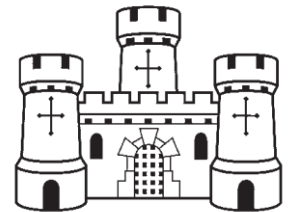


Public Document Pack

Date of meeting Tuesday, 11th October, 2022
Time 7.00 pm
Venue Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 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 - 32)
This Item includes a supplementary report starting at page 27
- 5 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF CROSS STREET, CHESTERTON. DURATA DEVELOPMENT LTD. 22/00012/REM** (Pages 33 - 42)
- 6 APPLICATION FOR MAJOR DEVELOPMENT - PARK HILL FARM, PARK LANE. MRS PAT PIMLOTT. 22/00214/FUL** (Pages 43 - 54)
This Item includes a supplementary report at page 51
- 7 APPLICATION FOR OTHER DEVELOPMENT - LAND NORTH WEST OF BOWER END FARM, MADELEY. HIGH SPEED TWO (HS2) LIMITED. 22/00747/SCH17** (Pages 55 - 62)
- 8 5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 63 - 64)
- 9 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2** (Pages 65 - 66)
- 10 LAND NORTH OF PEPPER STREET, KEELE. SEDDON HOMES LIMITED. 22/00533/DOB** (Pages 67 - 72)

11 TREE PRESERVATION ORDER - 32 THE VILLAGE, KEELE. (Pages 73 - 76)
TPO218

12 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 Bryan Gorton	Holland Hutchison D Jones	Moffat G Williams J Williams
Apologies:	Councillor(s) Fear and S Jones		
Substitutes:	Councillor Heesom Councillor J Tagg		
Officers:	Nick Bromley Geoff Durham Simon McEneny Scott Bracken Daniel Dickinson	Senior Planning Officer Mayor's Secretary / Member Support Officer Executive Director - Growth and Development 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 5th July but an extension of time has been agreed to 14th October 2022.

RECOMMENDATION

(A) Subject to the applicant entering into a Section 106 obligation by 2nd December 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 of £100,000 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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”

Paragraph 12 of the NPPF states that “Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Baldwin’s Gate Farm and associated agricultural land is a greenfield site located on the edge of the settlement of Baldwin’s 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.

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

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

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

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

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

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

(Para 11(d))

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, and the Housing Delivery Test does not indicate that the delivery of housing has been substantially below the housing requirement over the previous three years.

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.

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

In *Paul Newman New Homes Ltd v SSHCLG & Aylesbury Vale DC* [2019] EWHC 2367 (Admin) the judgement looks at how decision makers should assess whether “the policies which are most important for determining the application are out-of-date”. It states that the first step is to identify the “basket of policies from the development plan which constitute those most important for determining the application”. The second task is to “decide whether that basket, viewed overall, is out of date”. The basket of policies can be out of date for reasons set out in the NPPF to do with housing supply and delivery, but also if (as a matter of planning judgement) the basket of policies has been overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason.

The basket of policies from the development plan most important for determining this application are considered to be LP Policy H1, CSS Policies SP1 and ASP6 and Policy HG1 of the NDP. As stated above, it has been accepted that the LP and CSS policies are out of date. The NDP was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6. The Council's Housing Need evidence has since been updated and the Borough Local Plan Issues and Options sets a different overall context for housing need and potential supply arising from the rural area. This change in the local planning context has a bearing on the weight to be applied to the Neighbourhood Plan policies and therefore it is considered reasonable to conclude that the ‘basket of policies’ overall, is out of date.

This being the case, 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.

While paragraph 14 of the NPPF would ordinarily mean that the identified conflict with the Neighbourhood Plan would, in and of itself, be likely to amount to significant and demonstrable harm weighing towards refusal, paragraph 14 does not operate in this way in this case because the Neighbourhood Plan is more than 2 years old. That is a proviso set out in paragraph 14 itself. Thus the Council is prohibited from applying any enhanced weight to the Neighbourhood Plan.

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 a 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), and 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.

Paragraph 8 of the NPPF states that there are three overarching objectives to achieving sustainable development: economic, social and environmental. The applicant considers that this scheme would deliver the following:

Economic

- Creation of local jobs during and post construction;
- Increased local spending from new population within the local area; and
- Increased spending with local companies in terms of construction materials etc.

Social

- Provision of a mix of 200 no. 2, 3, 4 and 5 bed dwellings;
- Provision of 50 affordable homes;
- Option to offer priority to occupiers with a local connections criteria;
- Funding for the construction of a new classroom resulting in Baldwins Gate Primary School becoming a single form entry school;
- Provision of 5.38ha of new publically accessible open space including community parkland, allotments, a community orchard and children’s natural play; and
- Provision of a new community facility.

Environmental

- Highway safety improvements including reduction in traffic speeds through new roundabout, visibility improvements to existing sub-standard junction, provision of new signalisation, provision of new puffin crossing and upgrades to bus stops and footpaths/crossing points;
- Improved pedestrian and cycle links, local connectivity and access to public transport;
- Retention of existing mature trees; and
- A net biodiversity gain of +41.61% for habitats, which equates to a gain of +9.20 habitat units onsite and net gain of +34.18% in hedgerow units, achievable through the proposed incorporation of approximately 0.86km of hedgerow.

It is agreed that the economic factors referred to by the applicant are valid. In terms of the social factors, your Officer does generally agree with the applicant’s case, although the construction of a new classroom for the primary school is considered mitigation for the additional impact of this scheme rather than a benefit. In particular it is the case that the development would fulfil a social role by delivering a mix of market housing and affordable housing. The issue of the environmental impact of the scheme will be considered fully below.

In addition to maintaining a continuous five year supply of specific deliverable housing sites, with the appropriate buffer, the Council is 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. Delivery of new housing is critical in ensuring that an appropriate quantity, quality (in terms of design & useability) and mix is provided, as well as a sufficient proportion of homes that are affordable and accessible to all.

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.

Notwithstanding this, prior to the submission of the planning application the indicative layout was considered by an independent Design Review Panel (DRP). Further to the comments of the DRP, the applicant revised the masterplan to take on board a number of the recommendations of the Panel particularly relating to the location of open space and the provision of further pedestrian routes. The DRP have since commented that this early engagement and the collaborative manner in which the design review was carried out represented best practice.

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 5.38ha 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

Open Space	Area Proposed
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
Total	5.38ha

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 A53 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 of £100,000 towards an off-site Multi-Use Games Area. The amount has been agreed with the applicant. 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, there is a need for a minimum of 7,000 homes over the emerging plan period (2020-2040) and with no affordable units completed Borough wide during the most recent monitoring period of 2020 – 2021, it is the case that affordable housing is required. This development would deliver 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 as set out above.

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.

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

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 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.

A further objection has been received from a consultant writing on behalf of the Parish Council commenting on the agenda report as originally prepared as follows:

1. The report refers to Paragraph 11 of the National Planning Policy Framework 2021 (NPPF). However, the report also recognises that the scheme does not comply with the Neighbourhood Plan, which forms part of the statutory development plan. So, the scheme clearly does not meet the requirements of Paragraph 11c of the NPPF. The scheme is contrary to national policy. This is not recognised in the report, which fails to apply Paragraph 11c.
2. The report misapplies Paragraph 11d of the NPPF. Taking account of footnote 8, there is a 5-year land supply with appropriate buffer, as recognised in the report. We therefore are not clear why the report seeks to apply Paragraph 11d as if there was not a 5-year land supply. This is clearly an error.
3. The report applies Paragraph 14 of the NPPF as if there were no 5-year land supply, so that the presumption in Paragraph 11d applied. This is a further error. Clearly the fact that the Neighbourhood Plan is more than 2-years old is not relevant, given the 5-year land supply.

4. The report recognises that the scheme does not comply with the Neighbourhood Plan. However, the report then fails to apply Section 38 of the Planning and Compulsory Purchase Act 2004. Having regard to Section 38, the application should be refused.

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

193 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 October 2022

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
11th OCTOBER 2022

Agenda Item 4

Application Ref. 21/01041/OUT

Baldwin's Gate Farm, Newcastle Road, Baldwin's Gate

A further objection has been received from a consultant writing on behalf of **Whitmore Parish Council** still raising concerns over the lawfulness of the officer report and recommendation on the following grounds:

- The fact that local plan policies may be out of date is not relevant in considering whether neighbourhood plan policies are out of date. Policy HG1 was found to meet the basic conditions, including having regard to national policy and guidance. There have been no changes to national policy or guidance that would make the policy out of date. The scheme is clearly contrary to policy HG1.
- Having regard to Paragraph 11 of the National Planning Policy Framework 2021 (NPPF) and footnote 8, there is no basis for application of Paragraph 14. There is a 5-year land supply.
- Clearly the fact that the Neighbourhood Plan is more than 2-years old is not relevant, given the current 7.3 year land supply.
- We have been involved with more than 150 neighbourhood plans and 4 national programmes. We are aware of no other local authorities that are applying NPPF Paragraphs 11 and 14 in this way.
- It is requested that the application be refused. Given the policy conflict, it is confusing and surprising that the local planning authority is so keen to approve the application. Inconsistent application of planning policy does little to maintain community confidence. However, concerns are not just over different planning judgements, but also legal compliance.

Three objections have been received from **Chapel & Hill Chorlton, Maer & Aston and Whitmore Neighbourhood Development Plan Steering Group**.

One states as follows:

- The agenda report statement that "*The NDP was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6*" is incorrect.
- Supporting evidence for Policy HG1 cites and reviews the following evidence that was available and up to date at the time of drafting the Plan policies:
 - June 2017 SHMA update;
 - Government consultation: Planning the right homes for the right places (September 2017);
 - Five year housing land supply 2018–2023;
 - JLP Preferred Options Consultation February 2018, including:
 - Strategic Housing Land Availability Assessment;
 - Housing Technical Paper.
- The housing target for the NDP was based on a proportional share of the overall housing need identified for the borough.
- The NDP was thus prepared on the basis of requirements for the then emerging Stoke-on-Trent and Newcastle-under-Lyme Joint Local Plan.
- The NDP passed Independent Examination in August 2019 and was found to meet the Basic Conditions.
- Until such time as a new Local Plan has passed Public Examination and been adopted, Policy HG1 of the NDP is the most up-to-date policy for housing growth in

the Neighbourhood Area of the Chapel and Hill Chorlton, Maer and Aston, and Whitmore NDP.

The second states as follows:

- The Steering Group has been monitoring housing growth in the Neighbourhood Area since the commencement date of the Plan, 1 April 2013.
- To date, planning permissions have been granted for 181 new dwellings in the Neighbourhood Area. Of these, 170 have full permission and 11 are in outline. Of the 170 with full permission, at least 133 are known to be either completed or currently under construction.
- The Neighbourhood Plan specifies a range between 148 and 220 new dwellings to meet the Neighbourhood Area's contribution to the Borough.
- Newcastle-under-Lyme Borough Council made no comment on these numbers when its Planning Department reviewed and commented on the draft Plan at Regulation 16.
- The report of the Independent Examiner states: "The Neighbourhood Plan places no cap or limit on the number of homes that can be provided within the Baldwin's Gate village envelope. I conclude Policy HG1 will not lead to the Neighbourhood Plan promoting less development than set out in the Local Plan, as required by paragraph 29 of the Framework."
- The Steering Group notes that although Newcastle-under-Lyme has published Strategic Housing Market Assessments (SHMAs) in 2015, 2017 and 2020, the two earlier SHMAs have been superseded and the 2020 SHMA has not yet been tested at Public Examination.
- It is therefore concluded that the range of 148 to 220 new dwellings specified in the Neighbourhood Plan and accepted by the Independent Examiner represents the only up-to-date target for development of new housing in the Neighbourhood Area for the Neighbourhood Plan's period of 2013–2033. Further, it is noted that the parishes of the Neighbourhood Area have been delivering on and exceeding their housing target for the Plan period.

The third letter states as follows:

- The Council has a legal duty in relation to bat roosts on the site that would be destroyed by the demolition of buildings to make way for the development.
- The Council needs to be aware of the judgment in *R (on the application of Simon Woolley) v Cheshire East Borough Council and others* [2009] EWHC 1227 (Admin), 5 June 2009, in which the High Court quashed the local planning authority's decision to grant planning permission authorising demolition of a property containing a pipistrelle bat roost (a European protected species (EPS) under the Habitats Directive (92/43/EEC)).
- It is clear that the LPA will not have discharged its duty simply by conditioning that a licence be obtained from Natural England. And that the officer's report to the planning committee should identify and make clear the legal duty, such that the planning committee can seek to discharge it.

Officer's comments

The issues raised by Whitmore Parish Council are addressed in detail in the agenda report and it is not considered necessary to respond again.

In response to the comments of the Steering Group, at the time that the Neighbourhood Plan was examined, it was found to be in accordance with the Basic Conditions, one of which was to be in general conformity with the strategic policies of the adopted Local Development Plan, which would have included Policies H1 and ASP6. Those policies have since been found to be out of date in a number of appeal decisions. The 2009 Joint Core Spatial Strategy housing target is not formed on up to date evidence. Other reference documents cited in the representation are also no longer up to date including the 2017 SHMA (which was an update to the 2015 SHMA, not formed using the government's standard methodology). The

Neighbourhood Plan was formed using the most up to date information available at that time, but it is not incorrect for the Council to note that Policies H1 and ASP6 are out of date.

The 2020 Housing Needs Assessment is the only evidence which uses the government's standard methodology as a basis for calculating housing need. The process of Local Plan Examination is not required to validate the housing need figure of 350 dwellings per annum for Newcastle-under-Lyme Borough as this is the minimum housing need figure calculated using the standard methodology. It is the only borough housing need evidence which is up to date and national policy compliant, and all former evidence, including the 2015 SHMA and 2017 update, are out of date.

The Steering Group have effectively monitored the implementation of the plan policies and it shows that permissions and delivery is in line with the stated Neighbourhood Plan target. The Council does not contest this point. However, the borough wide housing need calculation has changed since the Neighbourhood Plan was adopted and the context in terms of land supply and potential distribution of development has altered.

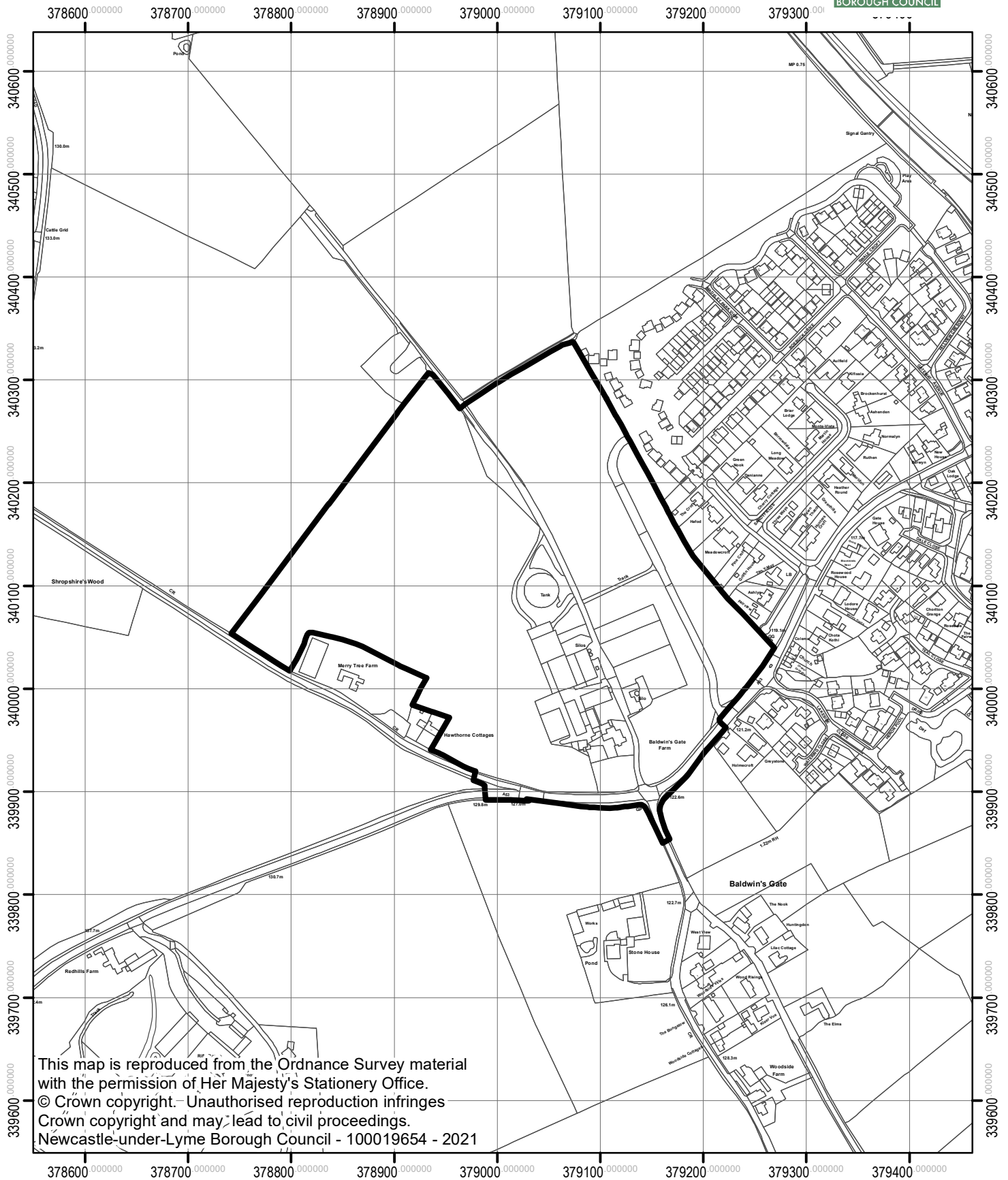
Regarding the protection of bat roosts, Officers are aware of the Simon Woolley v Cheshire East Borough Council case. However, there have been various more recent court judgements which state that the position in Simon Woolley v Cheshire East Borough Council case went too far and that the LPA was in fact not expected to duplicate the licensing role of Natural England. In a Cheshire East Council v Secretary of State for Communities and Local Government, Rowland Homes Ltd [2014] EWHC 3536 case the judge stated that "It is not to be expected or inferred that the need to have regard to the requirements of the Habitats Directive requires a planning inspector to make a detailed assessment of matters that are primarily the responsibility of another body (ie NE)".

As set out in the main agenda report, Officers are satisfied that subject to the imposition of a condition requiring appropriate mitigation, an objection could not be sustained on the grounds of ecological impact.

The RECOMMENDATION remains as set out in the main agenda report.

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21/01041/OUT
Baldwins Gate Farm, Newcastle Road
Baldwins Gate, ST5 5ES



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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 8th April and a subsequent extension of time to the statutory determination period has been agreed to the 18th October 2022.

RECOMMENDATIONS

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 of other conditions of the outline planning permission, these needing to be subject of separate application**

Reason for recommendations

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 and it has been demonstrated that an appropriate number and type of replacement trees are now proposed. 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 for a surface water drainage scheme to be approved prior to commencement of development. While it is noted that Staffs County Council Flood Authority has 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.

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.

2.7 While 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 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.

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) initially 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 submitted a revised soft landscaping scheme, which includes 51 trees. 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, 731.867m² 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 LDS are now content with the number and type of replacement trees proposed. On this basis, it is considered that the proposed development represents an acceptable design which would help to support the design philosophy of the wider redevelopment works, subject to conditions.

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 separation distances between the proposed dwellings would comply with the Council's SPG and on this basis it is considered 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 residents 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 accords 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 terraced 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 and 30-35 have shared bin stores and that 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** advises that the revised soft landscaping scheme now shows a general increase in the sizes of trees, which includes 3 no. semi-mature Hornbeam trees. They advise 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. Therefore, a services plan should be submitted so that tree planting in the positions shown is achievable.

The **Environmental Health Division** has 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, 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.

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)** is 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

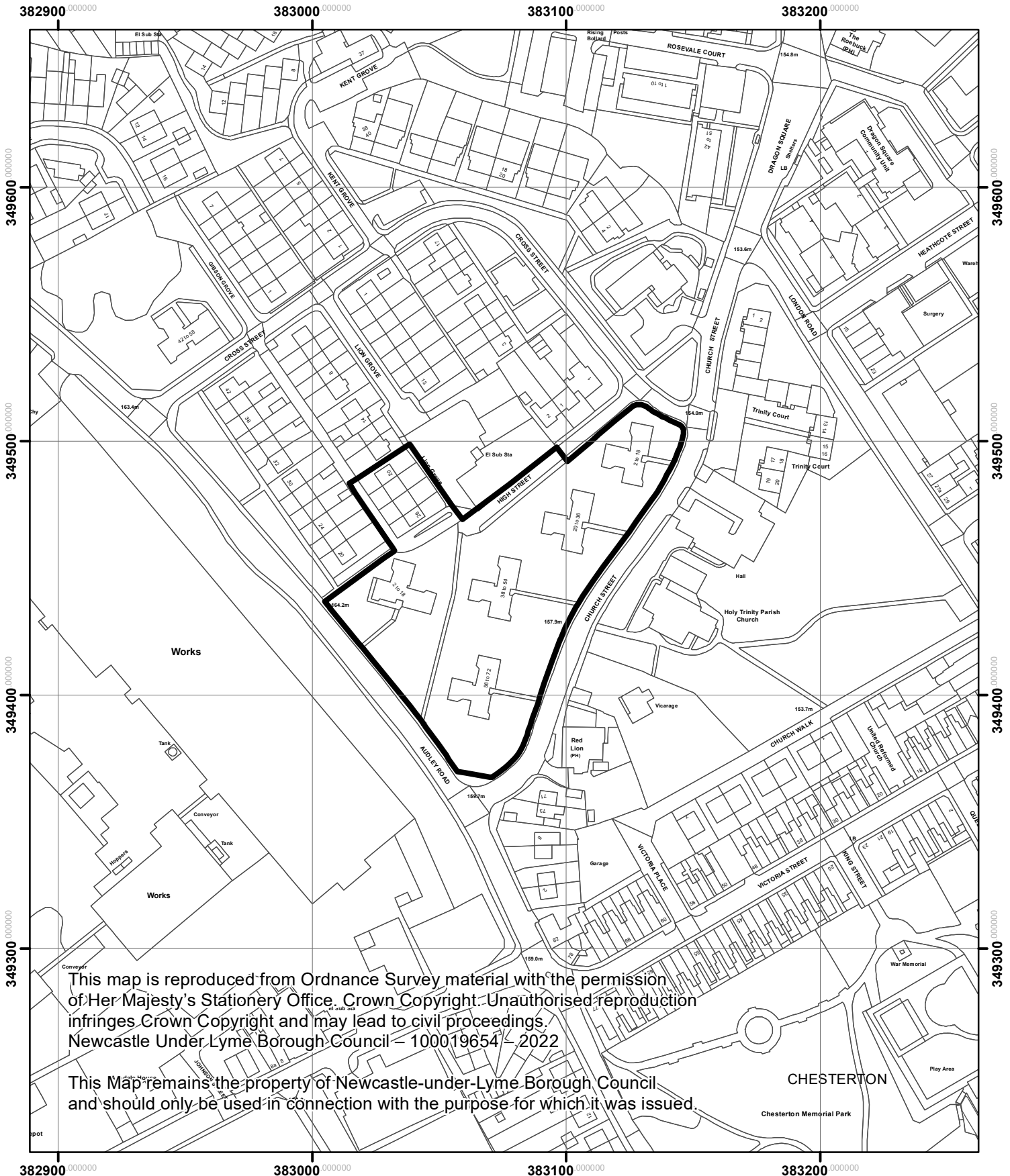
Planning files referred to
Planning Documents referred to

Date report prepared

27th September 2022

Land Off Cross Street, Chesterton

22/00012/REM



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PARK HILL FARM, PARK LANE
MRS PAT PIMLOTT

22/00214/FUL

The application seeks full planning permission for the change of use of an agricultural field to a 64 pitch campsite at Park Hill Farm, Park Lane which is to operate 4 months of the year. The application also seeks permission for a new toilet and shower building, a new treatment plant and associated drainage. The application site falls within the rural area of the Borough on land designated as an Area of Landscape Conservation as indicated on the Local Development Framework Proposals Map. The application site also lies adjacent to Burnt Wood which is a Site of Special Scientific Interest.

The 8 week determination period expires on the 13th June, however an extension of time has been agreed until the 14th October 2022.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:-

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**
- 4. All works to be completed in accordance with the recommendations set out in the tree report**
- 5. Replanting of hedgerows along the proposed passing place**
- 6. Soft Landscaping Scheme**
- 7. Restriction of any external lighting**
- 8. Provision of passing places prior to first occupation**
- 9. Restriction of camp site to 4 months of each year only**
- 10. No user of the site is to stay longer than 28 days at any one time and a register of all visitors/occupiers shall be maintained and made available to the LPA**
- 11. Camp site to be for tents only with no allowance for caravans**
- 12. Restriction to 64 camping pitches only**
- 13. No tents are to be on site outside of the approved operational times of the camp site**
- 14. Toilet block to be installed prior to first use of the camp site**
- 15. Visibility splays from the site are to be provided in accordance with the submitted details and retained for the lifetime of the development**

Reason for Recommendation

The location of the proposed campsite represents a sustainable location for new rural business relating to tourism within the Borough and is therefore acceptable in principle. In all other respects it has been demonstrated that the proposed development, subject to appropriate planning conditions, represents a sustainable form of development that would not harm the character of the area, the amenity of existing and future occupiers or cause significant highway safety implications. The proposals accord with development plan policies and the guidance and requirements of the NPPF.

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

Additional information has been submitted in support of the application to overcome issues raised by relevant consultees and the development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

Key Issues

The application seeks full planning permission for the change of use of an agricultural field to a campsite at Park Hill Farm, Park Lane which is to operate 4 months of the year. The application also seeks permission for a new toilet and shower facility, a treatment plant and associated drainage. The

application site falls within the rural area of the Borough on land designated as an Area of Landscape Conservation as indicated on the Local Development Framework Proposals Map.

The main issues in the consideration of the application are:

- Is the principle of development acceptable?
- Design and impact on the character and form of the area,
- Impact on residential amenity
- Parking and impact on highways safety
- Impact on trees
- Impact on SSSI

Is the principle of development acceptable?

The application site is located in a rural location, within the open countryside.

Park Hill Farm is an established agricultural holding which has been in operation for a number of years. The Farm currently contains a small farm shop which is open to customers.

Saved Policy C17 of the Local Plan requires that certain considerations be given to new camping and caravan sites within the Borough, these considerations include the visual impact of proposals, the impact on residential amenity, the impact on highway safety and the need for such facilities in the area.

Paragraph 84 of the NPPF supports the creation and expansion of rural businesses.

The application site is located in a rural location and would require most users of the campsite to rely on a private vehicle to access the site. Although unsustainable in that respect, paragraph 85 of the NPPF notes that:

'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'

Whilst the application site is only accessible by vehicles from Park Lane, which is an unlit narrow road, the application site is within walking distance from Loggerheads via a public footpath found to the north of the site. Whilst most users of the campsite would be expected to drive to the application site, it would be likely that some users would use the footpath to access the services of Loggerheads during their stay at the site as camping tends to appeal to people seeking a more active holiday who are more likely to be inclined to walk.

It must be acknowledged that camp sites will normally always require a rural location, and that whilst there will be some harm caused by vehicle movements to and from the site, the proposal does also bring with it the economic benefits which will help to enhance the economic viability of the surrounding area. Evidence provided with the application and research completed by officers demonstrates that there is no other camping provision within the nearby area and whilst there is a caravan site to the north of Loggerheads (White House Farm), this site does not allow for tent pitch camping. It can therefore be concluded that there is a lack of camping site provision within the local area which the proposal would help to address if approved.

As assessed later in this report, issues relating to landscaping and visual impact are not considered to be significant and can be addressed through the use of appropriate conditions.

To conclude it is considered, on balance, that the principle of a campsite in this rural location is acceptable subject to appropriate conditions.

Visual impact of the proposal

Paragraph 127 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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.

Policy CSP1 of the adopted Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) details that new development should be well designed to respect the character, identity and context of the area.

Policy LNPP1 of the Loggerheads Neighbourhood Plan also requires that new development must demonstrate high standards of design and complement the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces.

The site will change very little in visual terms due to the fact that the camp site will only accommodate tents and not caravans, however it is recognised that the parking of vehicles at the site may result in some temporary visual impact whilst the camp site is in operation. The proposal does however include the creation of a toilet and shower facility which will be housed in a single storey structure that would have a footprint of 6.3m x 6.3m and would feature a pyramidal roof arrangement which would have an eaves height of 2.73m with a total ridge height of 5.8m. The modest scale of the building will ensure it has no significant impact on the wider landscape, and it is considered that the building would be seen in context with other nearby structures that make up the farmstead rather than appearing as an isolated feature in the countryside. The number of existing trees located to the east of the proposed building will also help to soften the visual impacts of the proposal.

Conditions will be used to ensure that there are no caravans allowed on site, and that only 64 pitches for tents are available for use. Subject to the above conditions it is considered that the visual impact of the proposal is acceptable and is in accordance with development plan policies and the requirements of the NPPF.

Impact on residential amenity

Criterion f) within Paragraph 127 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

Although a concern has been raised by a local resident about potential noise nuisance, given that the nearest property to the site is 450m away and given the level of screening surrounding the application site, it is not considered that there would be any significant impacts on neighbouring properties as a result of the development.

The EHD have raised no concerns to the proposal.

Parking and impact on highway safety

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Neighbourhood Plan Policy LNPT1 states that to be supported new development comprising new homes, employment units or community facilities must, subject to viability considerations, demonstrate a balanced and sustainable approach to transport, including:

- *Providing for different modes of transport, including walking and cycling including incorporating secure, covered storage space for cycles*
- *Providing electric car charging points*

- *Ensuring there is no significant negative impact on road safety and severe traffic congestion*
- *Providing safe and suitable access for both vehicles and pedestrians*
- *Incorporating well-connected and permeable pedestrian networks; where not already in place, footways (pavements) are provided to link the site to the existing footway network*

The campsite proposes a total of 64 grass pitches which will be available for 4 months of each year. The Highways Authority have raised concerns due to the unsustainable location of the camp site and the quality of Park Lane, which is an unlit narrow country road. To mitigate some of the highways concerns the HA requested that details of parking areas and new passing places be provided with the application. While these details have been provided, the HA still maintain their objection to the isolated location of the proposed campsite.

Any vehicles travelling to the site would likely use the A53 and then travel the remaining 1.6km along Park Lane which is a travel distance of approximately 5 minutes by car. It is acknowledged that Park Lane is narrow at points, however there are approximately 10 passing places which could be utilised by drivers and it is also recognised that Park Lane is a no-through road.

In addition to the above whilst it is acknowledged that the application site is not ideally suited for large numbers of vehicle arrivals and departures due to the quality of Park Lane, the application site itself can comfortably provide the necessary amount of parking for a camp site. The creation of a new passing place on the private road leading to the site from Park Lane will help to address some of the potential highways impact. Details of visibility splays have also been provided in support of the proposal which demonstrate that the proposed access to the site meets the standard highways requirements and it must be recognised that Highways Authority have raised no objections to the proposed visibility splays for the site.

Some limited weight can also be given to the fact that permitted development rights allow for the temporary change of a field to a campsite for one month of each calendar year, which does provide the applicant with a fall-back position if the application were refused.

Although the application site would be considered to be an unsustainable location with regards to the need for users of the campsite relying on the use of a private vehicle to access the site, camp sites will normally always require to be in a rural location. The Highways objections to the proposal are given weight in the determination of this application, however the impacts on the highway network in this case are not considered to be severe.

Although an objection has been raised by a nearby resident with regards to the deterioration of Park Road, this matter would fall under the control of the Highways Authority and would therefore falls beyond the scope of this report.

Impact on Trees

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

The Landscape Development Section have raised no objections subject to conditions requiring that all works be completed in accordance with the submitted tree report and subject to the section of hedge that it is to be removed to facilitate installation of the first passing place from the main road being replanted.

Subject to the conditions referred to above, the proposal's impact on trees is considered to be acceptable.

Impact on Site of Special Scientific Interest (SSSI)

The application site lies adjacent to Burnt Wood which is a SSSI located directly to the north of the proposed camping area.

Paragraph 180 of the NPPF states that *'development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest'*

There would be no construction works within or adjacent to the SSSI and whilst the camp site field is in close proximity to the woodland, given that the site would be for tents only it is not considered that there would be direct impact upon the SSSI itself. Natural England have been consulted on the application but have not provided any comments.

Given the nature of the proposal and the lack of any direct impact upon the SSSI it is considered that the proposal is in compliance with the requirements of paragraph 180 of the NPPF.

Reducing Inequalities

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

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

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

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

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

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

APPENDIX

Policies and proposals in the 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 C17:	Camping and Caravan Sites
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 N18:	Areas of Landscape Conservation

[Loggerheads Neighbourhood Plan \(LNP\) 2013-2033](#)

LNPP1:	Urban Design and Environment
LNPT1:	Sustainable Transport

Other Material Considerations

National Planning Policy

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

[Planning Practice Guidance](#) (2018)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

15/00265/FUL - Erection of a slurry storage building – permitted

Consultation Responses

The **Environmental Health Division** raise no objections subject to a condition restricting any external lighting unless otherwise agreed in writing by the LPA, they also note that it would be necessary for a campsite licence to be obtained under relevant legislation from the council if permission is given.

The **Highway Authority** have requested further details be submitted in support of the application, including details of parking areas and passing places. The HA consider the site to be an unsustainable location and retain their concerns that Park Lane is a narrow unlit country road which has little passing places.

The **Landscape Development Section** raise no objections to the proposal subject to any permission being completed in accordance with the recommendations set out in the submitted tree report and subject to the section of hedge (H1) that it is proposed to remove to facilitate installation of the first passing place from the main road being replanted with species to match the existing hedge found at the rear of the new passing place.

No comments have been received by **Natural England** or **Loggerheads Parish Council**.

Representations

Two objection letters have been submitted by nearby residents, which raise the following concerns:

- Impact on wildlife
- Noise nuisance
- Highway safety
- Deterioration of Road

Applicants/agents submission

The requisite plans and application forms including a supporting statement have been submitted.

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/22/00214/FUL>

Background Papers

Planning files referred to

Planning Documents referred to

Date report prepared

27th September 2022

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
11th OCTOBER 2022

Agenda Item 6

Application Ref. 22/00214/FUL

Park Hill Farm, Park Lane

Since the publication of the main agenda report, the applicant has sought alterations to the wording of two of the proposed conditions which are set out within the committee report.

The first change relates to proposed condition 11 which relates to a restriction for tents only at the camp site, with no allowance for caravans. The applicant has confirmed that there is no intention to allow caravans at the site, however they would like to allow campervans at the site. To ensure that larger campervans are not brought to the site, the applicant has suggested that the condition allows for vehicles up to a length of 6m only.

The second requested change relates to condition 14, which requires the proposed toilet block to be installed prior to the first use of the site. The applicant has noted that as the proposal relates to a small site, it may not be possible to construct the toilet block for the first couple of years or until the business is financially viable, and instead suggests the temporary use of portable facilities until the building is complete.

Officers Comments

The allowance of campervans at the site would not lead to any significant visual impacts or impacts on highway safety and the condition can therefore be amended to allow for this type of vehicle at the site, subject to them being no more than 6m in length.

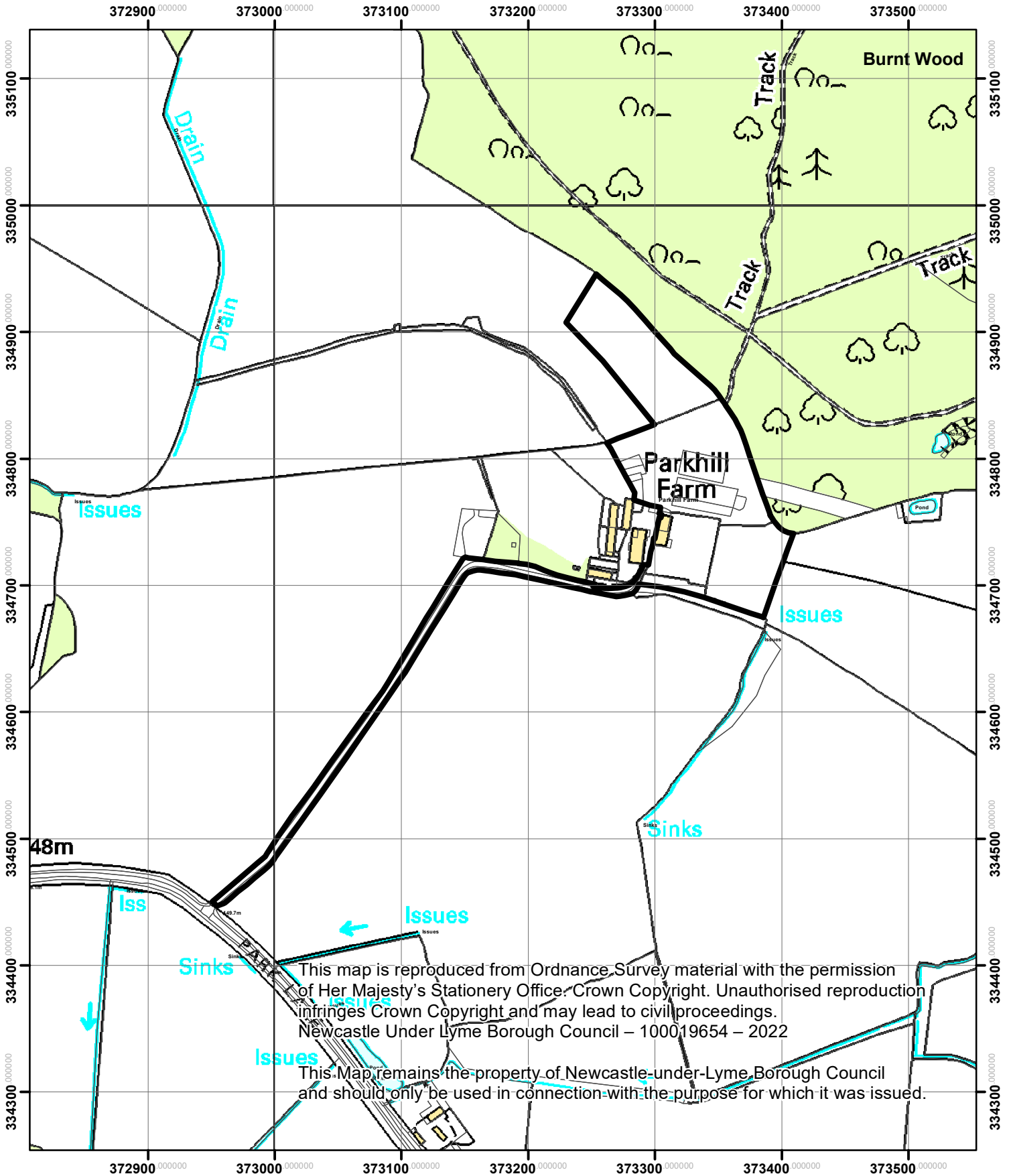
With regard to the toilet facilities of the site, whilst some form of temporary arrangement in the form of portable facilities could be acceptable within the short term, details of this arrangement will need to be considered and approved by the LPA before the camp site is fully brought into use. It is therefore recommended that the wording of the condition be altered to allow details of any temporary toilet provision to be submitted to and agreed in writing by the LPA.

Recommendation amended as follows;

PERMIT subject to conditions relating to the following matters:

1. **Time limit condition**
2. **Approved Plans**
3. **Materials**
4. **All works to be completed in accordance with the recommendations set out in the tree report**
5. **Replanting of hedgerows along the proposed passing place**
6. **Soft Landscaping Scheme**
7. **Restriction of any external lighting**
8. **Provision of passing places prior to first occupation**
9. **Restriction of camp site to 4 months of each year only**
10. **No user of the site is to stay longer than 28 days at any one time and a register of all visitors/occupiers shall be maintained and made available to the LPA**
11. **Camp site to be for tents and for campervans that do not exceed 6m in length with no allowance for caravans**
12. **Restriction to 64 camping pitches only**
13. **No tents are to be on site outside of the approved operational times of the camp site**
14. **Details of any temporary toilet provision to be submitted to and agreed in writing by the LPA prior to the construction of the toilet block.**
15. **Visibility splays from the site are to be provided in accordance with the submitted details and retained for the lifetime of the development**

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LAND NORTH WEST OF BOWER END FARM, MADELEY
HIGH SPEED TWO (HS2) LIMITED

22/00747/SCH17

This application seeks approval of the plans and specifications under Schedule 17 of the High Speed Rail (West Midlands – Crewe) Act 2021 for a watercourse crossing, fences, walls and earthworks for the creation of two ecological mitigation ponds and bunds required to support associated works on site on land to the north west of Bower End Farm.

The site lies within the open countryside, which is designated as an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map.

The 8 week determination of this application is 1st November 2022.

RECOMMENDATIONS

That the Schedule 17 application be granted subject to conditions relating to the following:

- 1. Carried out in accordance with the approved plans.**

Reason for Recommendation

The proposed works preserve the local environment and local amenity, do not result in any prejudicial effect on road safety or on the free flow of traffic in the local area and would not adversely affect a site of archaeological or historic interest or nature conservation value. As such there are no design and appearance reasons to refuse to approve the application or grounds to argue that the development ought to, and could reasonably be carried out on, other land.

KEY ISSUES

Consideration of Schedule 17 Applications

Section 17 of the Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 for HS2 Phase 2a and associated works (“the Works”) between West Midlands and Crewe, but some of the detailed design and construction are subject to further approval. Schedule 17 to the Act puts in place a process for the approval of certain matters relating to the design and construction of the railway which requires that the nominated undertaker (the organisation on whom the powers to carry out the works are conferred) must seek approval of these matters from the relevant planning authority. As deemed planning permission has been granted by the Act, requests for approval under Schedule 17 are not planning applications.

In passing the Act, Parliament has judged such impacts to be acceptable when set against the benefits to be achieved by the Phase 2a scheme.

The purpose of Schedule 17 is not therefore to eliminate all prejudicial impacts on, or to secure the complete preservation of, any sites within the various categories identified in the schedule (set out below). On the contrary, the operation of Schedule 17 is such that there will be cases where a submission must be approved notwithstanding an identified negative impact, unless there are modifications that are reasonably capable of being made.

Accordingly, it is not open to the planning authorities under Schedule 17 to refuse in principle works or development which is covered by the Environmental Statement and approved by Parliament. The impacts have been assessed and planning permission has been granted on that basis. Instead, Schedule 17 offers planning authorities an opportunity to seek modifications to the details submitted that they consider reduce the impacts of a submission if such modifications can be justified.

The Schedule sets out that the Council can only refuse to approve the application, or impose conditions, in the following circumstances:

- (a) The design or external appearance of the works ought to be modified
 - (i) To preserve the local environment or local amenity;
 - (ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area; or
 - (iii) To preserve a site of archaeological or historic interest or nature conservation value; and is reasonably capable of being so modified; or
- (b) Where the Council consider that the development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.
- (a) Consideration of the Design and External Appearance of the Proposal

This Schedule 17 application seeks approval for excavation to support associated works on site.

The proposed watercourse crossing, fences, walls and earthworks will be associated with the creation of two ecological mitigation ponds and bunds. In particular the application sets out that;

“The proposed ponds within Site 329 will be located within the northern parameters of the site, with two bunds located to the south of the ponds. A watercourse crossing will be created where there is an existing ditch to the north of the site and will enable vehicle access between Site 340 and Site 329. There will be permanent fencing located along the linear strip of land to the west of the site along with the southern corner of the site. Fencing and one gate will be located around the proposed watercourse crossing. One permanent gate will also be located along the linear strip of land to the west of the site.”

Impact on the local environment and local amenity

The fences and gates are of a suitable design for a rural area and the earthworks and tree planting are sympathetic. On this basis, it is considered that the proposals will not have an adverse impact on the local environment and local amenity.

Road safety and the free flow of traffic in the local area

The works are away from any main roads and measures to control road safety and traffic impacts arising from the construction of the works are separately covered and do not fall to be considered with this application. As such the works would not have any detrimental impact on road safety or the free flow of traffic in the local area.

Impact on archaeological or historic interest or nature conservation value

The site is not within, or close to, a known site of archaeological or historic interest or nature conservation value. Notwithstanding this a Location Specific Written Scheme of Investigation has been drawn up in consultation with the County Archaeologist which details the methodology for archaeological surveys and investigations to be implemented prior to construction. Should any heritage assets of such significance be identified during construction that warrant preservation in situ there is a commitment to redesign the submission to avoid impacting the assets leading to a revised Schedule 17 approval request.

- (b) Ought the development, and could it reasonably, be carried out elsewhere on land within the Act limits.

As there are no design and appearance reasons to refuse to approve the application, there are no grounds to argue that the development ought to, and could reasonably be carried out on, other land.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the

Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

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

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

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

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

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

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

APPENDIX

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality

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

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy N20: Area of Landscape Enhancement

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

Policy DES1: Design
Policy NE1: Natural Environment

Other Material Considerations include:

[National Planning Policy](#)

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

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

[High Speed Rail \(West Midlands – Crewe\) Act 2021](#)

[High Speed Rail \(West Midlands – Crewe\) Act 2021 Schedule 17 Statutory Guidance \(May 2021\)](#)

[Equality Act 2010](#)

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

None.

[Views of Consultees](#)

The **Environment Health Division** raises no objections on the basis that construction activities and earthworks will be covered by HS2's Environmental Minimum Requirements and the Code of Construction Practice. These are intended to as far as possible mitigate against the negative effects of dust noise vibration, traffic, light associated with works of this nature.

The **Environment Agency** advises that they have no comments on this application.

Comments are awaited from **Madeley Parish Council**, the **Highway Authority**, and the **County Ecologist**.

[Representations](#)

None received.

Applicant/agent's submission

The applicant has submitted, in addition to plans, the following:

- Submission Letter
- Written 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/22/00747/SCH17>

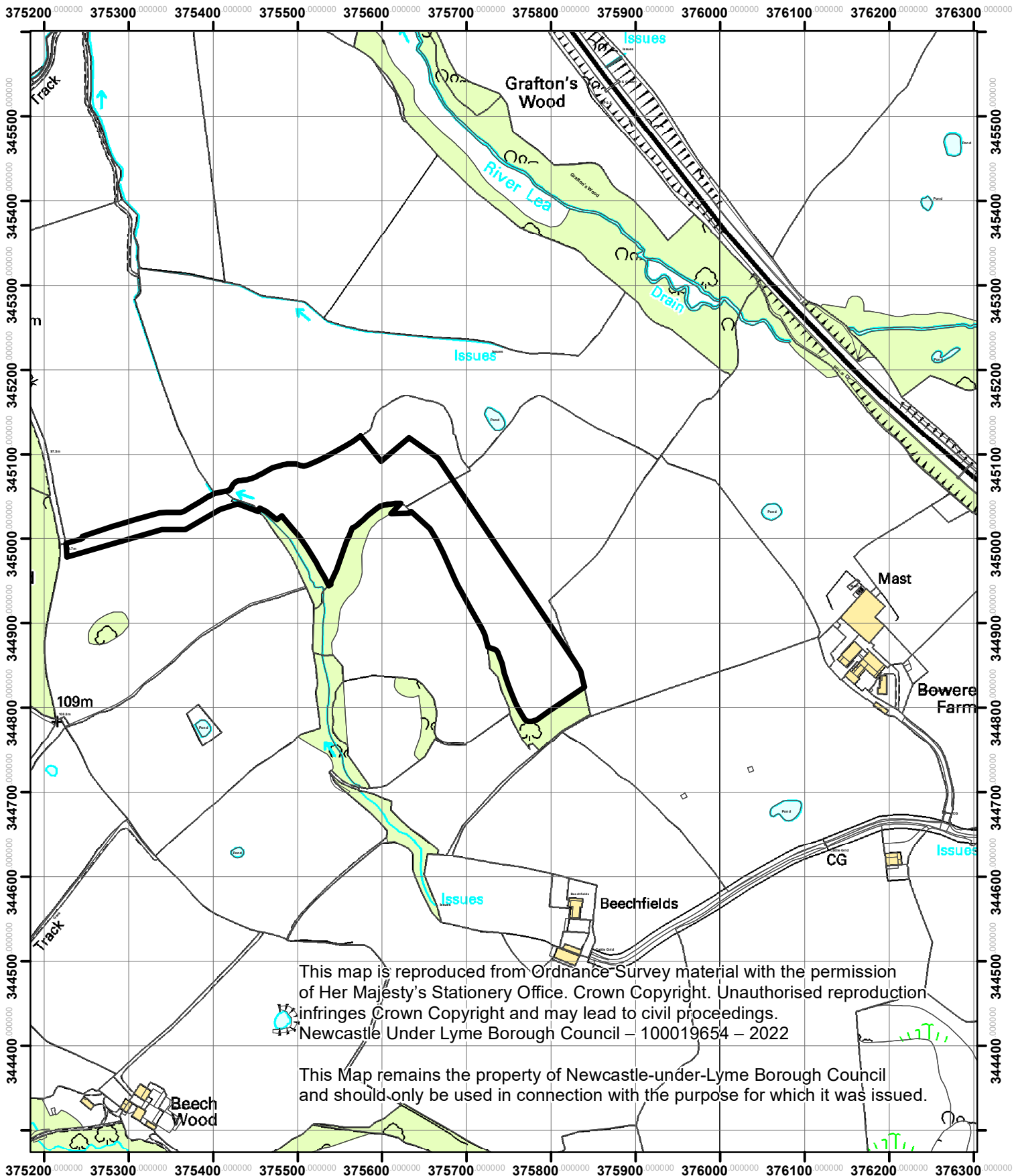
Background Papers

Planning File referred to
Planning Documents referred to

Date report prepared

28th September 2022

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Newcastle Under Lyme Borough Council – 100019654 – 2022

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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 3rd January 2019 (since repeated), of the progress in relation to the taking of enforcement action against a breach of planning control at this location.

RECOMMENDATION

That the information be received.

The appeal hearing took place on the 7th September and a decision is now awaited.

Date report prepared - 26th September 2022

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

The purpose of this report is to provide Members with an update on the progress of the works being undertaken at this site following the planning application for the retention and completion of a partially constructed agricultural track, approved under planning permission 21/00286/FUL.

RECOMMENDATION

That the information be received.

Latest Information

As previously reported, works to the track are largely complete and the landowner now needs to carry out the approved landscaping works.

Your officers carried out a site visit on the 16th August and it is clear that the dry weather over the summer months has made it difficult to carry out any seeding or planting. However, the landowner has advised that the landscaping will be carried out when conditions improve.

As part of the monitoring process a further site visit will now take place in October.

Date Report Prepared – 27th September 2022

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Classification: NULBC UNCLASSIFIED

LAND NORTH OF PEPPER STREET, KEELE
SEDDON HOMES LIMITED

22/00533/DOB

The application is for the modification of a planning obligation made under Section 106 relating to outline planning permission 13/00970/OUT for residential development of up to 100 dwellings.

The modification sought is to paragraph 2 of Schedule 6 of the Agreement as amended by the deed of variation to provide an additional time for the development to be substantially commenced, at which point the developer is required to prepare and submit a revised viability report if this trigger is not reached. This would extend the period of time to 6th March 2023.

The 8 week determination period for this application expired on 10th August 2022 however an extension of time has been agreed until 14/10/2022.

RECOMMENDATION

That the application to modify the S106 agreement, by extending the period of time within which the developer must substantially commence development before the need for a revised viability report is triggered to 6th March 2023, be approved.

Reason for Recommendation

The obligation continues to serve a useful purpose, but would serve that purpose equally well subject to the modifications specified in the application.

Key Issues

The application under Section 106A of the 1990 Town and Country Planning Act seeks to modify the planning obligations entered into on the 2nd April 2015 prior to the grant of outline planning permission (13/004970/OUT) for residential development of up to 100 dwellings, as varied by the S106A decision dated 20 August 2020, reference 20/00431/DOB and the S106A decision dated 17 September 2021 referenced 21/00780/DOB.

The modification sought is to paragraph 2 of Schedule 6 of the Agreement as amended by the deed of variation to provide an additional time for the development to be substantially commenced, at which point the developer is required to prepare and submit a revised viability report if this trigger is not reached. This would extend the period of time to 6th March 2023.

Works have been delayed at the site due to the impact that Covid-19 has had on construction, and whilst the applicant is in the process of discharging a number of pre commencement conditions more time is required to complete this process. The impacts of the covid pandemic are acknowledged and it is also recognised that the Government, in the wider interests of the economic recovery of the country, is encouraging Local Planning Authorities to be flexible and work with the construction industry to ensure development can still take place.

Section 106A of the 1990 Town and Country Planning Act indicates that where an “obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to these modifications”. This is such a case and as such the proposed modification should be supported.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public**

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

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

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

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

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

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

APPENDIX

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

National Planning Policy Framework (2021)

Planning Practice Guidance (2019)

Supplementary Planning Guidance:

Developer Contributions SPD (September 2007)

Views of Consultees

No comments have been received from **Keele Parish Council**.

Representations

None

Planning History

13/00970/OUT - Residential development (maximum of 100 dwellings) – permitted

15/00359/DOAHR - application for approval of details of the house types and location of the affordable housing units as required by condition 03 of planning permission 18/00262/REM for the erection of 100 Dwellings – permitted

18/00262/REM - Application for approval of reserved matters for layout, scale, appearance and landscaping for the erection of 100 Dwellings – permitted

20/00431/DOB - Application for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to planning permission ref 13/00970/OUT – permitted

21/00780/DOB - Application for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to Section 106 Agreement dated 2 April 2015 (13/00970/OUT), the Deed of Variation dated 17 December 2019 and S106A decision dated 20 August 2020, reference 20.00431.DOB (S106A Decision) – permitted

21/00952/FUL - Application for variation of condition 2 of planning permission 18/00262/REM to allow substitution of house types – permitted

21/00952/NMA - Application for a non-material amendment relating to alterations to planning permission 21/00952/FUL to substitute the approved planning layout & house type plans – permitted

22/00094/FUL - Removal of condition 21 (There shall be no impact piling undertaken in the construction of the development hereby permitted.) of planning permission 13/00970/OUT – not yet determined.

Applicant/agent's submission

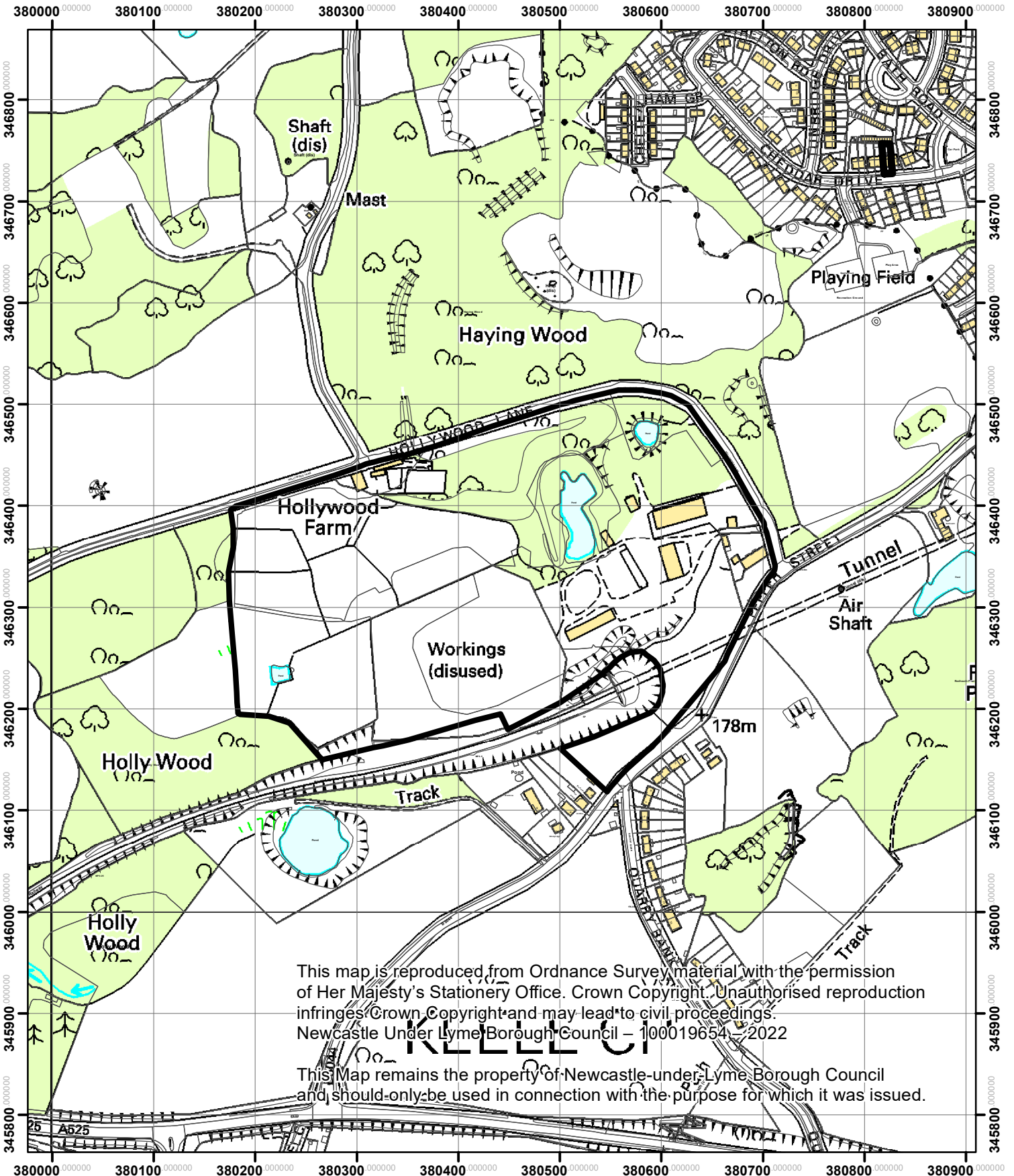
The application documents are available for inspection via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00533/DOB>

Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

26th September 2022



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Newcastle Under Lyme Borough Council - 100019654 - 2022

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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 23rd February 2022. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 23rd 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.

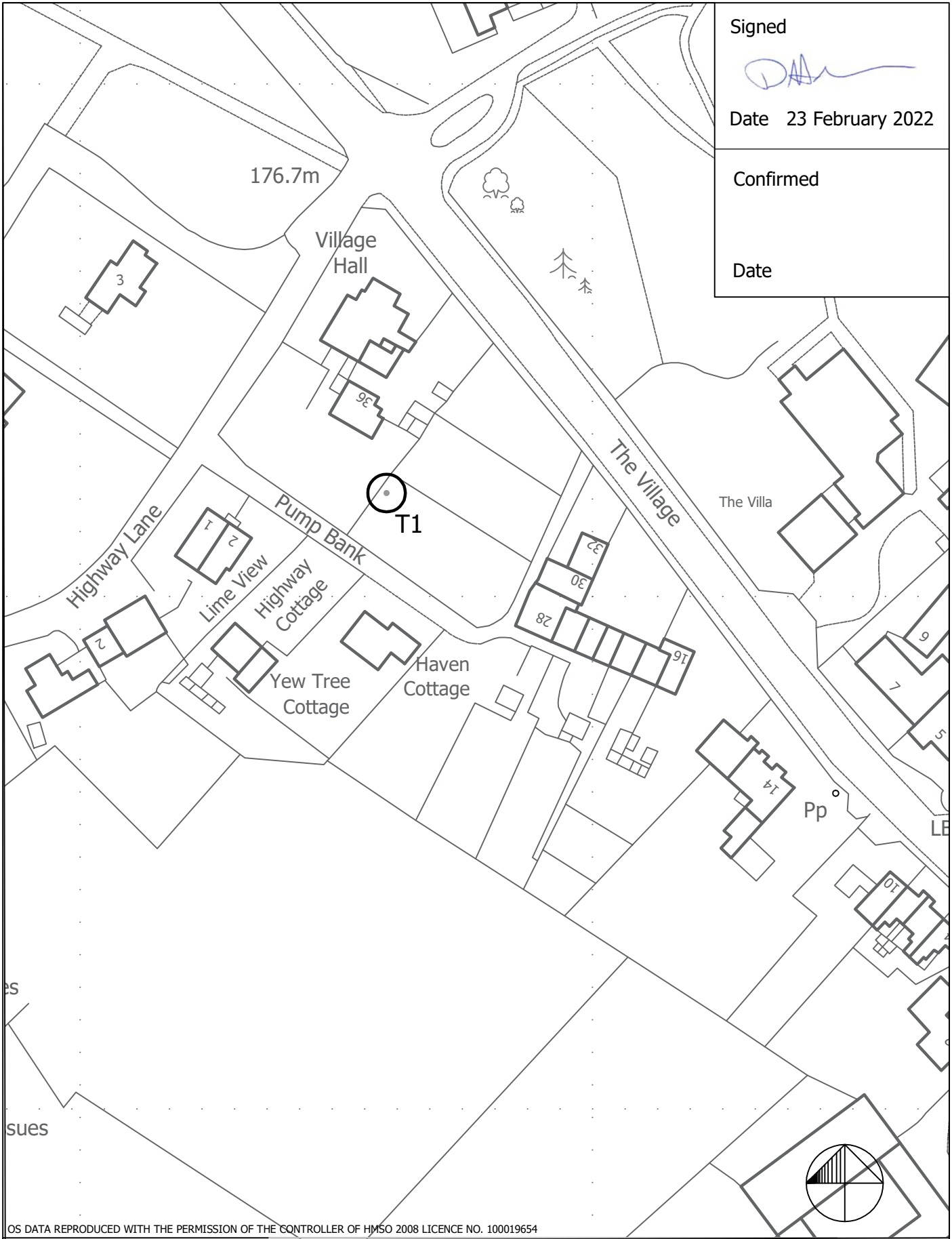
Issues

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 26th 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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