changing and on this basis the main issues for consideration in the determination of this full planning application are:-

- The impact of the development on the visual amenity of the area; and
- The impact of the development on the residential amenity of neighbouring occupiers.

#### The impact of the development on the visual amenity of the area

Paragraph 126 of the revised 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 130 of the revised framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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

Policy DES1 of the Madeley Neighbourhood Plan, sets out that new development must complement the local context and development must, amongst other things, complement the existing character and townscape in terms of scale and massing; avoid the appearance of overdevelopment and over urbanization, taking account of the rural character of the area, and use high quality, durable materials, to complement the site and surrounding context.

The site is designated locally as an Area of Landscape Enhancement. LP Policy N20 sets out that within such areas the Council will support, subject to other plan policies, proposals that will enhance the character and quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The purpose of the application is to change the proposed house types, primarily plots 1-6, which share a boundary with existing properties on Woodside.

The original planning permission, along with the recently permitted variation of condition application, had split level house types (2 storey front elevations and 3 storey rear elevations) close to the southern boundary. However, the applicant now proposes that plots 1-6 are 2 storey dwellings. This results in a retaining wall being required to provide appropriate ground levels, which has already been constructed on the site.

The design of the dwellings remains similar to those previously approved, other than the omission of the lower ground level, but the requirement for a retaining wall represents a significant engineering operation and this changes the design and appearance of the development.

The retaining wall is of a blockwork construction, which has a functional appearance. The structure will create a raised patio area for plots 1-6 with a lower garden area and associated staircase down.

In order to protect the privacy of future occupiers of the dwellings and those of existing neighbouring properties on Woodside, a 1.8m high timber fence (screen) is proposed on top of the retaining wall. Likewise a screen is also proposed on each staircase.

The result of the retaining wall is that the built development extends closer to the southern boundary and this is exacerbated by the height of the wall and screen which will have an approximate height of 3.5 metres.

The retaining wall and timber screen, due to its height, position and appearance, would be visually oppressive and would have an adverse and harmful impact on the design of the scheme, the visual amenity of the area and the character of this semi-rural landscape.

It is acknowledged that soft landscaping could be incorporated into the design of the wall, screen and rear garden areas but this would not suitably address the harmful and adverse impact of the proposed development due to the position and scale of the structure. It could therefore not be said to enhance the character and quality of the landscape. The proposal is therefore contrary to the Council's urban design guidance, Policy CSP1 of the CSS, Policy N20 of the NLP, Policy DES1 of the Neighbourhood Plan and the guidance and requirements of the NPPF, including the National Design Guide.

#### The impact of the revised house types on the residential amenity of neighbouring occupiers

Paragraph 130 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 Council's Supplementary Planning Guidance (SPG) - Space Around Dwellings - provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

As discussed, the applicant now proposes that plots 1-6 are 2 storey dwellings, as opposed to split level dwellings. This results in a retaining wall being required, which has already been constructed on the site. The structure will create a raised patio area for plots 1-6 with a lower garden area and associated staircase down.

In order to protect the privacy of future occupiers of the dwellings and of existing neighbouring properties on Woodside, a 1.8m high timber fence (screen) is proposed on top of the retaining wall. Likewise a screen is also proposed on each staircase.

The revised planning layout also shows that the separation distances between plot 2 and no. 4 Woodside will be reduced.

A number of objections to the application have been received, including the occupiers of no. 4 & 5 Woodside, who identify a number of significant impacts that would be caused to their living conditions. Impacts on property values have also been raised but this is not a material planning consideration that should be given any weight in the determination of the planning application.

The relationship between plot 2 and no. 4 Woodside is now proposed to be approximately 21 metres but the proposed ground floor dining room window would be slightly closer than the measurement specified on the submitted plan.

It is clear that the applicant has tried to address the issue of overlooking and the timber privacy screen, on top of the retaining wall and staircase, will help. A set of patio doors have also been

omitted from the rear elevation and a single door located in the side elevation. However, this will require more steps down to the patio area and will also result in some loss of privacy.

It has to be acknowledged that the previously approved plans are a fall-back position should this application be refused.

The previously approved plans did have a lower ground floor level which had a set of patio doors with windows either side, which served a lounge. However, a raised patio area was not required and it was accepted that a separation distance of 21.4 metres between plot 2 and no. 4 Woodside was acceptable. This was on the basis that boundary treatments and soft landscaping could mitigate the impact of the lower ground floor lounge - this being at a much lower ground level than the raised patio area now proposed.

In terms of the upper floor windows (of plot 2) of the previously approved scheme, the first floor (now the ground floor) was a dining room window and the second floor windows were not principal bedroom windows. Therefore the impact of plot 2 on no. 4 Woodside was considered acceptable. In contrast the proposed scheme moves plot 2 closer to the rear boundary with no. 4 and provides a greater level of overlooking to the occupiers of no. 4 Woodside. The retaining wall, timber screens and the staircase represent significant engineering works which also result in an oppressive impact on the rear windows and garden area of no. 4. There would also be similar impacts between plot 3 and no. 5 Woodside, who have objected to the application on the grounds of loss of privacy and overbearing impact.

In all other respects the timber privacy screens should protect the privacy of neighbouring properties on Woodside, including no. 2 Woodside who have objected to the application on the grounds of loss of privacy. The separation distances and relationship between plot 1 and nos. 1 & 2 Woodside is considered acceptable, as is the case for other plots and properties on Woodside.

The retaining wall also results in the useable outside space at the rear of each plot being limited compared to the previously approved scheme but whilst this is a concern it is not considered that a fundamental objection to this aspect of the scheme should form part of a reason for refusal.

In summary, the retaining wall, timber screens and the staircases represent significant engineering works that would have a detrimental and harmful impact on the living conditions of no.4 and no.5 Woodside, contrary to Policy CSP1 of the CSS and the guidance and requirements of the NPPF.

### Reducing Inequalities

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

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

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

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

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

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

With regard to this proposal it is noted that access to all dwellings will be level and compliant with Part M of Building Regulations. It is therefore 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

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

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy N12	Development and the Protection of Trees
Policy N17	Landscape Character – General Considerations
Policy N20	Areas of Landscape Enhancement

#### [Madeley Neighbourhood Development Plan 2018 – 2037](#)

Policy DES1: Design

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

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

National Design Guidance (2021)

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

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

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

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

#### Relevant Planning History

14/00930/OUT	Outline planning application for the erection of up to 32 dwellings (including details of access) - Approved
18/00225/REM	Approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 32 dwellings - Refused
19/00036/FUL	Residential development of 32 dwellings – Approved
21/00866/FUL	Variation of condition 2 of planning permission 19/00036/FUL (Proposed residential development of 32 residential dwellings with site access, car parking, landscaping and all associated engineering works) to substitute house types - Approved

#### Views of Consultees

No comments have been received from **Madeley Parish Council** by the due date and therefore it must be assumed that they have no comments to make.

## Representations

**Three** representations of support for the application have been received.

**Four** objections have also been received, including one from **Councillor Gary White**, who acknowledges that whilst the applicant has engaged in consultation meetings with him and the residents of Woodside, the final proposals do not address the underlying concerns. Therefore, he objects to the overbearing nature and impact that the new wall and the patio and screening has on the residents of Woodside. In particular, the patio of the proposed dwellings is at bedroom height and the fence 1.8m higher, both are located much nearer to the rear gardens and properties of Woodside and as such provide a substantial impact in both the residents privacy but also the visual impact from their garden and property. The proposal should be rejected on the grounds of the overbearing impact and massing to the properties of Woodside. This is particularly prevalent on numbers 2 to 6 Woodside.

It is also noted that the applicant has progressed with the building of the wall without planning permission and once rejected, this wall needs to come down to allow the approved properties to be built.

The other objections raise the following concerns;

- Impact on privacy due to separation distances, which are not shown accurately on the submitted plans;
- The proposed staircases would be visually harmful;
- The retaining wall which has been built without planning permission has been built much closer to the fence line than the original approved plans;
- The French doors on this plan will also mean the occupants have access through the doors at our bedroom window height;
- Ground floor windows will be looking directly into bedrooms windows;
- Loss of light due to the height, position and design of the retaining wall, staircase and screening fence above;
- The proposed screening works which have the intention of lessening the privacy issue are actually creating an outlook from the property which is totally unacceptable and overbearing in nature;
- Residents on Woodside will need to give up their gardens to provide privacy screening/ planting;
- Future residents of the new houses could complain about screen planting;
- A mish-mash of fence/ screening materials, along with house brick and the yellow brick of the retaining wall will create a messy and chaotic image which will be overbearing, imposing and ugly;
- Loss of value and saleability property prices;
- The current approved plans are for the lower ground floor to have French doors accessing the garden at the same level as the writer's garden, which is far more acceptable than the current proposal and would not cause as many privacy issues; and
- A site visit from properties on Woodside should be undertaken.

## 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/22/00462/FUL>

## Background Papers

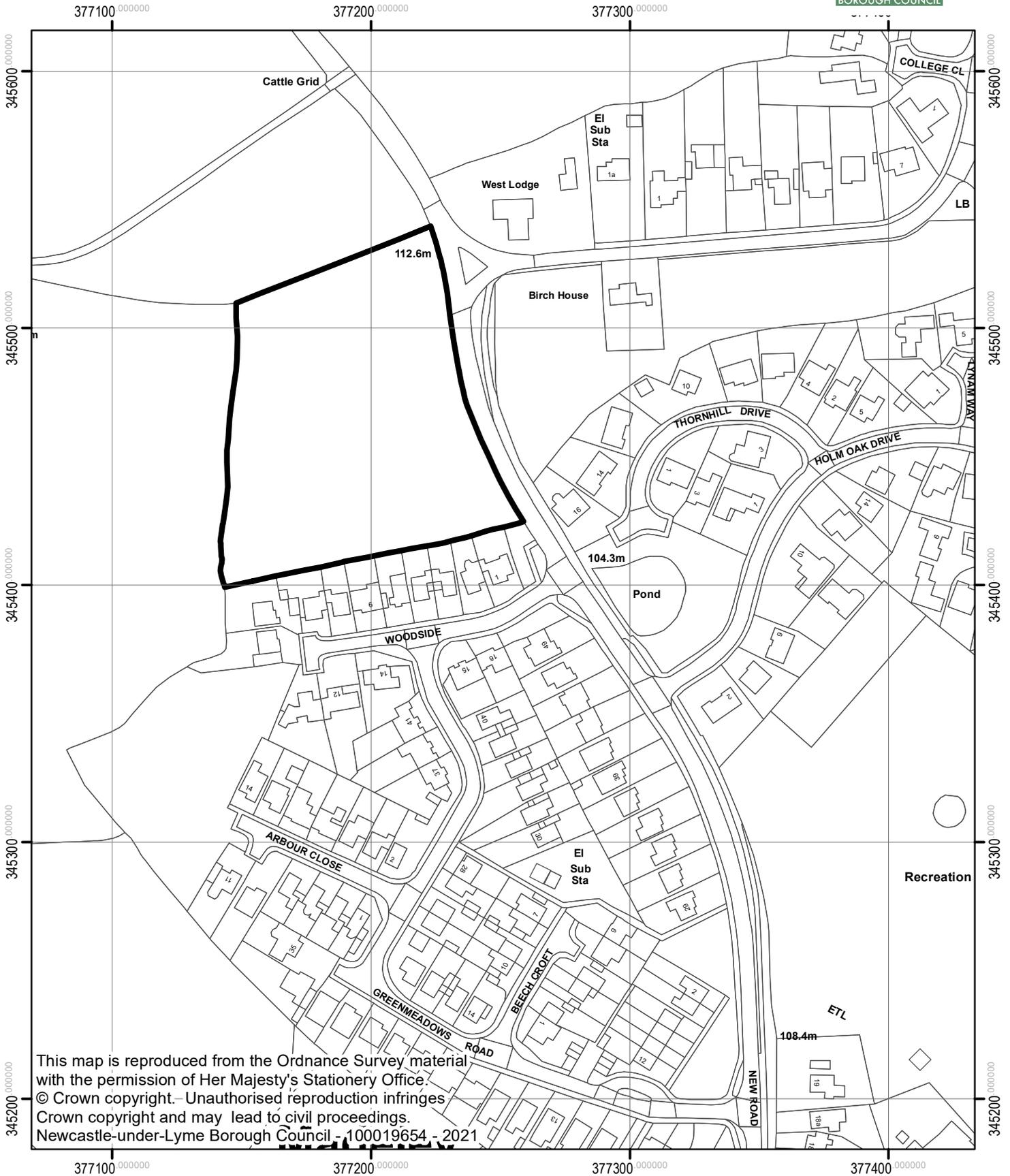
Planning File  
Development Plan

## Date report prepared

1st September 2022

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22/00462/FUL  
Land off New Road  
Madeley



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## **Confirmation of Tree Preservation Order**

### **Land at 32 The Village, Keele**

#### **Tree Preservation Order No.218 (2022)**

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

**The Order** protects a single mature oak tree within the garden of 32 The Village, Keele. The property lies within Keele Conservation Area.

The Order was made to safeguard the longer term visual amenity that the tree provides following submission of a Section 211 notice to fell the tree.

The Order was made using delegated powers on 23<sup>rd</sup> February 2022. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 23<sup>rd</sup> August 2022

## **RECOMMENDATION**

That Tree Preservation Order No 218 (2022), Land at 32 The Village Keele be confirmed as made and that the owners of the site be informed accordingly.

## **Reasons for Recommendation**

Your officers are of the opinion that the longer-term visual amenity of the tree is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the tree is generally healthy and of sufficient amenity value to merit the making of a Tree Preservation Order. It is considered to be an appropriate species for the locality and provides public amenity value due to its form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the tree and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the tree which is necessary to appropriately manage it.

## **Representations**

Two representations have been received objecting to the Order, from the owner of the tree and the owner of the adjacent Grade II Listed Building (36 The Village). Both objections relate to the proximity of the tree to number 36 with fears that its roots and branches may damage the building. No evidence has been put forward that there are currently any issues relating to branch or root damage. Your officers consider that the tree is of sufficient distance from the property and that it can be managed appropriately. If any issues do occur in the future these can be dealt with accordingly. The owner will be able to apply for permission to carry out maintenance work to the tree and if in the future, the tree does deteriorate in condition the owner will be able to apply for permission to carry out work which is necessary to safely manage the tree.

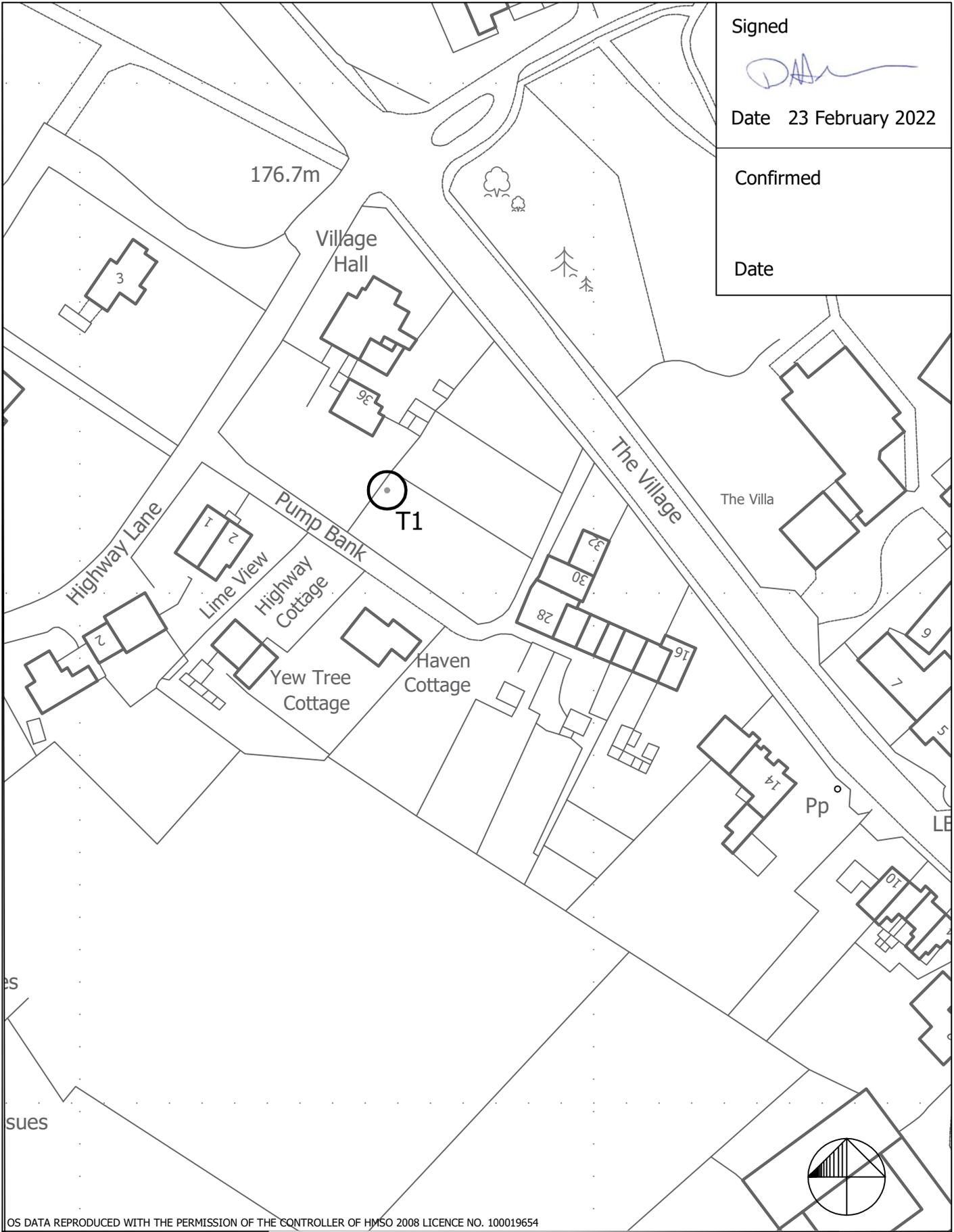
## Issues

The tree is a single specimen. It is a mature oak tree located on the north-west side of the garden of the 32 The Village, on the boundary with number 36. It is visible from Highway Lane and Pump Bank, with limited views currently from The Village/Station Road due to other lesser trees. It is an important feature to the locality and provides a significant contribution to the area. Its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

A Section 211 noticed was received by the council to fell the tree within the Conservation Area. Your officers carried out an assessment of the tree and found it worthy of an Order. It is considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 26<sup>th</sup> February 2022 in order to protect the long term well-being of the tree.

## Date report prepared

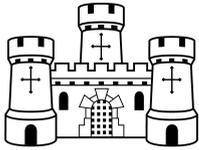
18 August 2022



Signed  
  
 Date 23 February 2022

Confirmed  
 Date

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**NEWCASTLE  
UNDER LYME**  
BOROUGH COUNCIL

DAVE ADAMS,  
EXECUTIVE DIRECTOR  
OPERATIONAL SERVICES  
CASTLE HOUSE,  
BARRACKS ROAD,  
NEWCASTLE,  
STAFFORDSHIRE. ST5 1BL

TITLE:  
32 The Village, Keele

DESCRIPTION:  
Tree Preservation Order Number 218

SCALE:  
1:1000 @ A4

DATE:  
February 2022

DRAWN BY:  
P.S.

DRAWING NO.  
TPO 218

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