

Public Document Pack

Date of meeting Tuesday, 6th December, 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 5 - 8)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT HOON AVENUE AND MILEHOUSE LANE, NEWCASTLE-UNDER-LYME. STAFFORDSHIRE COUNTY COUNCIL. 20/01078/OUT** (Pages 9 - 26)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - MADELEY MANOR NURSING HOME, HEIGHLEY CASTLE WAY, MADELEY. MR GERALD EMERY. 21/01175/FUL & 21/01176/LBC** (Pages 27 - 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.
- 7 APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. DUCHY HOMES LIMITED. 22/00840/FUL** (Pages 55 - 62)
- 8 APPLICATION FOR MINOR DEVELOPMENT - THE NOOK, NEWCASTLE ROAD, MADELEY. MRS JULIE MIROWSKI. 22/00743/FUL** (Pages 63 - 70)

- 9 **APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT TO FARCROFT, MANOR ROAD, BALDWINS GATE. MR & MRS GEOFFREY ADAMS. 22/00836/OUT** (Pages 71 - 82)
- 10 **5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 83 - 84)
- 11 **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** (Pages 85 - 86)
- 12 **LAND AT DODDLESPOOL, BETLEY. 17/00186/207C2** (Pages 87 - 88)
- 13 **REGISTER OF LOCALLY IMPORTANT BUILDINGS AND STRUCTURES IN NEWCASTLE-UNDER-LYME - 2022 REVIEW** (Pages 89 - 90)
- 14 **TREE PRESERVATION ORDER - LAND AT AUDLEY PUMPING STATION, NANTWICH ROAD, AUDLEY. TPO 220/22** (Pages 91 - 98)
- 15 **URGENT BUSINESS**

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

16 DISCLOSURE OF EXEMPT INFORMATION

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

Members: Councillors Northcott (Chair), 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.

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Agenda Item 3

Planning Committee - 08/11/22

PLANNING COMMITTEE

Tuesday, 8th November, 2022
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present:	Councillor Paul Northcott (Chair)		
Councillors:	Crisp Fear Gorton Holland	Hutchison D Jones S Jones Moffat	G Williams J Williams
Apologies:	Councillor(s) Bryan		
Substitutes:	Councillor Barry Panter		
Officers:	Rachel Killeen Geoff Durham Daniel Dickinson Nick Fenwick	Development Management Manager Mayor's Secretary / Member Support Officer Head of Legal & Governance /Monitoring Officer Interim Head of Planning	

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

With regard to item 5, it was asked when the application would be coming back to this committee. Officers advised that it would likely be the December meeting.

Resolved: That the minutes of the meeting held on 11 October, 2022 be agreed as a correct record.

3. **APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF PEPPER STREET, KEELE. SEDDON HOMES. 22/00094/FUL**

Amended recommendation proposed by Councillor Holland and seconded by Councillor Northcott

Members felt that removing the condition was not appropriate and that a variation of the condition would be preferable. However, it was agreed that suitable wording for the condition could not be agreed upon at this meeting.

Planning Committee - 08/11/22

Resolved: That the application be deferred to enable officers, in liaison with Environmental Health colleagues, to advise Members of appropriate wording for a variation to Condition 21.

[Watch the debate here](#)

4. **APPLICATION FOR OTHER DEVELOPMENT - LAND AT STATION ROAD, ONNELEY. MR J FINNEY. 22/00245/FUL**

Members were advised that this item had been withdrawn.

5. **LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH. MR CHRIS ANDREWS. 20/00972/DOB**

Councillor Gary White spoke in support of this application

Resolved: That the application to modify the S106 agreement, to change the red edge site boundary and to secure a financial contribution of £80,726 towards secondary school places at Madeley High School, Madeley, a contribution of £80,000 towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath and a review mechanism of the scheme's ability to make a more or fully policy compliant contribution to education places, off site public open space and/ or affordable housing, if the development is not substantially commenced within 18 months from the date of the decision of the reserved matters application, reference 21/00593/REM, and the payment of such a contribution if then found financially viable, be approved.

A request was made for Members to receive guidance or training on Section 106 Agreements.

[Watch the debate here](#)

6. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs contained within Part 1 of Schedule 12A of the Local Government Act, 1972

7. **URGENT BUSINESS**

UPDATE ON BREACH OF PLANNING OBLIGATION ASSOCIATED WITH 11/00284/FUL - THE FORMER SITE OF SILVERDALE STATION AND GOODS SHED, STATION ROAD, SILVERDALE

Members received an update on the current position.

Resolved: That the information be received.

Councillor Paul Northcott

Chair

Meeting concluded at 7.52 pm

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LAND ADJACENT HOON AVENUE AND MILEHOUSE LANE, NEWCASTLE-UNDER-LYME
STAFFORDSHIRE COUNTY COUNCIL

20/01078/OUT

The application is for outline planning permission for the construction of up to 100 dwellings with associated infrastructure, children's play area, landscaping and open space. All matters except for access (appearance, landscaping, layout and scale) are reserved for subsequent approval.

The site lies within the Urban Area of Newcastle and is designated as open space and part of the Green Heritage Network as indicated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expired on 16th March 2021 but an extension of time has been agreed to 9th December 2022.

RECOMMENDATION

(A) Subject to the applicant entering into a Section 106 obligation by 27th January 2023 to secure the following:

- **The provision of 25% on-site affordable housing**
- **A contribution of £10,000 towards travel plan monitoring**
- **A contribution off £20,000 towards the improvements of the existing Multi-Use Games Area at the Croft Road Play Area (Icky Picky)**
- **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 accesses**
- 4. Junction improvement**
- 5. Travel Plan**
- 6. Construction Environmental Management Plan**
- 7. Hours of construction**
- 8. Noise mitigation measures**
- 9. Contamination**
- 10. Electric vehicle charging points**
- 11. Details of foul and surface water drainage scheme**
- 12. Development to be carried out in accordance with the approved Flood Risk Assessment (FRA)**
- 13. A written scheme of archaeological investigation**
- 14. Tree and hedgerow protection measures for retained trees**
- 15. Arboricultural method statement**
- 16. A minimum of 0.94ha of green open space, including a minimum 400sqm LEAP Play area to be provided on site**
- 17. Approval of details of play facilities and timing of provision of open space and these facilities**
- 18. Ecological and biodiversity mitigation and compensation**
- 19. Reserved matters submission to comply with the principles of the Design and Access Statement**

(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

The site provides a sustainable and accessible location for residential development comprising of market and affordable housing. Adequate open space would remain within the site and the immediate locality for the enjoyment of existing and future residents. In addition, there would be new and better quality tree and hedgerow planting enhancing the site's green infrastructure.

The development would provide acceptable living conditions for its occupiers and given its highly sustainable location, it is not considered that the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

An acceptable SUDs design can be achieved and the risk of flooding is low as the majority of the site lies within Flood Zone 1. The proposal provides for ecology and biodiversity enhancements/mitigation

and further archaeological work can be secured to understand and characterise any below ground archaeological features within the application site.

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

The LPA has worked positively and proactively with the applicant/agent to address the issues associated with key planning matters and the proposal is now considered to be a sustainable form of development that complies with the provisions of the development plan and National Planning Policy Framework.

Key Issues

Outline planning permission, with all matters (Appearance, Landscaping, Layout and Scale) reserved except for access is sought for the construction of up to 100 dwellings with associated infrastructure, children's play area, landscaping and open space.

The site lies within the Urban Area of Newcastle and is designated as open space and part of the protected Green Heritage Network as indicated on the Local Development Framework Proposals Map.

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

- Principle of the proposed development
- Open Space and Landscaping
- Affordable Housing
- Highways Safety
- Trees and Hedgerows
- Flood Risk and Drainage
- Ecology and Biodiversity
- Residential Amenity
- Heritage and Archaeology
- Planning Obligations

Principle of the proposed development

The application site comprises greenfield land designated as open space and part of the green heritage network within the urban area of Newcastle.

Core Spatial Strategy (CSS) Policy ASP5 sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026. Policy SP3 seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

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 which are considered sustainable locations for residential development.

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. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

The NPPF seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

Although not previously developed land, the site is considered to represent a highly sustainable location for new housing due to its good transport links and links to education facilities, employment opportunities, services and amenities.

The principle of the proposed development complies with local and national planning policy guidance.

Open Space and Landscaping

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.

Strategic Aim 13 seeks to protect and improve the plan area's network of canals and watercourses, green spaces/infrastructure and parks to provide the landscape setting for high quality development of homes, employment and leisure opportunities; opportunities for physical activity and to foster a more sustainable way of life.

CSS Policy CSP5 seeks to enhance, maintain and protect the plan area's open space, sports and leisure assets.

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.

NLP Policy N16 seek opportunities to consolidate and enhance the green heritage network. Where development is permitted, the Council may require mitigation and/or compensation measures and will seek to ensure that appropriate landscaping proposals will be implemented and maintained to enhance the area's status and function as part of the Borough's wildlife network.

Paragraph 96 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) The development is for the alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The site comprises 3.42ha of land designated as public open space/green heritage network within the urban area of Newcastle. This public open space/green heritage is identified as general amenity space on the green infrastructure typology map.

As a result of the residential development proposed, there would be loss of 2.48ha of public open space/green heritage network, resulting in 0.94ha remaining.

The remaining 0.94ha would comprise the landscaped link between the northern and southern parts of the site which would include a footway/cycleway and a LEAP play area and landscaped green space either side of the proposed access off Hoon Avenue. The children's play area would meet the minimum of Fields in Trust LAP and LEAP standards of 0.4ha. The proposed area and type of open space to be provided is shown in the table below:

Open Space	Area Proposed
LEAP (Play Area)	Min 400 sqm
Landscaped Link (inc area around LEAP)	5200 sqm
SuD's Basin	1200 sqm
Landscaped green space	3800 sqm
Total	10600 sqm

In accordance with the National Planning Policy Framework, National Planning Practice Guidance, Core Spatial Strategy, Local Plan and other relevant open space documents the applicant is required to assess the current provision (whether there is a deficit or surplus) of open space against standard requirements.

The recommended quantity and access to green infrastructure standards (2016) covering open space types for Newcastle under Lyme are summarised in the table below (*Source: Newcastle under Lyme Open Space Strategy and Green Infrastructure Strategy Final Draft*).

Open Space Types	Quantity Standard (Hectares per 1,000 population unless indicated otherwise)	Access Standard (measured in a straight line)
*Parks and gardens	3.10	Local – 400m Neigh – 800m District -1600m
*Amenity green space	0.90	Open green - 220m MUGA - 700m
*Natural and semi-natural green space	3.60	600m
*Designated play spaces for children and young people	0.41	LAP - 100m LEAP - 400m NEAP - 1,000m
Outdoor Sports Facilities	No standard	No standard
Allotments *	0.15	400m (5- 10 min walk) 15 min drive
Green Corridors	No standard	No standard
TOTAL open space* (sum from above)	8.16	

Based on a population of 124,184 the current provision of open space per 1,000 head of population is shown in the table below. *Source: Newcastle under Lyme Open Space Strategy and Green Infrastructure Strategy Final Draft*.

Type	Count (no. of sites)	Area (ha.)	Current Provision (ha. per 1,000 population)
Accessible natural greenspace	181	1746.22	14.0
Allotments	12	13.60	0.11
Amenity greenspace	112	128.31	1.03
Green corridor	16	46.03	0.37
Park	35	436.29	3.51
Provision for children and young people	81	51.35	0.41

The Borough has a valued and well-distributed network of open space of varying sizes and types (Parks and Gardens, Amenity Green Spaces, Natural and semi-natural green spaces, designated play spaces, allotments and green corridors). As highlighted in the tables above the current open space provision exceeds standard requirements per population. In addition, there is an identified need for new open space to accompany any new development.

An assessment of existing open spaces within 1.5 kilometres of the application site (approximately a 15-minute walk), has been undertaken to consider the quality and quantity of alternative open space provision in the area. The assessment identifies 9 other sites within a 1.5-kilometre radius of the application site, totalling 46.3 hectares.

Of the 9 sites identified, four include general amenity space, and six include a park or public garden. The closest green space measuring 2 ha or more is located 400 metres from the site, at Wolstanton Marsh. This is identified as a park or garden and meets the proposed access standard. The land south of Hoon Avenue is an adjacent piece of amenity green space to the site and is less than 220 metres away.

As stated above, the application site is identified as general amenity space on the green infrastructure typology map. The current provision for general amenity space is 1.03 hectares per 1,000 population, based on 124,381 people. The development of 2.48ha of a 3.42ha site for housing would still exceed the quality standards required without further provision or contributions for general amenity space.

Therefore, it is considered that there is sufficient quantity and quality of existing alternative open space (amenity greenspace) provision within 1.5km of the site to ensure the residential development would not detrimentally impact on accessibility to open space for existing and future residents.

The existing provision of and accessibility to natural and semi natural green spaces and designated play spaces for children and young people would remain acceptable within the vicinity of the site. However, given the size and scale of the development proposed there is a requirement to provide a minimum open space provision of 0.94ha, which would include a LEAP play area for existing and future residents

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

Affordable Housing

CSS Policy CSP6 requires 25% of the total dwellings to 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.

In accordance with the Affordable Housing SPD, 25% or 25 dwellings of the total number of 100 dwellings are required to be affordable 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, a minimum of 15% should be social rented with the remainder shared ownership.

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.

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.

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 that would serve the southern part of the site would be directly off Hoon Avenue/Hempstalls Lane and to the south of the Sparch Hollow roundabout. The new access would be a new priority junction that would be 5.5m wide access, with 6.0m radii and a 2m footway on the southern side and a 3m footway/cycleway on the northern side of the access. Visibility splays of 2.4m x 43m would be provided in a northerly and southerly direction.

The northern part of the site is accessed directly of Milehouse Lane and would take the form of a simple priority junction.

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 shows the proposed mitigation measures at Milehouse Lane /Hassam Parade / Hoon Avenue Roundabout. 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 in the region of 84 - 91 person trips (two-way) by all combined modes of travel (Car Driver, Car Passenger, Bus, Cycle, Pedestrian Other) during the typical weekday peak hour. In this regard the residential development would be expected to generate in the order of 70 trips in the AM peak hour and 66 trips in the PM peak hour split between the two site access junctions.

An assessment of the proposed access junctions onto Milehouse Lane and Hoon Avenue shows that the proposed access arrangements are predicted to operate within capacity in all of the forecast scenarios assessed, with minimal queuing predicted on any approach to the junction.

The results of the assessments demonstrate that the existing Hoon Avenue/Sparch Hollow/Hempstalls Lane roundabout will operate within capacity at the 2025 assessment.

The wider impacts of development traffic have been assessed at the two main roundabout junctions to the north and south of the site. The addition of further traffic attributable to the proposed development site is predicted to result in minimal changes in queueing and delay at either junction. However, a minor improvement to Milehouse Lane/Hassam Parade/Hoon Avenue Roundabout is proposed which formalises the Hassam Parade entry making it more efficient.

The Highway Authority has no objections to the proposal on the grounds that it has been demonstrated that the junction is adequate and safe and will operate within capacity and that mitigation document measures at Milehouse Lane /Hassam Parade / Hoon Avenue Roundabout and minor improvement to Hassam Parade formalises the entry making it more efficient.

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.

NLP Policy N13 states the felling or unnecessary pruning of any tree of public amenity will not be supported by the Council unless one of the criteria specified is applicable and where possible appropriate replanting is proposed.

The Arboricultural Impact Assessment accompanying the application identifies that no trees on the site are protected by Tree Preservation Orders or by being within a Conservation Area.

The proposed access from Hoon Avenue necessitates the removal of three early mature category B Lime trees. Tree removal identified within the site is limited to the total removal of two groups of natural scrub and the partial removal of three further groups of mixed trees. These are identified as category C and comprise of scrub and less well established plantings of low arboricultural quality.

However, the size of the site and its location provides opportunities for new and better quality 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.

Flooding 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 Surface Water Drainage Assessment (FRSWDA). The site lies in Flood Zone 1 which is land/property with the lowest risk of flooding. However, the south eastern part of the site is shown as being at risk of flooding from Lyme Brook and associated overland flows.

The surface water runoff from the site would be discharged to Lyme Brook via a new outfall and restricted to a greenfield 1 in 1 year rate of 4.7 l/s per hectare. The surface water would be attenuated on site by a combination of oversized pipes and a detention basin within the south eastern part of the site. It is expected that the detention basin would provide adequate treatment to the runoff to ensure water quality is not detrimentally impacted.

Foul flows from the site will drain to the existing combined sewers in Hoon Avenue.

The Environment Agency, Staffordshire County Council as the Lead Local Flood Authority, and Severn Trent Water are satisfied that the proposals demonstrate that it would be feasible to achieve an acceptable SUDs design and that detailed drainage design should be in accordance with the proposed drainage strategy. As such, they 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.

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

An Extended Phase 1 Habitat Survey was completed in June 2016, this was subsequently reviewed in October 2018 and November 2020. These surveys evidenced that the habitats present on site include poor semi-improved grassland, species-poor hedgerow, introduced shrub and dense scrub as well as established lines of trees. As a result of these surveys there was no requirement for additional habitat surveys however, a protected species survey for Water Voles was recommended as Lyme Brook is within and adjacent to the site.

The protected species surveys identified that there was no evidence of water voles within the on-site or off-site sections of the brook and that the habitats have undergone succession and therefore, become unsuitable to support the species. In addition, given the isolated nature of the watercourse; culverted to both the north and south and surrounding built development (houses and roads) it is unlikely that the watercourse will be able to recolonise, even with enhancement measures out in place.

However, the Ecology surveys recommend the following mitigation, best practice and enhancements:

- Avoid vegetation clearance during the bird nesting season.
- Produce and Best Practice Plan.
- Awareness of working in or adjacent Lyme Brook.
- Where possible avoid works after dark for the protection of bats.
- Planting of new areas of soft landscaping with insect-attracting.
- Install a minimum of 10 bird boxes on retained/newly planted trees.
- Enhance scattered tree lines, species poor hedgerow habitats and provide additional tree planting around the site periphery.
- Any trees or hedgerow that are lost are replaced with at least equal numbers/length.
- Install a minimum of five bat boxes on existing trees.

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 surrounding road network, including Hoon Avenue to the west, Milehouse Lane to the north and St. Michaels road to the south. Also, distant road traffic was audible from the A527 and Liverpool Road.

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 the provision of standard glazing with a minimum sound reduction and ventilation and the presence of close-boarded 1.8m high garden fences to external amenity areas.

The Environmental Health Division agree with the findings of the Noise and Air Quality Assessments and recommend conditions for hours of construction and the submission of a Construction Environmental Management Plan to address the effects of noise, vibration, dust, emissions and site lighting.

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.

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

Heritage and Archaeology

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.

There are no designated heritage assets (i.e. listed buildings, conservation areas, scheduled monuments, registered parks and gardens etc.) within or in close proximity of the proposed red line boundary.

The Staffordshire Historic Environment Record records that a section of the possible route of a Roman road between Littlechester and Chesterton runs through the northern portion of the site, and notes that several excavations along the length of the route have revealed large sandstone blocks on a layer of turf and clay, and that the agger (i.e. the road embankment) is also visible on the southeast edge of Wolstanton Golf Club.

The County Archaeologist advises that considering the potential for groundworks associated with the proposed development to impact below ground archaeology, including the Roman road and possibly associated activity nearby, the lack of previous archaeological works being carried out in a large, previously undeveloped site in the area, and the scale and nature of the proposals, it is recommended that further archaeological work is undertaken to better understand and characterise any below ground archaeological features within the application site.

Subject to the imposition of conditions, 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. The Landscape Development Section has requested a contribution of £20,000 towards the improvements of the existing Multi-Use Games Area at the Croft Road Play Area (Icky Picky) which the applicant has agreed to pay. It is considered necessary for the community that the open space on site is available for use and appropriately managed, therefore a management agreement is required for the long-term maintenance of the open space on the site. A financial contribution of £10,000 is also considered necessary towards the monitoring of the travel plan for a period of 5 years.

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

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 ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods 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 T16:	Development – General Parking Requirements.
Policy C4:	Open Space in New Housing Areas.
Policy N2:	Development and nature conservation - site surveys.
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 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 N16:	Protection of a Green Heritage Network.
Policy N17:	Landscape Character - General Considerations.
Policy B3:	Other Archaeological Sites.
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities.

Other Material Considerations include:

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

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

[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 to the site.

[Views of Consultees](#)

The **Recycling and Waste Services Team** confirms that the swept path information submitted is acceptable. Concerns are raised regarding the indicative layout and the number of properties accessed via unadopted stretches of private access.

The **Highway Authority** has no objections as the submitted information demonstrates the junctions are adequate and safe and will operate within capacity. The mitigation measures at Milehouse Lane /Hassam Parade / Hoon Avenue Roundabout and minor improvement to Hassam Parade formalises the entry making it more efficient.

The **Environmental Health Division** has no objections subject to conditions relating to sufficient site investigation, detailed remediation scheme, appropriate hours of construction and Construction Environmental Management Plan.

Staffordshire County Council Education Authority advised that they have considered the impact on school places at the Hempstalls Primary School and The Orme Academy. In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 100 dwellings would require 21 primary school places and 11 secondary places. There are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education. Subsequently, no education contribution is required.

Severn Trent Water confirm that they have no objections to the proposals subject to the inclusion of the following condition:

1. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
2. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

In addition, they advise that there is a public 800mm combined sewer and a public 900mm surface water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.

The **County Archaeologist** states that the Staffordshire Historic Environment Record records that a section of the possible route of a Roman road between Littlechester and Chesterton runs through the northern portion of the site, and notes that several excavations along the length of the route have revealed large sandstone blocks on a layer of turf and clay, and that the agger (i.e. the road embankment) is also visible on the southeast edge of Wolstanton Golf Club.

Taking into account the above, and considering the potential for groundworks associated with the proposed development to impact below ground archaeology, including the Roman road and possibly associated activity nearby, the lack of previous archaeological works being carried out in a large, previously undeveloped site in the area, and the scale and nature of the proposals, it is recommended that further archaeological work is undertaken to better understand and characterise any below ground archaeological features within the application site.

This work could be most satisfactorily secured via a condition attached to any planning permission for the scheme.

The **Environment Agency** have no objections.

The Landscape Development Section requests tree planting to mitigate the loss of trees T21, T29 and T30 on Hempstalls Lane. Permission should be subject to submission of a dimensioned construction phase tree protection plan to BS5837:2012 and a detailed landscaping scheme. Useable open space provision of 0.4 ha (40m² per dwelling) and a LAP and a LEAP to Fields in Trust recommendations should be provided along with a Section 106 contribution towards a MUGA. The contribution would be used for improvements to the existing MUGA at the Croft Road Play Area (Icky Picky) which is approximately 560m away.

The **Lead Local Flood Authority** are satisfied that the proposals demonstrate that it would be feasible to achieve an acceptable SUDs design within the proposed development and that the detailed drainage design should be in accordance with the proposed drainage strategy taking into account the constraints identified and the results of any further investigations.

Representations

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

- Loss of local greenspace which is enjoyed by multigenerational families for recreation, play, dog walking and exercising. A huge loss to the local community
- Concerns about additional traffic as the roads are busy enough without any more congestion
- The area around the junction of Hoon Avenue, Hempstalls lane and Sparch Hollow is already prone to flooding during heavy rain, this will only increase the problem.
- Increasing the area of hardstanding will exacerbate flooding.
- Increased traffic will create noise and disturbance and increase collision risk for school children, walking to/from school.
- The land holds rainwater and allows it to slowly drain into Lyme Brook. Building on this land would cause rainwater to flow directly into the brook.
- It has only been 4-5 years since the previous appeal was rejected.
- There are plenty of houses in the area for sale – why do we need more.
- Build on other plots of land Old Sainsburys, land next to Bradwell hospital on the A34 and flats next to Jubilee
- The land is allocated as Protection of Green Heritage Network.
- Hoon Avenue and Hempstalls Lane are a rabbit run for vehicles avoiding multiple traffic
- Local amenities, schools and doctors are over subscribed
- There are 20 plus flats being built on Hempstalls Lane
- This monstrosity will devalue property
- Since lockdown does not think an accurate amount of the traffic can be assessed.
- Trees and hedgerows being cut down which are home to many different wildlife.
- There are better sites for residential development.
- The area is home to bats, hedgehogs, foxes, carrion crows, swallows, jays, buzzards, frogs, common lizards and insects.
- Existing greenspace is limited
- The roman road which exists would be disturbed by the development
- The grasslands are essentially wetlands which is unsuitable for housing and would result in substandard housing because of poor footings.
- There are currently plans to develop several green areas within the local community and very close to this site, Keele Golf Course and adjacent site with up to 1200 houses and sites in Knutton with over 300 houses, with 1 site already being developed
- Building on this greenspace will negatively impact on the character of the neighbourhood
- The council should be looking at developing brown field sites first, even if higher building costs may be incurred.
- Does not believe on balance there will be sufficient community benefit in compensation for the loss of the greenspace that would be lost. If the committee are minded to approve they should seek the highest available compensation through CIL to be used in the area to enhance the environment.
- Mr Ash left the land for recreational use.
- The area should be used to promote wildlife, environmental enhancement and preservation of the area containing remains of the Roman road, Rynkneld Street, of which most local residents are unaware. Surely this area must be protected and developed as a special interest site and not built over and destroyed.

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/01078/OUT>

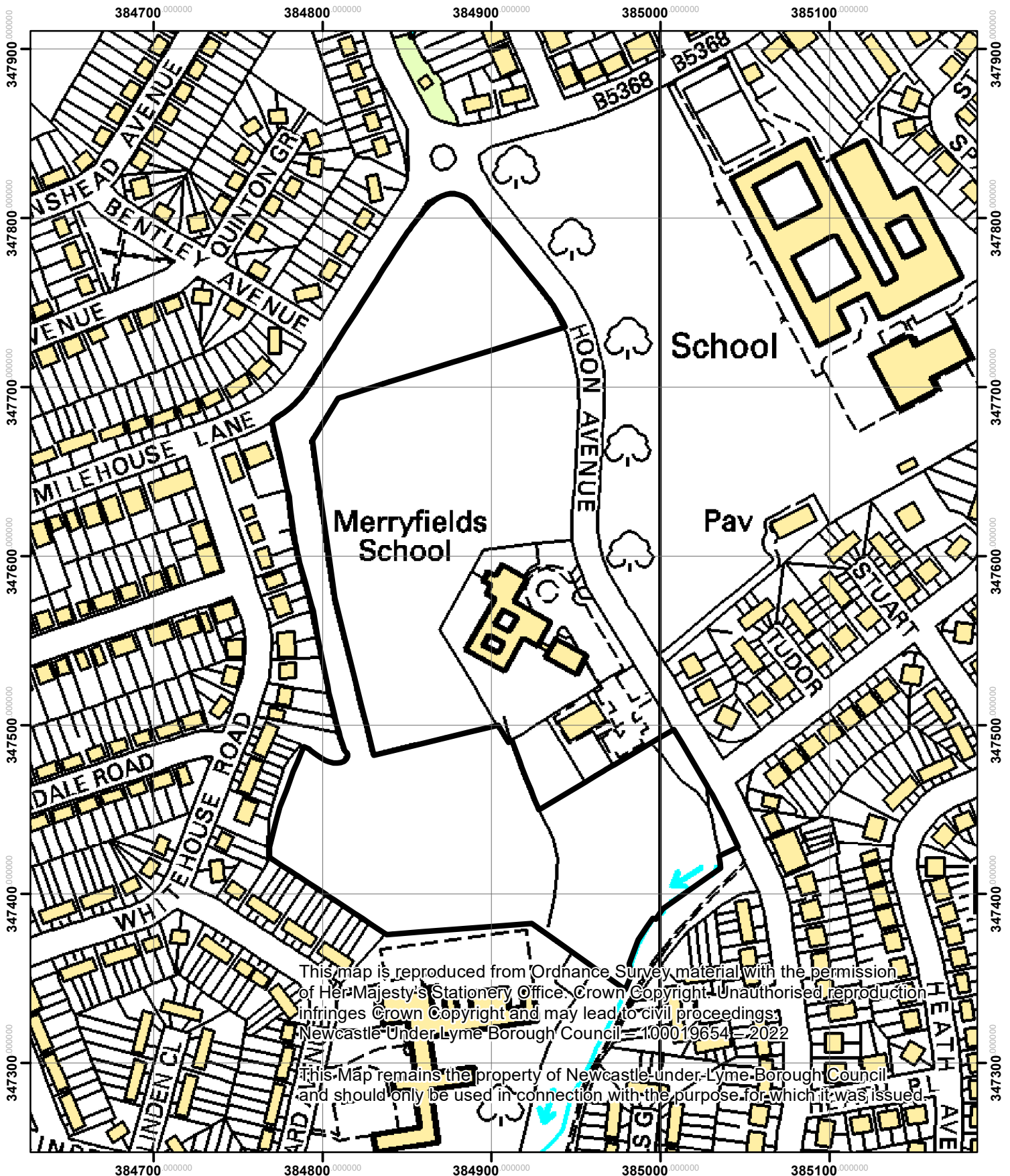
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

23 November 2022

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**MADELEY MANOR NURSING HOME, HEIGHLEY CASTLE WAY, MADELEY
MR GERALD EMERY**

21/01175/FUL & 21/01176/LBC

The report considers two applications:

- for full planning permission for the conversion of Madeley Manor into 12 apartments and 2 houses, demolition of the boiler house, and upgrades to driveway and provision of 30 parking spaces (21/01175/FUL); and
- for listed building consent for the alterations to, and partial demolition of, the Listed Building (21/01176/LBC).

The application site is within the North Staffordshire Green Belt, the Rural Area and a Landscape Enhancement Area as indicated on the Local Development Framework Proposals Map.

Madeley Manor is a Grade II Listed Building. Trees within the site are protected by Tree Preservation Orders 3 and 110.

The 13 week period for the planning application expired on 25th March, and the 8 week determination period for the listed building consent application expired on 18th February but the applicant has agreed to an extension of time to the statutory determination period for both applications to 9th December 2022.

RECOMMENDATIONS

A) With respect to the application for listed building consent 21/01176/LBC

PERMIT subject to conditions relating to the following:

1. Time limit for commencement of development
2. Approved plans
3. Work to be undertaken in accordance with the Repair Schedule unless otherwise agreed
4. Prior approval of details of the methods of blocking up internal openings
5. Windows in the south elevation facing the M6 motorway shall be repaired and secondary glazing (not double glazing) shall be installed in accordance with details that are to be approved
6. Further details of internal doors and window architraves where alterations are being made to be approved
7. Details of repair work to existing windows and details of proposed new windows to be approved
8. Before boiler house building is demolished details of the reinstatement of the rear conservatory/orangery wall to be approved

B) With respect to the planning application 21/01175FUL

- (1) Subject to the applicant first entering into a Section 106 obligation by the 27th January 2023 to secure a review mechanism of the scheme's ability to make a more or fully policy compliant provision of affordable housing, if the development is not substantially commenced within 18 months from the date of the decision, if then found financially viable,

PERMIT subject to conditions relating to the following matters:

1. Time limit
2. Approved plans
3. Prior approval of the position and appearance of cycle (to be secure and weatherproof) and bin stores
4. Prior approval of details of the windows of the Mews
5. Details of screening around the conservatory/orangery
6. Prior approval of surfacing materials for the internal roads, parking and turning areas
7. Provision of access, internal roads, parking and turning areas prior to occupation and retention for the life of the development
8. Landscaping to include replacement tree planting
9. Tree protection measures
10. Contamination conditions
11. Construction Environmental Management Plan
12. Overheating
13. Glazing specification
14. Plant noise
15. Lighting
16. Electric charging points.

- (2) Failing completion of the planning obligation referred to in B(1) by the recommended date the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured planning obligation the development would not provide policy compliant affordable housing; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendations

Taking into account the requirement for the decision-maker to pay special attention to such matters, subject to conditions it is considered that the alterations to, and partial demolition of, the Listed Building would retain its character and features. The engineering works proposed to provide parking spaces and upgrade the driveway would preserve the setting of the Listed Building.

It is considered that sufficient parking is provided and acceptable living conditions are provided for the occupants of the development. It is also accepted, following the obtaining of independent financial advice, that the scheme is not viable if policy compliant affordable housing is required. Whilst it is recommended that this policy compliant requirement is not sought, given the benefits arising from the reuse of this listed building, the development is acceptable. A Section 106 agreement is required to secure a review mechanism should substantial commencement not be achieved promptly.

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

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

1.1 There are two applications relating to this site. The first proposal seek full planning permission for the conversion of Madeley Manor, last used as a nursing home, into residential accommodation which falls within a 'Use Class C2', residential institution use. The main manor house is proposed to be subdivided into 6 apartments as is the attached service block. An attached Mews House is to be renovated as a two bedroom dwelling. The orangery and the single storey building linking it to the main house is to be converted to a two bedroom dwelling.

1.2 As Madeley Manor is a Grade II Listed Building, listed building consent is also sought for the works of alteration that are involved. The attached Mews is not part of the listing.

1.3 The application site is within the North Staffordshire Green Belt, the Rural Area and a Landscape Enhancement Area as indicated on the Local Development Framework Proposals Map.

1.4 It is appropriate to consider the application for listed building consent first.

2. 21/01176/LBC - Listed building consent for alterations to, and partial demolition of, the Listed Building

2.1 When making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

2.2 Saved Policy B4 of the Newcastle Local Plan (NLP) states that the Council will resist total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue to use the building for its existing purpose and there is no other viable use. Demolition will not be permitted unless there are approved detailed plans for redevelopment and, where appropriate, an enforceable agreement or contract exists to ensure the construction of the replacement building.

2.3 Saved NLP Policy B6 states that the Council will resist alterations or additions to a Listed Building that would adversely affect its character or its architectural or historic features. Saved Policy B7 states that the change of use of a listed building will only be permitted if its character or appearance would be preserved or enhanced.

2.4 The NPPF, at paragraph 197, states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

2.5 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

2.6 In paragraph 201 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

2.7 Paragraph 202 of the NPPF states that where a development proposal will lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

2.8 The proposal involves the demolition of a single storey boiler house that is attached at the rear of the orangery. The boiler house is a relatively modern addition to the listed building and does not contribute to its significance. Its demolition would not amount to total or substantial demolition. Bearing this in mind, and taking into consideration its limited scale, it is not considered that the loss of this part of the listed building will be harmful to the designated heritage asset and it will not conflict with saved policy B4 of the Local Plan.

2.9 The proposal involves limited alteration to the external appearance of the listed building, in addition to the demolition of the boiler house.

2.10 The most significant external change is the replacement of the glazed roof of the orangery with a solid lead roof. The orangery requires restoration given its poor condition and the alteration to the roof is considered acceptable and compatible with the intended use. The design and appearance of the proposed roof is considered to be satisfactory and in keeping with the listed building, however the loss of the original fabric of the building and alteration as proposed amounts to less than substantial harm to the heritage asset.

2.11 The removal of two external staircases is another external change. As the functional appearance of the staircases is currently considered to be harmful to the appearance of the listed building their removal is beneficial.

2.12 The proposed replacement of the timber roof lanterns on the main building which are in poor condition and deemed unrepairable, is also acceptable.

2.13 There will be other interventions internally in order to facilitate the conversion such as blocking of internal openings, mainly for the purpose of creating cellular apartments and create separate rooms. Such changes are considered to be reasonable and acceptable but nonetheless amount to less than substantial harm to the listed building.

2.14 In other respects the internal works are minimal and key features are retained. The longstanding main entry point to the building is to be retained as are the principal elements of communal internal circulation, fireplaces and other features of significance thereby allowing the opportunity to restore and conserve damaged or missing elements. All the principal rooms are being retained in their present form. The partitions used to subdivide the principal rooms are to be removed and the rooms restored to the original proportions.

2.15 As indicated above, some of the elements of the proposal result in less than substantial harm to the heritage asset and as such it is necessary to weigh such harm against the public benefits of the proposal.

2.16 The orangery has been at risk for a number of years and, as indicated by the Conservation Officer, the condition of the main buildings is such that it is now also in the 'at risk' category. Without a new use the building will continue to deteriorate. The proposal is for an acceptable new use for the building and as the conversion works involves the preservation of the vast majority of the fabric and external envelope of the building this is considered to be of significant public benefit. The less than substantial harm that has been identified will therefore be outweighed by such public benefits.

2.17 Subject to control over the details through the use of conditions the proposed development is considered to accord with the NPPF and the local planning policies and guidance set out above.

3. 21/01075/FUL – Full planning application for the conversion to 12 apartments and 2 houses, demolition of the boiler house, and upgrades to driveway and provision of 30 parking spaces

3.1 The main issues in the consideration of this application are:

- The impact of the proposal on the character and appearance of the Listed Building including impact on trees
- The principle of the development in this Green Belt location
- Residential amenity levels of future occupiers
- Parking and highway safety
- Planning obligations

3.2 Impact upon the character and appearance of the Listed Building including impact on trees

3.2.1 In respect of the alterations to the listed building itself there are no further matters to address additional to those set out above. Consideration is, however, required of the proposed amendments to the driveway and provision of car parking spaces and their impact on the setting of the listed building.

3.2.2 Saved NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building.

3.2.3 An aspect of the proposal is the incorporation and rationalisation of areas of hardstanding throughout the site in order to accommodate the associated car parking areas. This would result in the narrowing of the width of the main entrance road and the provision of small clusters of car parking areas along its length, and the alteration of the larger parking areas near to the building.

3.2.4 An amended site layout plan has been submitted relocating the position of some of the parking spaces in response to the comments of the Landscape Development Section. As initially submitted, two small areas for parking were to be provided between trees to the south of the driveway. One of these groups has now been shown to be repositioned to the less treed area at the front of the site. In addition the number of parking spaces in the area near to the building has been reduced in area. The number of parking spaces to be provided has been maintained.

3.2.15 Informal parking off the driveway between trees has taken place whilst the building was in use as a nursing home and the 'formalisation' of this practice is not considered to be harmful to the setting of the listed building subject to controls over the surfacing of these areas.

3.2.6 The proposal as amended still involves the removal of trees to accommodate the proposals (2 Sawara Cypress, 1 Norway Spruce and 3 Holly) all of which are Category C, of low quality with an estimated remaining life of at least 10 years. The arboricultural report also recommends the removal of a number of other trees due to poor condition of such trees.

3.2.7 Whilst the loss of trees is always regrettable it is considered that it would not harm the setting of the listed building. Replacement planting for the trees to be removed in association with the development and to compensate for other tree loss due to tree management practices can be secured through a condition.

3.3 Principle of the development in this Green Belt location

3.3.1 Paragraph 137 of the NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

3.3.2 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

3.3.3 The NPPF further indicates in paragraph 149 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, but identifies a number of exceptions to this. Paragraph 150 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The exceptions listed include the re-use of buildings provided that the buildings are of permanent and substantial construction; material changes in the use of land; and engineering operations.

3.3.4 The building as it stands has a residential Class 2 use and is an original building for the purposes of considering this against the Green Belt policy. It is of permanent and substantial construction and therefore, its re-use amounts to appropriate development. No extension or building is proposed. The change of use of the land from a residential institutional use to dwellings to with the associated works building preserves openness and does not conflict with the purposes of including land in the Green Belt as does the proposed engineering works involved in the formation of the access and parking. Such aspects of the proposal are also considered to be appropriate.

3.3.5 Overall it is considered that the proposal comprises appropriate development within the Green Belt.

3.3.6 Policy HOU1 of the Madeley Neighbourhood Plan states that new residential development will be supported where it is in accordance with development plan policy and in particular within the Madeley village envelope and Madeley Heath village envelope.

3.3.7 This site lies outside of the village envelope of Madeley, in the open countryside.

3.3.8 Paragraph 80 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside unless one of a number of circumstances apply including the following:

- the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- the development would re-use redundant or disused buildings and enhance its immediate setting.

3.3.9 Although outside the village envelope, the site is in a sustainable location within walking distance of the shops and services of Madeley. The proposed conversion would re-use an existing disused building which is an inherently sustainable act and importantly, it would bring the building back into use and secure the future of the heritage asset. No objection is raised to the principle of the conversion therefore.

3.4 Residential amenity

3.4.1 Paragraph 119 of the NPPF states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 125 supports higher density residential developments provided that they result in acceptable living conditions. Paragraph 127 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.

3.4.2 Care has been taken to ensure that the parking areas are positioned away from principal windows of the proposed dwellings to minimise disturbance. The noise report recommends double glazing for south elevation facing the M6 and trickle vents on other elevations, the repair schedule in section G9 and G9.2, however, sets out proposals for the windows and repair and introduction of secondary glazing. This is the correct approach to minimise harm to the listed building whilst protecting amenity.

3.4.3 The proposed dwelling incorporating the orangery would have principal windows in close proximity to the main entrance into the building and largest parking area. Whilst details haven't been provided the site layout plan shows some form of boundary treatment in front of the glazed elevations which would deflect activity away from directly adjacent to the building. It is considered that an acceptable level of residential amenity will be achieved.

3.4.4 The property is set within extensive grounds and whilst the proposal does not include private amenity space for the occupiers of the units, their public open space needs would be met on site. As the proposal does not include family accommodation there is no requirement to provide an equipped play area and as such a contribution towards improvements to public open space off site could not be justified.

3.4.5 In conclusion, it is considered that a good standard of amenity for all existing and future occupants of land and buildings can be achieved and maintained, as required by the NPPF, and subject to suitably worded conditions.

3.5 Parking and highway safety

3.5.1 Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

3.5.2 Paragraph 110 of the NPPF states that safe and suitable access to a site shall be achieved for all users and 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. Paragraph 112 also sets out a list of criteria that applications for development should seek to achieve, these include, amongst other things, priority first to pedestrian and cycle movements and designed to enable charging of plug-in and other ultra-low emission vehicles.

3.5.3 The proposed site plan shows the provision of 25 parking spaces for the proposed development and the provision of six additional parking spaces for the occupants of three mews houses adjacent to the application site. This equates to approximately 1.5 parking spaces for each proposed residential unit which is considered to be acceptable.

3.5.4 The submission indicates that the internal road network has been designed to ensure the movements of refuse vehicles can be accommodated without allowing their requirements to dominate the layout. Swept path analysis has been undertaken which seeks to demonstrate that a refuse vehicle can enter the site in forward gear, access bin stores, turn in the proposed turning heads and exit the site in a forward gear. It is considered that the proposed layout strikes the right balance in respect of minimising harm to the setting of the listed building and ensuring that waste vehicles can service the development.

3.6 Planning obligations

3.6.1 As the proposal involves major development, given that 10 or more new dwellings are proposed, the provision of 25% affordable housing is required to accord with policy. This equates to 3 units.

3.6.2 Such an obligation is considered to meet the requirements of the CIL Regulations.

3.6.3 The applicant has been required to submit financial information to demonstrate whether or not there is a conservation deficit (i.e. the cost of repair and conversion of the heritage asset exceeds its market value upon completion) which means that the development cannot support the provision of affordable housing as required by policy. This financial information has subsequently been independently assessed and concludes that the scheme cannot support any affordable housing.

3.6.4 The NPPF sets out the approach to be adopted to viability in planning decisions. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. In the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until a Local Plan is finalised. The scheme does provide benefits, which include the reuse of a listed building that is currently 'at risk' and this is considered to outweigh the harm caused by the lack of affordable housing provision.

3.6.5 Market conditions and viability can change over time and it is reasonable and necessary for the Local Planning Authority to require the independent financial assessment of the scheme to be reviewed if the development has not been substantially commenced within 18 months of the grant of the permission, and alterations then made to the level of obligations if the scheme is then evaluated to be able to support higher contributions. This would need to be secured via a Section 106 agreement.

3.7 Reducing Inequalities

3.7.1 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.

3.7.2 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.

3.7.3 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

3.7.4 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

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

APPENDIX

Policies and Proposals in the approved Development Plan relevant to the decision on the application for Listed Building Consent:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 \(adopted 2009\) \(CSS\)](#)

Policy CSP2: Historic Environment

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

Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
Policy B7: Listed Buildings – Change of Use

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

None

Policies and Proposals in the approved Development Plan relevant to the decision on the planning application:-

[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 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 N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Considerations
Policy N20: Areas of Landscape Enhancement
Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
Policy B7: Listed Buildings – Change of Use
Policy T16: Development – General Parking Requirements
Policy IM1: Provision of essential supporting infrastructure and community facilities

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

Policy HOU1: Housing Development
Policy HOU2: Housing Mix
Policy DES1: Design
Policy NE1: Natural Environment

Other Material Considerations include:

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

[Planning Practice Guidance \(NPPG\) \(2018\)](#)

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

[Affordable Housing SPD \(2009\)](#)

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

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

[Developer contributions SPD \(2007\)](#)

Relevant Planning History

96/00137/LBC & 96/00138/FUL	Extension	Refused and subsequently allowed on appeal
02/00615/FUL	Renewal of planning permission 96/00138/FUL for two storey extension	Permitted
02/00726/LBC	Two storey extension	Permitted
04/00625/FUL	Extension to provide additional patient accommodation for nursing home (Revised Scheme)	Permitted
04/00625/EXTN	Extension to the time limit to implement planning permission 04/00625/FUL for extension to provide additional patient accommodation for nursing home (Revised Scheme)	Permitted
04/00626/LBC	Extension to nursing home	Permitted
21/00021/FUL & 21/00022/LBC	Part demolition and restoration of Listed Building and change of use from nursing home to 10 residential apartments and 1 mews house, construction of 52 new apartments.	Withdrawn

Views of Consultees

The Council's **Conservation Officer** (CO) notes that the current scheme is to provide enabling development off-site to minimise the adverse impact of development on the setting of the listed building which was the case in the previous scheme. It is accepted that a residential conversion of the house is an acceptable way of securing a viable future for the building with minimum careful intervention. Clearly any off-site enabling development, providing all information is put forward to establish the conservation deficit and comply with other aspects of the Historic England's Good Practice Advice 'Enabling Development and Heritage Assets', will preserve the setting of the listed building.

A condition survey has now been undertaken and a schedule of repairs and this gives a much more comprehensive picture of the state of the building which is poor and as the building is vacant, this puts the whole complex with a category of at risk. As the condition survey and photographs were undertaken in April 2021, almost 12 months ago, the building can have only deteriorated further. The survey refers to rapid mould growth and water ingress and penetration in the cellar and from the roof.

The current scheme presented states the following points which are agreed:-

- There will be no significant external alteration,
- The proposal retains the longstanding point of entry into the main building,
- Principal elements of communal internal circulation are retained,
- No fireplaces or features of significance will be removed, with an opportunity to restore and conserve damaged or missing elements,
- All the principal rooms can be retained in their present form, and there will be the opportunity to remove later partitions and to restore rooms to their original proportions (with benefits for cornices, skirtings etc),

- Most of the internal alteration (new partitions and removal of partitions) will take place in the plainer and later service areas of the building.

Various minor interventions are described within the submission and the approach is readily accepted providing that we can agree the details of how this will be undertaken. The building has already undergone such changes over its existence and some of these harmful elements will be rectified through this development. This in turn will preserve the building, its external envelope and setting into the future.

The timber roof lanterns are in poor condition and deemed unrepairable. It is proposed to replace the lanterns with new bespoke units in black painted steel sections with lead dressed detailing. Due to the vulnerable location of the lanterns and rooflights it is proposed that a more robust replacement is provided. The CO is happy with this alteration to the existing materials and considers it to be a sensible approach.

There is extensive restoration required for the orangery and some details have been provided with regard to how and when this will be undertaken but it is relatively speculative. A lead roof is proposed to replace the existing roof which was glazed with a timber structure and steel ties. This is an alteration but one which, given the new use, will enable the building to be sustained into the future.

Notwithstanding the noise report which recommends double glazing for south elevation facing M6 and trickle vents on other elevations, the repair schedule sets out proposals for the windows and repair and introduction of secondary glazing and this should be highlighted as the appropriate way forward. All shutters still in existence should be retained and overhauled so that they can be utilised. Consideration also needs to be given to windows which have a bathroom, especially on the ground floor. The possibility of using the shutters at low level has been discussed.

Given the number of apartments on the site and limited storage within the apartments, the CO wonders what the plans are for storage etc. as there are no elevations or details for cycle store or bin store. It is reasonable that there may be a demand for permanent storage of bikes etc and the apartments do not have that much room. Positioning of cycle store is not convenient. We want to consider and prevent future issues and possible enforcement cases around erection of sheds etc and other domestic paraphernalia. Details of screening around conservatory are required. In addition arrangements for management of the grounds is important and how spaces can be used etc.

Schedule of works indicates full scaffold which would help to keep the water out. This ideally needs to be erected as soon as possible and would negate the need for the Council to consider ways of dealing with the building at risk through its enforcement powers, such as an urgent works notice. The CO considers that the Council should be considering this as our next steps potentially because if this proposal is considered acceptable and grant permission the indication is still that enabling development is still required and this complicated process could take some time. Meanwhile the building will continue to deteriorate and suddenly the parameters of the enabling scheme will change.

Timescales are key to ensuring the building does not continue to get worse and begins to be repaired and we cannot ensure this happens through this set of applications.

The **Conservation Advisory Working Party (CAWP)** were happy that the scheme was now workable and practical and were aligned with the general principles and fully supportive of its intentions to restore the listed building with a viable use.

A lot of detail is still missing particularly regarding ventilation and heating, resultant trunking and vents especially between apartments. In addition more detail is needed for the windows, for example any replacements and secondary glazing.

The group were happy with the incorporation of the orangery into a dwelling but felt that the room layout in this apartment could be slightly altered and would prefer it if some glazing could be retained on the roof. Concern was raised on the large amount of glazing within the new room and how this would be dealt with from an energy efficiency and heritage perspective. They felt that the orangery needed a separate more detailed schedule of works and specification.

Historic England state that in heritage terms the current proposals are a significant improvement on the previously submitted scheme. However, further detailed information is required, and they would recommend that this is provided for consideration prior to these applications being determined.

Given that the condition of Madeley Manor continues to decline, they would also recommend that consideration be given as to what repairs and holding works are required in the short to medium term, in order to ensure that this important Grade II listed building is stable, secure, water tight and well ventilated.

The **Landscape Development Section** states that the submitted tree protection plan merely identifies areas of road and footpath within root protection areas and labels them as special measures, without addressing what form the special measures will take. It is unlikely that a 'no dig' solution will be possible in most cases and the special measures are unlikely to be able to be confined to the areas shown. Amendments to the scheme are likely to be required to avoid significant harm to and potential loss of trees. Concern remains that the proposals of the tree report are unworkable and that without further detail, the scheme in its current form will cause avoidable harm to existing trees. The measurements shown for the layout if the proposed protective fencing are insufficient for accurate installation.

The **Highway Authority** has no objections to the proposal subject to conditions relating to the following matters:

- Provision of access, internal roads, parking and turning areas prior to occupation.
- Prior approval of surfacing materials for internal roads, parking and turning areas.
- Provision of secure weatherproof cycle parking in accordance with details to be approved.

The **Local Lead Flood Authority** has no objections as the plan shows that any additional footprint will be permeable paving and does not appear to show any other changes relevant for drainage. There is unlikely to be a significant impact on surface water caused by any of the proposed changes, given the proposals, and the existing risk to the site.

The **Public Rights of Way Officer** indicates that public footpaths nos. 9 and 52 Madeley Parish run through the development site. The submission shows an unidentified public right of way which deviates from the legal line of the path. The applicant needs to submit a plan showing the legal line of path, along with the development proposals.

The attention of the developer should be drawn to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. It is asked that trees are not planted within 3 metres of the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.

Cadent Gas states that they have gas assets in the area which may be affected by the proposal.

Madeley Parish Council has no objections.

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, a Construction Environmental Management Plan, overheating, glazing specification, plant noise, lighting and electric charging points.

The Council's **Waste Management Section** requires clarification on the bin store size and access.

The County Council as the **Mineral and Waste Planning Authority** makes no comments on the application.

No comments have been received from the Council's **Housing Strategy Section** and given that the period for comment has now expired, it must be assumed that they have no comments to make.

Representations

None

Applicant's/Agent's submission

The applications are accompanied by the following documents:

- Heritage Report
- Planning Statement
- Design and Access Statement
- Building Condition Report
- Repair Schedule
- Highways Report
- Acoustic Report
- Ground Report
- Ecology Report
- Arboricultural Report
- Archaeological Report

All of these documents can be viewed via the following links

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/01175/FUL>

and

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/01176/LBC>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

21 November 2022

Madeley Manor Nursing Home, Heighley Castle Way, Madeley

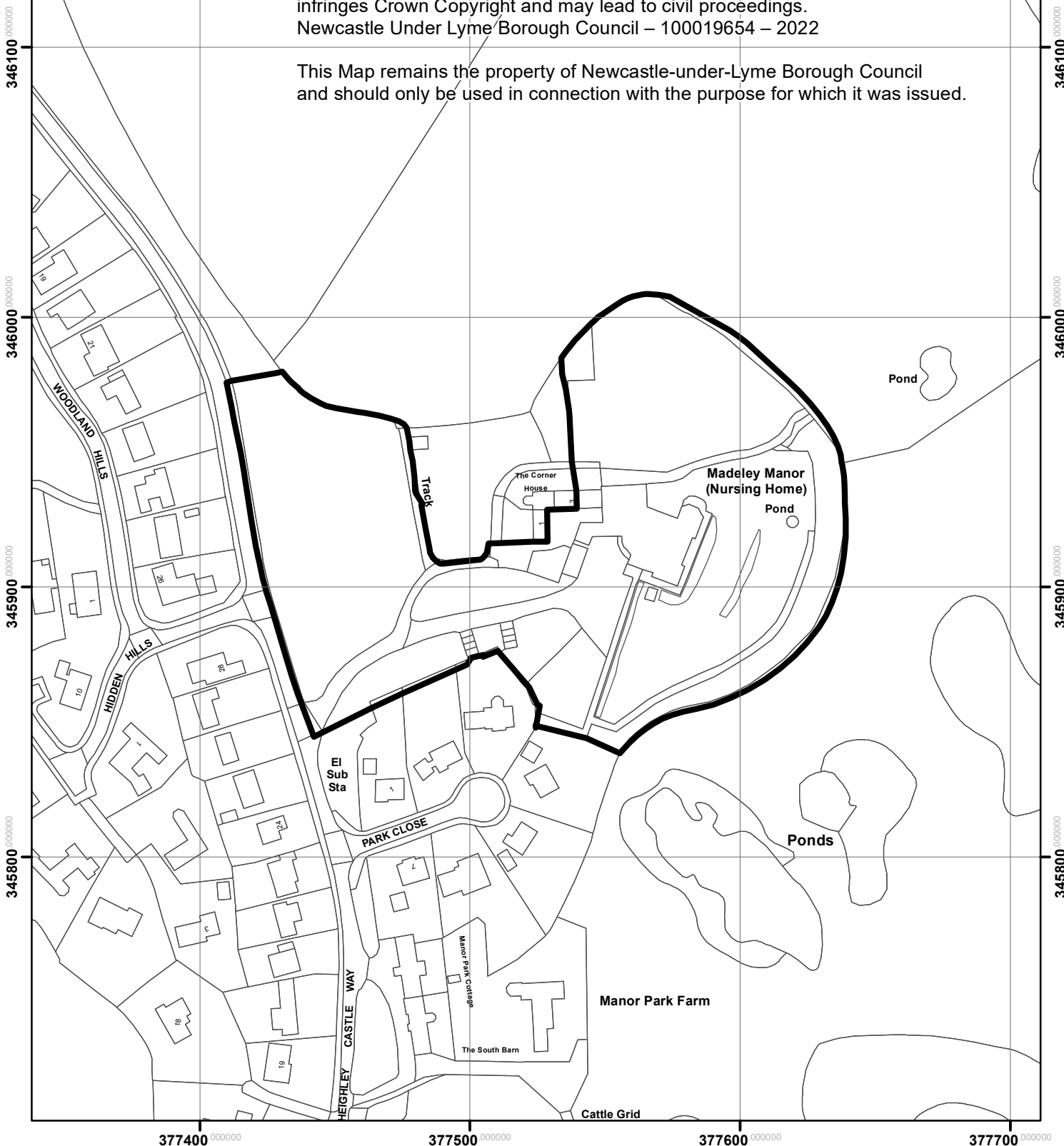
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Classification: NULBC UNCLASSIFIED

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.

This application was reported to Committee on the 11th October but a decision was deferred to enable additional information to be provided regarding the location and measurements of passing bays on Park Lane.

The 8 week determination period expired on the 13th June, however an extension of time has been agreed until the 9th December 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. **Restriction of camp site to 4 months of each year only**
9. **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**
10. **Camp site to be for tents and for campervans that do not exceed 6m in length with no allowance for caravans**
11. **Restriction to 64 camping pitches only**
12. **No tents are to be on site outside of the approved operational times of the camp site**
13. **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**
14. **Visibility splays from the site are to be provided in accordance with the submitted details and retained for the lifetime of the development**
15. **Passing places to be installed within 6 months of the permission**

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. While 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 while there will be some limited 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 and camper vans 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 Highway Authority recommends that the application is refused on the grounds it fails to provide a safe and suitable access which would lead to highway safety issues on the network. They have also raised concerns due to the unsustainable location of the camp site.

This application was reported to Committee on the 11th October but a decision was deferred to enable additional information to be provided regarding the location and measurements of passing bays on Park Lane. A detailed highway review of Park Lane has been submitted by the applicant's agent in support of the proposal. The review sets out the width of the relevant sections of both Blore Road and Park Lane and also includes details of the number and width of existing passing places. In addition, the review contains a number of photographs which have been taken along various points of the highway. These details have been verified on site by the case officer.

The width analysis demonstrates that for 64% of Blore Road there is sufficient space for drivers to pass each other at slow speeds, and for those sections of the highway where passing cannot occur, it is considered that there is sufficient distance between passing points and non-passing points to limit driver delay along this section of highway.

From the junction of Blore Road, Park Lane covers the remaining distance of 1.7km to the point where it meets the private access road leading onto Park Hill Farm. As the application seeks permission for a 64 pitch site, in a worst case 1 hour scenario there could be a flow of 64 vehicles to the site. In reality, visitors to the site would arrive over a period of greater than an hour but to give a robust assessment, it has been assumed that this would not occur. A calculation has been set out within the highways review to demonstrate what the conflict probability of two vehicles meeting along Park Lane would be. This has been calculated using predicted visitor numbers in combination with the vehicles movements of existing properties along Park Lane. The conflict probability as set out above has been calculated at 2.06%, which is considered to be relatively low, but still but not impossible.

There are 10 existing passing places from the A53 up to the entrance to Park Hill Farm which can be utilised by drivers. These passing areas differ in quality and size, however as demonstrated by the photos provided in the highway review, they are all considered to be useable. While not required for highway safety reasons, to limit the potential of driver frustration, three additional passing places have been proposed within the adopted highway verge. A condition is recommended requiring that the suggested passing places are installed within 6 months of any permission given. Neighbouring properties and the Highway Authority have been notified of the highway review document but no additional comments or objections have been received by the LPA at the time of writing this report.

Although not required by the Highway Authority, details of visibility splays have been provided in support of the proposal which demonstrate that the proposed access to the site meets the standard highways requirements.

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.

Subject to the conditions referred to above, officers' view is that the proposal's impact on highway safety is considered to be acceptable.

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'*

Natural England have been consulted on the proposal and have requested that a buffer zone is provided between the campsite and the SSSI as to ensure that the proposal does not damage or destroy the interests features for Burnt Wood. To address this concern, amended plans have been submitted in support of the application which have shown that a 6m buffer zone would be used to separate the camp site from the application site's north western boundary where it runs adjacent to the SSSI.

In addition to the above there would be no construction works within or adjacent to the SSSI and while the camp site field is in close proximity to the woodland, given that the site would be for tents and camper vans only it is not considered that there would be direct impact upon the SSSI itself. 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 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** recommends that the application is refused on the grounds it fails to provide a safe and suitable access which would lead to highway safety issues on the network.

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.

Natural England request that a condition is added to any permission requiring that a buffer zone and details landscape/habitat scheme is provided as part of the proposal.

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

Representations

Two objection letters have been submitted from 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>

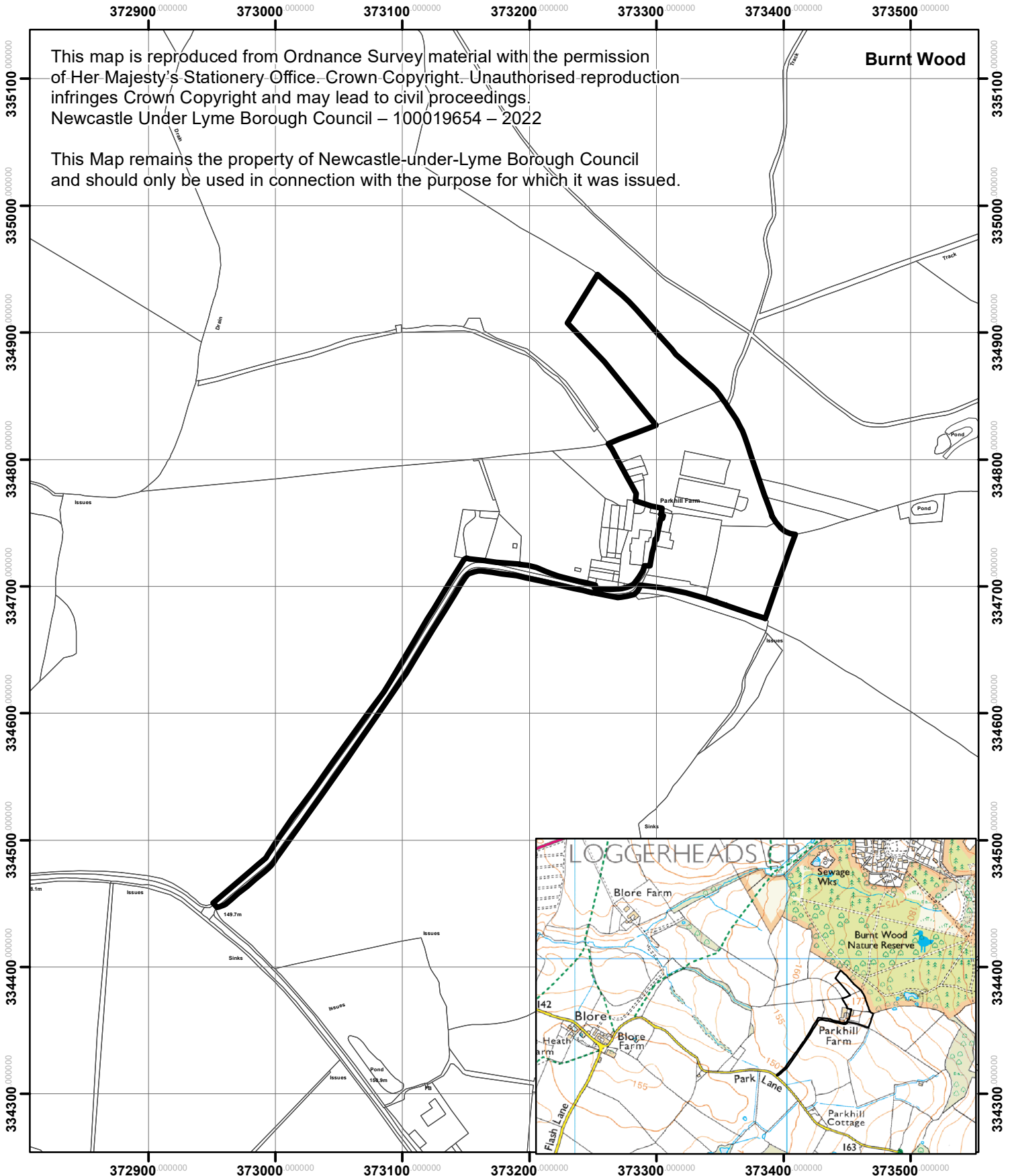
Background Papers

Planning files referred to

Planning Documents referred to

Date report prepared

16th November 2022



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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
6th December 2022

Agenda Item 6

Application Ref. 22/00214/FUL

Park Hill Farm, Park Lane

Since the publication of the main agenda report a further objection has been received by a local resident in response to the submitted highways review. The concerns expressed are summarised as follows:

- The provided information does not cover what was asked for at the previous planning committee by councillors.
- The wording used in the highways document is misleading and at no point have the 10 passing places noted at committee been shown or highlighted.
- The proposed passing place shown at chain 97 is a raised grass verge and therefore would cause damage to vehicles if used.
- The passing place shown at chain 156 is very muddy and is well used by farmers of the adjoining land.
- The section of road from chain 146 to 152 is very wet and boggy and vehicles would have the potential to get stuck.
- The proposed passing place at chain 180 is on a dangerous blind corner and is on a soakaway drop.
- A passing place can't be provided at chain 204 due to land levels and flooding issues
- Chain 216 is a muddy grass verge which has free flowing water on the opposite side.
- The report has data for Blore Lane but this was never in question.
- The provided highways reports is explained in estimates and is therefore unreliable and to form a decision based on this would be detrimental to highway safety.

Officer response

The concerns as set out above have largely been addressed within the main agenda report.

The review of the highway that has been submitted in support of the proposal shows the width of Blore Lane and Park Lane at all points where vehicles movements would be expected. While it is acknowledged that some passing places as referred to in the officer's report and supporting highways review are of less formal arrangements than others and are of varying quality, they are still of a suitable size to provide space for two vehicles to pass each other.

Several visits to the site have been completed by the case officer to verify the submitted details and these have been found to be accurate. The estimates set out in the submitted details have been completed by a qualified highway consultant and have been calculated on a 'worst case scenario' basis with the results still showing that the proposed increase to vehicle movements would not result in any significant or adverse impact to highway safety.

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

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LAND AT NEW ROAD, MADELEY
DUCHY HOMES LIMITED

22/00840/FUL

The application seeks a variation of condition 2 of planning permission 21/00866/FUL to substitute approved plans with amended plans for new house types to Plots 16, 18, 22 and 28 along with revised engineering works in the rear gardens of Plots 3-5. Planning permission 21/00866/FUL granted consent for a variation of condition 2 of the original planning permission 19/00036/FUL (Proposed residential development of 32 residential dwellings with site access, car parking, landscaping and all associated engineering works) to also substitute approved plans with amended plans for new house types.

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

The 13 week period for the determination of this application expires on the 30th December 2022.

RECOMMENDATIONS

PERMIT the variation of condition 2 of planning permission 21/00866/FUL to substitute approved plans with amended plans for new house types to Plots 16, 18, 22 and 28 along with revised engineering works in the rear gardens of Plots 3-5,

and subject to all other conditions attached to planning permission 21/00866/FUL.

Reason for recommendations

The revised design of the scheme is acceptable, as is the impact on residential amenity levels. Therefore, the substitution of approved plans with amended plans for new house types along with revised engineering works in the rear gardens of Plots 3-5, is acceptable, subject to all of the conditions of 21/00866/FUL which still remain relevant and necessary to make the development acceptable.

The original permission was granted following the entering into of a Section 106 agreement securing a number of obligations. The agreement included a Section 73 clause and therefore a Deed of Variation will not be required before a decision on this application is made because the Council's interests are protected by the clause in the original S106.

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

The application is a resubmission of a recently withdrawn application and the applicant has now suitably addressed the concerns of officers of the LPA. The amendments are now considered acceptable.

KEY ISSUES

The application seeks a variation of condition 2 of planning permission 21/00866/FUL to substitute approved plans with amended plans for new house types to Plots 16, 18, 22 and 28 along with revised engineering works in the rear gardens of Plots 3-5. Planning permission 21/00866/FUL granted consent for a variation of condition 2 of the original planning permission 19/00036/FUL (Proposed residential development of 32 residential dwellings with site access, car parking, landscaping and all associated engineering works) to also substitute approved plans with amended plans for new house types.

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

The purpose of the application is to further change the house types of certain plots and to secure approval for engineering works associated with ground level changes throughout the site.

A large retaining wall has been constructed on the site without planning permission and a previous application, reference 22/00462/FUL, which sought approval for the wall was withdrawn by the applicant due to significant concerns raised by your officers. This application now proposes to reduce the height of the wall.

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

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

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

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

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

Paragraph 126 of the revised National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 130 of the revised framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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

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

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

A large retaining wall has been constructed on the site without planning permission and a previous application, reference 22/00462/FUL, which sought approval for the wall was withdrawn by the applicant due to significant concerns raised by your officers. The retaining wall is located adjacent to the southern boundary and was previously proposed to create raised patio areas for plots 1-6.

The wall is still in-situ and is of a blockwork construction and has a functional appearance.

This application now proposes to reduce the height of the wall and the raised patio areas for plots 1-6 are no longer proposed. The house types proposed for plot 1-6 revert back to those permitted under planning permission 21/00866/FUL.

The rear garden areas of plots 3-5 will require a small section of retaining wall which would have a height of approximately 400mm, in order to level out the gardens.

Overall the changes to the house types of Plots 16, 18, 22 and 28 do not raise any significant concerns and the proposed engineering works are also considered acceptable in the context of the development.

The conditions of the previous permission will further ensure that the development is acceptable.

The proposed design changes are considered acceptable and the scheme proposed is in accordance with to the Council's urban design guidance, Policy CSP1 of the CSS, Policy N20 of the NLP, Policy DES1 of the Neighbourhood Plan and the guidance and requirements of the NPPF.

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

Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

As discussed, this application now proposes to reduce the height of the wall and the raised patio areas for plots 1-6 are no longer proposed. The house types proposed for plot 1-6 revert back to those permitted under planning permission 21/00866/FUL.

The proposed separation distances remain similar to the approved development and while a small retaining wall at the rear of plots 3-5 is required, it is not considered that the living conditions and residential amenity levels of properties on Woodside, in terms of privacy, loss of light or overbearing impact, would be significantly harmed to the extent that a reason for refusal could be justified.

It is considered that a good standard of amenity for all existing and future occupants of land and buildings can be achieved and maintained, as required by the NPPF.

Reducing Inequalities

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

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

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

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race

- Religion or belief
- Sex
- Sexual orientation

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

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

With regard to this proposal it is noted that access to all dwellings will be level and compliant with Building Regulations. It is therefore considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

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

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

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

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

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

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

Policy DES1: Design

Other material considerations include:

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

National Design Guidance (2021)

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

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

14/00930/OUT	Outline planning application for the erection of up to 32 dwellings (including details of access) - Approved
18/00225/REM	Approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 32 dwellings - Refused
19/00036/FUL	Residential development of 32 dwellings – Approved
21/00866/FUL	Variation of condition 2 of planning permission 19/00036/FUL (Proposed residential development of 32 residential dwellings with site access, car parking, landscaping and all associated engineering works) to substitute house types - Approved
22/00462/FUL	Application for variation of condition 2 of planning permission 21/00866/FUL to substitute house types - Withdrawn

Views of Consultees

The **Environmental Health Division** advises that they have no comments to make on this variation application.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** sets out that they have no adverse comment to make with regard to the minor revisions to the approved layout in terms of any foreseeable impact on the potential for crime or disorder.

No comments have been received from **Madeley Parish Council, the Waste Management Section** or the **Landscape Development Section** by the due date and therefore it must be assumed that they have no comments to make.

Representations

None received.

Applicant/agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00840/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

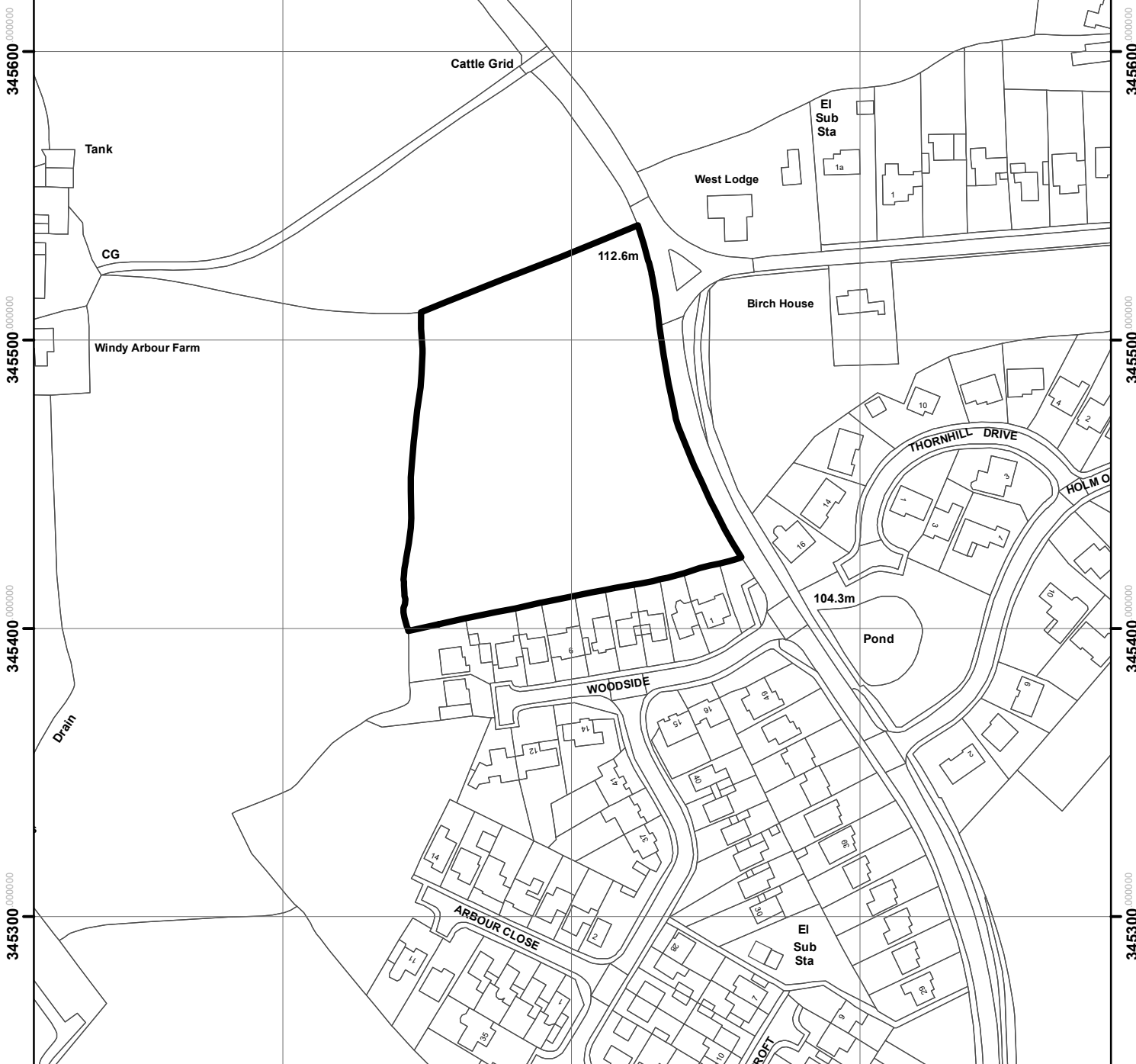
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THE NOOK, NEWCASTLE ROAD, MADELEY
MRS JULIE MIROWSKI

22/00743/FUL

This application seeks full planning permission for a new access at a recently constructed property located on land adjacent to 'The Nook'.

The dwelling is located within the rural area of the Borough, as identified by the Local Development Proposal Framework Map.

The application has been called into the planning committee at the request of a Councillor due to concerns relating to highway safety.

The 8 week determination of this application expired on the 3rd November 2022 however an extension of time to the statutory determination period has been agreed to the 9th December 2022.

RECOMMENDATION

Refuse, for the following reason:

The submitted application fails to demonstrate that suitable visibility splays can be provided from the centre of the proposed vehicular access on land either within the control of the applicant or within the highway and as such the application fails to demonstrate that the access is safe and suitable and is therefore contrary to the requirements of paragraphs 110 & 111 of the National Planning Policy Framework.

Reason for Recommendation

The proposed access arrangement fails to demonstrate suitable visibility splays on to Crewe Road which would result in an adverse impact to highway safety. It is therefore contrary to the guidance and 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 the plan

It is considered that the proposal is unsustainable and does not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the concerns raised.

Key Issues

This application seeks full planning permission for a new access arrangement at a recently constructed property located on Crewe Road. The proposal is a resubmission of application 22/00061/FUL which was refused by the Planning Committee in March. The proposal does not raise any concerns relating to visual impact or residential amenity, and as such the key issues to be considered in the determination of the application are;

- Is the proposed access and parking provision acceptable in highway safety terms?
- Impact on trees

Is the layout and parking provision acceptable in highway safety terms?

The National Planning Policy Framework states, at paragraph 110, that a safe and suitable access to the site should be achievable for all people and, at paragraph 111, that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development on the road network are severe.

Policy TRA1 of the Madeley Neighbourhood Plan states that development must not cause any severe adverse impact on capacity or road safety. This is especially critical for existing transport pressure points, which include the Junction of the A525 and A531 in Madeley Heath (known locally as Monument Junction).

The application site contains a recently constructed two storey detached dwelling which was granted planning permission under planning application 21/00800/FUL. The property currently makes use of an existing access arrangement which allows vehicles to enter and leave the site via a narrow shared access road located to the site south of the dwelling. Due to the position of a high level brick wall that runs along the Meadows School boundary, the shared access road has a poor level of visibility where it connects to Crewe Road, however it must be recognised that this access has been in use for other neighbouring residential properties for a number of years.

This application seeks permission for a new access at the northern boundary of the application site which would link directly onto Crewe Road. The applicant's agent has now provided supporting information, including a transport report and photographs taken from the proposed and existing access, in an attempt to demonstrate that the new access arrangement would be a safer alternative to the existing access. The Highway Authority has reviewed these supporting details but have confirmed that they maintain their previous objections that the proposed access arrangement onto Crewe Road would not provide an acceptable visibility of 2.4m x 43m in both directions taken from the centre of the proposed new vehicular access which would be contrary to the requirements of National Guidance (Manual for Streets).

It could be argued that the proposed new access onto Crewe Road would provide a better visibility for drivers than the existing shared access arrangement. Nevertheless, the advice of the Highway Authority is that while reducing vehicular movements at the existing access off Crewe Road may seem as improving highway safety, it is not considered that the creation of a substandard access would result in a betterment overall. Therefore, it is considered that the proposed access is not safe and suitable and would result in an adverse impact on highway safety, contrary to paragraphs 110 & 111 of the National Planning Policy Framework.

Impact on trees

Saved Policy N12 of the NLP 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 Council's Landscape Development Section have requested that a condition is applied to any permission requiring that a landscaping scheme be submitted to the LPA for consideration. The scheme should include details of a replacement roadside tree for the tree felled in 2016 (in accordance with the conditions in application ref 6/00789/TWA5) which would need to be planted within the next available growing season. Subject to the above condition being added to any permission, it is considered that the landscape matters related to the site could be satisfactorily mitigated.

Reducing Inequalities

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

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

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

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

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

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

With regard to this proposal it is noted that access to all dwellings will be level and compliant with Part M of Building Regulations. It is therefore considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy N17: Landscape Character – General Considerations
Policy T16: Development – General Parking Requirements

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

Policy DES1: Design
Policy TRA1: Critical Road Junctions

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](#)

20/00223/OUT - New dwelling in rear garden (Amended plans received 26.05.2020) – permitted

20/00969/REM - Access, appearance, landscaping, layout and scale relating to 1 no. proposed dwelling. (details relating to the access to the existing dwelling (C6) have already been approved (20/00223/CN06) – permitted

21/00800/FUL - New dwelling – permitted

22/00061/FUL – New Access – refused

[Views of Consultees](#)

The **Highway Authority** object to the proposal on the basis that the submitted application fails to provide suitable visibility splays from the proposed access onto Crewe Road and therefore cannot demonstrate a safe and suitable access in serving the new dwelling.

Madeley Parish Council raise no objections to the application.

The **Landscape Development Section** suggest that a landscaping condition be applied to soften the visual impact of the development. The landscaping scheme should include a replacement roadside tree for the tree felled in 2016 (in accordance with the conditions in application ref 16/00789/TWA5) to be planted within the next available growing season.

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by a Transport Report.

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/22/00743/FUL>

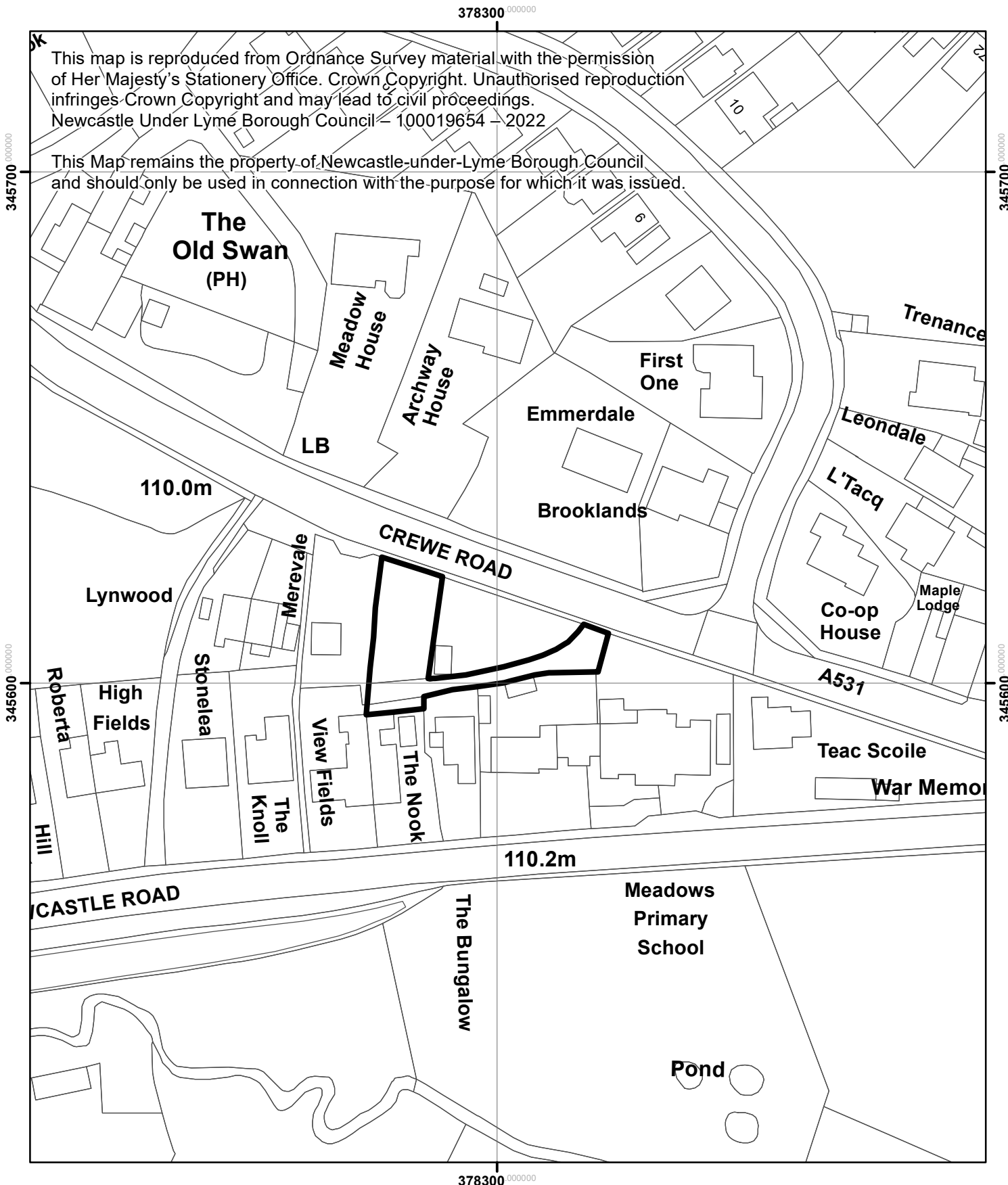
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

22nd November 2022

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LAND ADJACENT TO FARCROFT, MANOR ROAD, BALDWINS GATE
MR & MRS GEOFFREY ADAMS

22/00836/OUT

The application seeks outline planning permission with all matters reserved for the construction of one detached self-build/custom-build dwelling on land adjacent to the dwellinghouse known as Farcroft on Manor Road, Baldwins Gate. The application site falls outside of the defined village envelope of Baldwins Gate and so sits within the open countryside, as indicated on the Local Development Framework Proposals Map.

The application has been brought to the committee at the request of a Councillor due to concerns in relation to whether the site represents a sustainable location for new development.

The 8 week determination period expires on the 30th November 2022, however an extension of time has been agreed until the 9th December 2022.

RECOMMENDATION

REFUSE for the following reason:

- The development represents an unsustainable development due to the reliance on the use of private motor vehicles and inadequate pedestrian accessibility by virtue of the site's location, and so is contrary to the guidance of the National Planning Policy Framework (2021).

Reason for Recommendation

The proposal would introduce an additional dwelling whereby the occupants would, by virtue of the site's location, be heavily reliant on the use of a private motor car to access services and facilities. The absence of a safe pedestrian access into the village of Baldwin's Gate would deter occupants from making their journeys by foot. There are benefits associated with the scheme given its contribution to self-build/custom build housing, however these benefits are not considered to significantly and demonstrably outweigh the identified harm that would result from a reliance on the use of a private motor car.

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

It is considered that the applicant is unable to overcome the principal concerns in respect of this development and so the proposal represents a sustainable form of development in line with the provisions of the NPPF

KEY ISSUES

The application seeks outline planning permission for the erection of one detached self-build/custom-build dwelling on land adjacent to Farcroft, Manor Road. Although an indicative site plan has been submitted with the application, all matters of detail are reserved for subsequent approval.

The application site falls outside of the village envelope of Baldwin's Gate, as defined within the Chapel and Hill Chorlton, Maer and Aston and Whitmore Local Plan. The site therefore falls within the rural area and open countryside as indicated on the Local Development Framework Proposals Map.

The main issues in the consideration of the application are:

- The principle of residential development in this location;
- Design and impact on the character and form of the area,
- Impact on residential amenity levels of neighbouring occupiers, and
- Parking and impact on highway safety.

The principle of residential development in this location;

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

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

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

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

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

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

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

(Para 11(d))

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:

- i. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- ii. the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- iii. 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
- iv. 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.

It is acknowledged that the site has been subject to a number of planning applications in recent years. The most recent was planning application 18/00674/OUT, which was refused and subsequently dismissed at appeal. In dismissing the appeal, the Inspector noted that given the absence of footpaths and lighting along Manor Road and Madeley Road, the route did not lend itself to safe use by pedestrians or cyclists, and so would result in environmental and social harm given the lack of sustainable transport choices available to future residents to allow them to conveniently access services and facilities. On that basis there were not considered to be any identified benefits that would significantly and demonstrably outweigh the adverse impacts of the development. It is therefore still accepted that the development would not be considered to represent a sustainable location for development.

One material change since the consideration of the last application on the site is that the dwelling now proposed would be for self/custom build housing.

Annex 2 of the NPPF 2021 defines Self-Build and Custom Housebuilding as:

“Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-Build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.”

Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Footnote 28 to paragraph 62 states that under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

Representations received have considered that the provision of self-build housing is not a material consideration, however for the reasons set out above your officers would disagree with this stance. In addition, some comments have identified that there are no relevant policies within the Local Plan for self-build/custom build housing. This is a result of the current Local Plan being developed prior to the release of the Self Build and Custom Housebuilding Act 2015 (as amended). An appeal decision for residential development that included 24 self-build dwellings on Land to the North of the A51, South of Chorlton Mill Lane and West of the Railway, Stableford (Application ref 19/009618/OUT), saw the Inspector identify that the delivery of self-build housing is a benefit for which there is an established need.

It is the case that that the level of demand within Newcastle-under-Lyme substantially exceeds the level of supply identified by the Council's Self-Build Register.

The weight that will be afforded to both of these key considerations will be discussed later in this report.

Design and impact on the character and form of the area

Paragraph 126 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 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 R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy R5 goes on to state that “buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area [and] infill development should generally follow the existing building line”. R12 states that residential development should be designed to contribute towards improving the character and quality of the area.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

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

The application proposes a single detached dwelling on a parcel of land to the south of the dwelling known as Farcroft. All matters of details are reserved for subsequent approval but an illustrative site layout plan accompanies the application.

The application site sits along the western side of Manor Road where it is surrounded by three other residential properties within spacious grounds and a relatively loose association. The proposal would introduce an additional dwelling to this parcel of undeveloped paddock land.

Whilst indicative at this stage, the proposed layout plan shows the footprint of a dwelling that would be commensurate with the scale of the plot. Comments on the application have indicated that the dwelling would be for a large two storey dwelling, however as details of appearance and scale are reserved for subsequent determination, the details of the dwelling proposed are indicative only. An assessment of these matters would be dealt with at the reserved matters stage.

A previous application for one dwelling on the site (ref. 18/00674/OUT) concluded that the introduction of one dwelling would retain the sporadic character of dwellings along the western side of Manor Road and would not harm the overall character and appearance of the wider landscape to the extent that would warrant a refusal. This stance was not challenged by an Inspector at the subsequent appeal. The indicative layout presented is similar to that previously considered with this application, and so Officers maintain that the introduction of one dwelling on this parcel of land would not disrupt the prevailing character and form of development along Manor Road.

The Landscape Development Section raise no objections to the proposal, but note that the existing oak tree on the site is of significant amenity value and should be appropriately protected. Details of tree protection and an Arboricultural Impact Assessment can accompany any reserved matters application.

The site is also located within a Landscape Maintenance Area and Policy N19 of the Local Plan states that within such areas, development must not erode the character or harm the quality of the landscape. As indicated above, the previous application for one dwelling on the site was not considered to have an adverse impact on the landscape by either officers of the Council or the Planning Inspector. It is therefore considered that these views are similarly applicable to the proposal now being considered. Details at the reserved matters stage, including design and landscaping, can help to soften the appearance of the development and integrate it into the area.

Therefore it is considered that the development would comply with the Policies of the Development Plan and the provisions of the NPPF.

Impact on residential amenity

Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

The outline nature of this application requires the decision-maker to anticipate the likely form of development. The supporting plans only show the indicative footprint of a dwelling on the site. However, it is clear that from the size of the plot that there would be sufficient room to house a dwelling and the associated parking and garden areas to offer future occupants good levels of amenity. In addition, there would be no implications on neighbouring dwellings with regards to residential amenity.

Therefore it is considered that the development would be capable of providing an acceptable level of amenity to both the occupants of the proposed dwelling and those in neighbouring dwellings.

Parking and impact on highway safety

Paragraph 110 of the NPPF states that development should provide a safe and suitable access to the site for all users.

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.

Previous applications for residential development on the site have not raised any objections from the Highway Authority.

Whilst details of access are reserved, indicative details have been provided. The Highway Authority has no objections to the proposed development subject to those conditions recommended on previous applications.

It is therefore considered that the proposal would comply with Policy T16 of the Local Plan as well as the provisions of the NPPF.

Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

As set out above, the development is outside of the village envelope and would be contrary to the development plan in this regard. However, the policies which are most important for determining the application are out of date and in these circumstances Paragraph 11 of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 14 of the Framework goes on to detail that in scenarios where the relevant policies of the development plan are not up to date, and an adopted Neighbourhood Plan has been produced more than 2 years ago, a direct conflict with the policies of the neighbourhood plan is unlikely to amount to harm that would significantly and demonstrably outweigh the benefits of the development.

The identified harm from the development is that given its location beyond the village envelope and the absence of safe pedestrian route into Baldwins Gate, the occupants of the dwelling would be heavily reliant on the use of a car for the majority of their day to day needs. The Inspector in dismissing an appeal for one dwelling on the site (18/00674/OUT) identified that there would be environmental and social harm from the proposed development given its unsustainable location and the lack of suitable walking routes and sustainable transport choices. The Inspector did identify some economic and social benefits, although limited, through the construction of the dwelling, a slight increase in spending and patronage of facilities in the local area and a limited contribution to boosting the supply of homes. However, these benefits were not considered to outweigh the identified harm. The Inspector noted the distance of the site from the facilities and services within Baldwins Gate and that the suitability of the route for pedestrians to access the village was inadequate and would not encourage the healthy lifestyles and community building supported by Paragraph 91 of the NPPF.

An additional benefit of this application is the contribution that the development would make to the availability of self/custom-build housing plots within the Borough. As it stands, the demand identified by the self-build register heavily outweighs supply. Therefore whilst it is accepted that there is an established need for self-build/custom build housing within the Borough, the contribution that one dwelling would make to this shortfall would be limited. When considering this against the lack of sustainable transport choices for future occupants and the absence of safe pedestrian accessibility into the village, it is not considered that, on this occasion, the weight that would be afforded to this benefit would significantly and demonstrably outweigh the identified harm.

To conclude, the proposed development would still amount to environmental and social harm from the lack of sustainable transport choices and suitable walking routes to access local services and facilities, as previously identified in the dismissed appeal. While the benefit that one dwelling would bring to the

provision of self/custom build housing within the Borough is acknowledged, it would not significantly and demonstrably outweigh the environmental and social harm from the proposed development. The proposal is therefore contrary to the provisions of the Framework in relation to sustainable development.

Reducing Inequalities

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

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

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

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

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

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

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle under Lyme Local Plan 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas

Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan

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

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

13/00678/OUT Outline planning permission for the erection of three detached dwellings - Refused

14/00037/OUT Outline planning application for 3 executive Code level 6 dwellings (resubmission of application number 13/00678/OUT) - Refused and dismissed at appeal

18/00683/FUL Demolition of existing house and construction of replacement dwelling - Approved

18/00674/OUT Outline planning application (all matters reserved) for a detached dwelling - Refused and dismissed at appeal

Consultation Responses

United Utilities highlights the absence of any known public sewers within the vicinity. They raise no objections to the proposal but draw the applicants' attention to the requirements regarding water and wastewater connections.

Whitmore Parish Council objects to the proposed development and considers that the works would be in breach of several policies of the development plan and NPPF. They note that the reasons for refusal for a recent application at Baldwin's Gate Farm (ref. 21/01041/OUT) are directly applicable to this application and that the use of a self-build dwelling is not a material consideration. They also refer to the previous appeal decisions on the site, and that there has been no substantive change in relation to the unsustainable location of the development. Given the identified 5 year housing land supply within the borough, there would be no benefits to housing provision within the borough.

With regards to residential amenity, the **Environmental Health Division** raises no objections subject to conditions to secure appropriate hours of construction. For land contamination, the officer notes the application site is located on former farmland and no necessary conditions will be required to ensure potential contamination risks are identified and mitigated.

The **Landscape Development Section** raise no objections, but identify that the existing Oak tree is of high amenity value and should be appropriately protected. They recommend 'no dig/ construction for the proposed drive and paddock access and that this should not exceed 20% of the RPA of this tree. Conditions to secure a tree protection plan and arboricultural method statement to BS5837:2012 should be attached to any permission granted.

The **Highway Authority** raises no objection but have asked for the same conditions as requested on previous applications to be applied to any permission granted.

Representations

25 letters of representation have been received from 24 addresses.

One of these representations is from the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Plan Steering Group. They object to the proposed application and raise the following points;

- No demonstrated need for housing in this location
- Conflict with Policies of the CSS, Local Plan and Neighbourhood Plan
- Unsustainable location for new housing
- Harmful impact on the landscape and this landscape maintenance area
- Limited contribution to housing supply
- Relevant development plan policies are of equal to self-build development

The remaining 24 representations all object to the proposal and raise the following concerns;

- New development beyond the village envelope
- Unsustainable location with a lack of public transport and walking routes
- Reference to the previous refusals and dismissed appeals for development on the site
- The refusal of planning application 21/01041/OUT at Baldwins Gate Farm is applicable to this application
- Harms relating to limited public transport and character and appearance outweigh the benefits
- Conflict with Policies HG1 and NE1 of the Neighbourhood Plan
- Relevant development policies are not out of date, and so the tilted balance of 11(d) is not engaged
- Lack of amenities within Baldwins Gate to support new development
- No policies for self-build properties within the Local Plan
- No exceptional circumstances to demonstrate that self-build status would overcome concerns
- Reference to planning appeals for development at the Lodge, Station Road, Onneley (App ref, Appeal ref)
- Reference to development plots from NaCSBA, which identifies greenfield plots and open fields as being very difficult to receive planning permission
- Loss of agricultural land
- Loss of amenity to neighbouring properties
- Harm to character and appearance of landscape
- Precedent for similar development within the borough
- Question whether requirements for a self-build project would be complied with

- Stance taken in Paul Newman Homes V Secretary of State are applicable in that 11(d) should not be engaged
- Limited contribution to the boroughs housing supply
- Self-building housing is not a material planning consideration
- Manor Road is unlit with no safe pedestrian walking route
- Manor Road is vulnerable to flooding

Applicants/agents submission

The requisite plans and application forms have been submitted. The application is also supported by a Planning Statement from Knights plc.

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

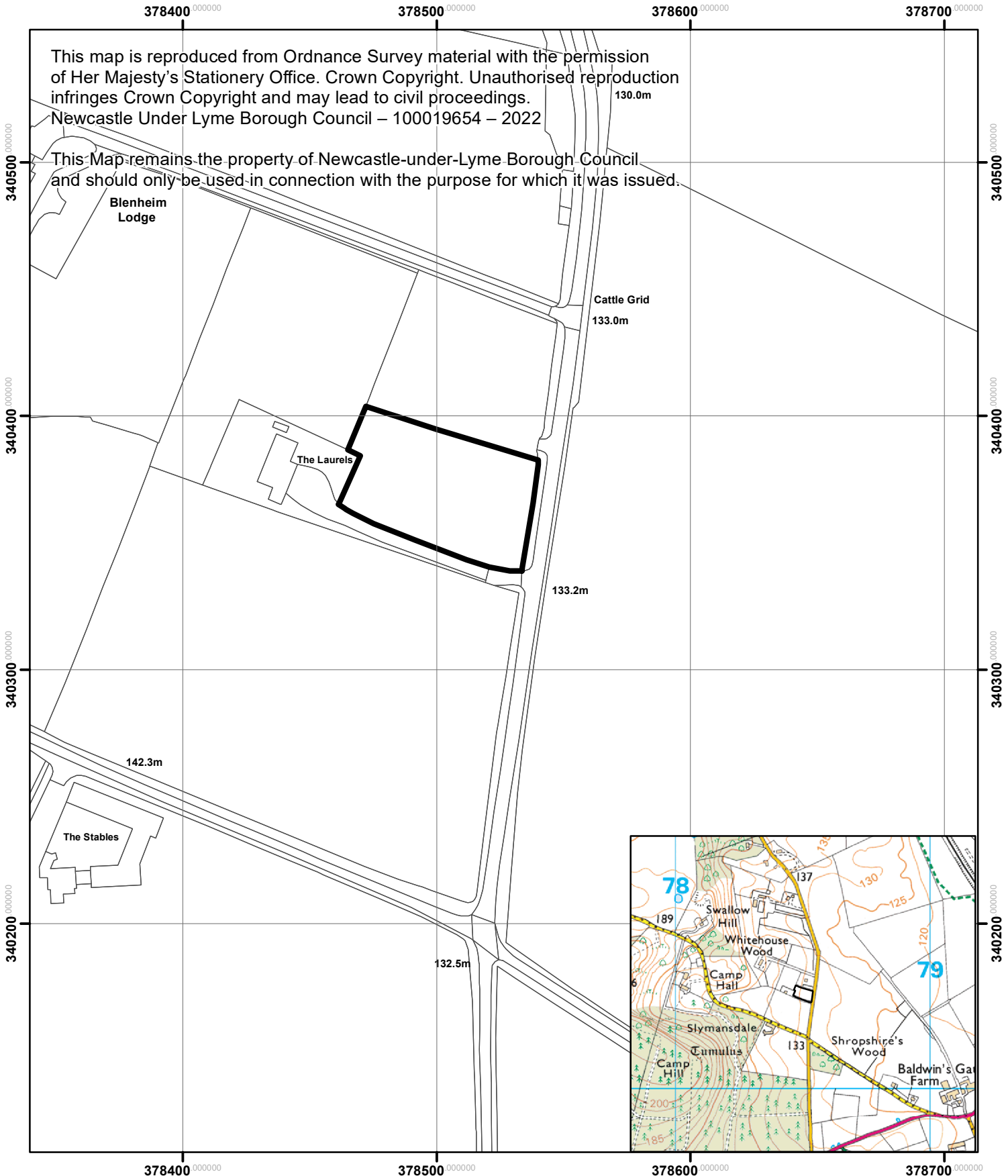
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00836/OUT>

Background Papers

Planning files referred to
Planning Documents referred to

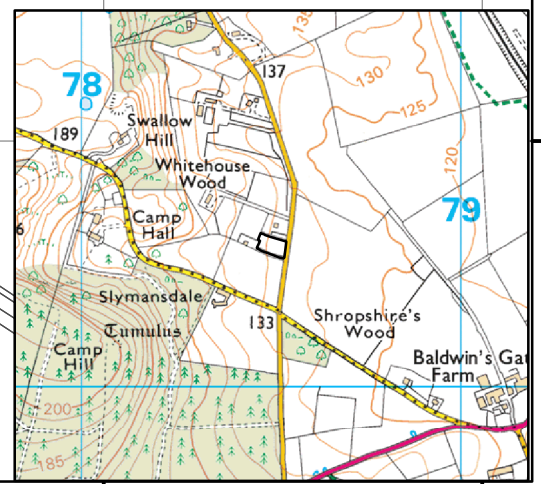
Date report prepared

22nd November 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 still awaited.

Date report prepared – 23rd November 2022

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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

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 11th October 2022, of the progress in relation to the pursuance of breaches of planning obligation secured through planning permission reference 11/00284/FUL for the erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale.

RECOMMENDATION

That the information be received.

It has previously been reported that there is a breach of the planning obligation entered into in association with planning permission 11/00284/FUL as the following financial contributions have not been paid on or before commencement of development as required:

- £66,689 (index linked to public open space,
- £55,155 (index linked) towards primary school places and
- £26,244 (index linked) towards the Newcastle-under-Lyme Urban Transport Development Strategy (NTADS)

As this case may proceed further, officers are mindful of the need for the Council to protect its position should the case proceed to Court. Accordingly, precise details of what action may be taken are not provided at this time. Officers will provide an update at the meeting with regard to how the Council's case has been advanced if appropriate.

Date report prepared: 22 November 2022

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LAND AT DODDLESPool, BETLEY reference 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.

It was reported in the last update report on the 11th October that the most recent site visit was on the 16th August. It was clear at that site visit that the dry weather over the summer months had made it difficult to carry out any seeding or planting.

Your officers are currently arranging a site visit and it is hoped that this will take place before the planning committee meeting.

Date Report Prepared – 22nd November 2022

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Register of Locally Important Buildings and Structures in Newcastle-under-Lyme – 2022 Review

Report to Planning Committee 6 December 2022

Purpose of the Report

To approve the updated Register of Locally Important Buildings and Structures following the 2022 review.

Recommendation

That Members agree to the proposed additions to the Register, as set out Section 2 of this report.

Reason

As previously resolved, to review the Register.

1.0 Background

- 1.1 A report was considered in 2010 to compile a list of locally important buildings and structures in the Borough. Members resolved to accept that list and call it a Register of Locally Important Buildings and Structures. Members also resolved to review the Register (subject to resources), and plot the location of the buildings and structures on a publicly available plan. The current Register can be viewed on www.newcastle-staffs.gov.uk/localregister
- 1.2 A Supplementary Planning Document (SPD) was adopted in March 2012 for the Register of Locally Important Buildings and Structures which sets out the procedure by which buildings and structures are added to the Register, including the scoring system. A score of 7 out of 10 will enable the building to be added to the list.

2.0 Additions to the Register

- 2.1 A review of the Register has been undertaken and the proposed additions to the Register following consideration of the nominations by the Assessors' Panel are set out below. 5 nominations were considered by the Panel in the review. 5 buildings and structures are now proposed to be added to the Register. These are as follows:-

1	Pig sty, Ganllwyd, Main Road, Wrinehill	score 7.5
2	Halmerend Methodist Church, High Street Halmerend	score 9
3	Kidsgrove Pentecostal Church, 22 The Avenue, Kidsgrove	score 7.5
4	Beehive sign, 16 Brunswick Street, Newcastle	Score 8.5
5	(Former) Methodist Church, Merrial Street, Newcastle	Score 9

- 2.2 There are currently 134 entries for buildings and structures on the Register and if the above 5 entries are added to the list, this will make 139 entries. The information in this

report will be included as an information item at the next Conservation Advisory Working Party meeting.

3.0 Buildings & Structures scoring below the required amount

3.1 During the review, some nominated buildings and structures did not provide enough information to be fully considered by the Panel. This means that they have not been considered for the Register this time but hopefully will be re-nominated next time.

4.0 Next Steps

4.1 The nominators and owners of the buildings and structures which are to be added to the Register will be notified and a period of time given for them to send in any representations for consideration by the Council at the next review.

4.2 The buildings and structures will be added to the Council's Geographical Information System (GIS) and the amended Register will be put on the Council's website.

4.3 The Register will continue to be regularly updated and reviewed as resources permit.

5.0 Background Papers

English Heritage: Good Practice Guide for Local Listing: 2012 <http://www.english-heritage.org.uk/publications/good-practice-local-heritage-listing/>

Supplementary Planning Document – Register of Locally Important Buildings and Structures 2012

Confirmation of Tree Preservation Order

LAND AT AUDLEY PUMPING STATION, NANTWICH ROAD, AUDLEY TREE PRESERVATION ORDER 220 (2022)

Town & Country Planning Act 1990

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

The Order protects trees within the grounds of Audley Pumping Station, Nantwich Road, Audley

The Order was made to safeguard the longer term visual amenity that the trees provide following concerns that some trees at this site may be felled.

The Order was made using delegated powers on 26th April 2022. Approval is sought for the Order to be confirmed with amendments.

The 6 month period for this Order expires on 25th October 2022.

RECOMMENDATION

That Tree Preservation Order No 220 (2022), Land at Audley Pumping Station, Nantwich Road, Audley be confirmed with amendments 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 trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees nor progressing any plans to develop the site, 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 (or neighbours) will be able to apply for permission to carry out any maintenance work to the trees which is necessary to safely manage them.

Representations

One representation was received. The representation referred to a request made to the owner of the trees to trim the trees, information provided in the representation makes it clear that this person does not wish for the trees to be taken down.

Issues

The trees are situated in the grounds of Audley Pumping Station. The trees are mainly broadleaf and grow throughout the property.

The Order was made to safeguard the longer term visual amenity that the trees provide following concerns that some trees at this site may be felled.

They are mostly early mature and mature and are clearly visible from Nantwich Road, the adjacent public footpath (Audley 82), the adjacent cricket ground and cemetery.

In mid-April 2022 your officers inspected the trees on the site and found a large number of them to be worthy of an Order. They are 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 April 2022 in order to protect the long term well-being of the trees. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

The current provisional Order has been amended. Due to the large number and distribution of the trees on the site and the time available for making the provisional Order, the trees were categorised in the form of an 'Area' covering the entire site, so as to temporarily protect all of the trees. Since this was served a more detail survey has been carried out and the trees of poor quality and low amenity value have been omitted. The trees have now been categorised as 10 individuals and 3 groups, and the TPO schedule and plan revised accordingly.

Date report prepared

14th October 2022

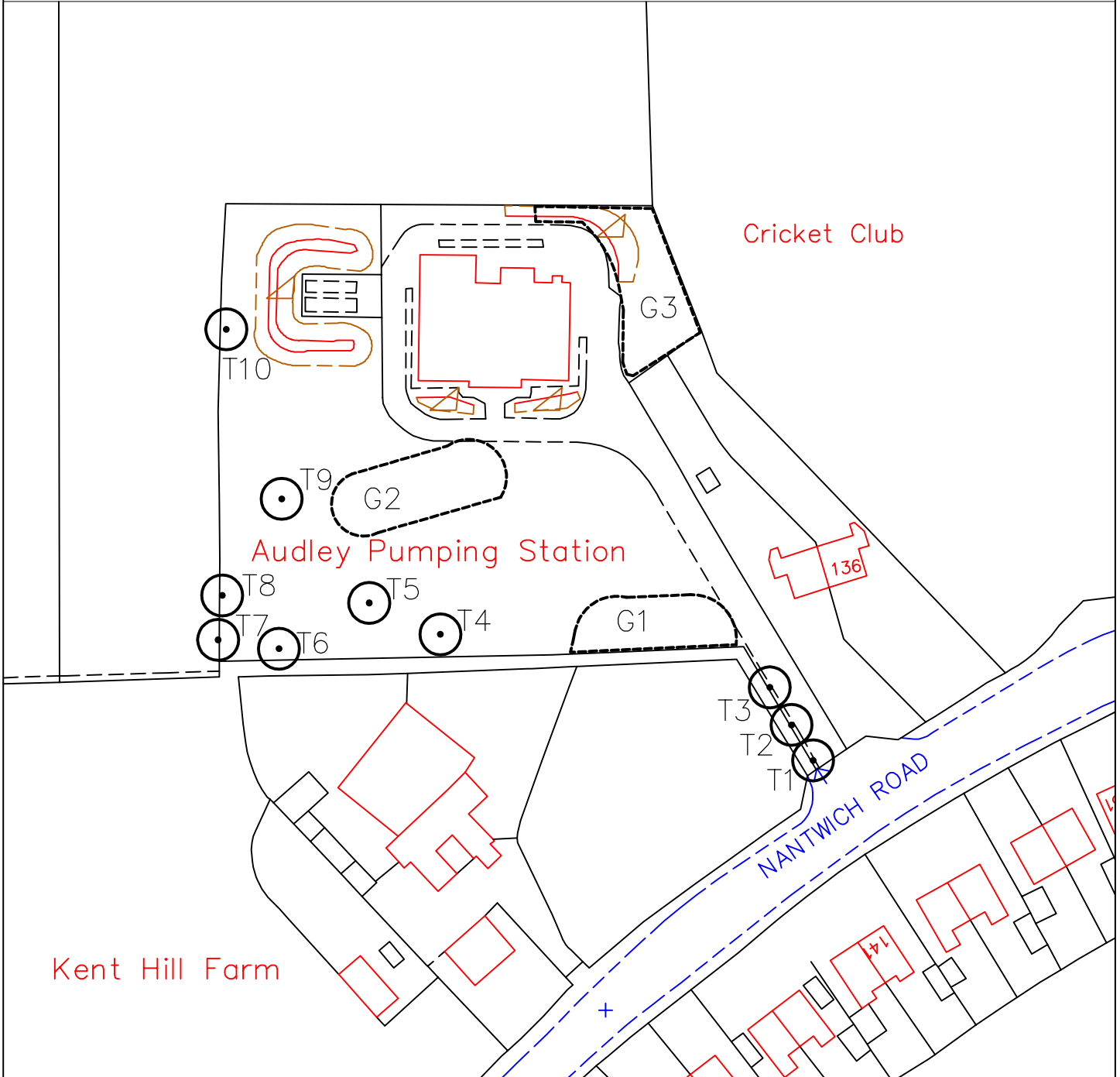
DA

SIGNED:

CONFIRMED.....

DATED:26th April 2022

DATED:



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DAVE ADAMS
EXECUTIVE DIRECTOR -
Castle House, Barracks Road,
Newcastle under Lyme
Staffordshire

TITLE:
Land at Audley Pumping Station, Nantwich Road,
Audley

DESCRIPTION:
TREE PRESERVATION ORDER
NUMBER 220 (2022)

SCALE:
1:1000

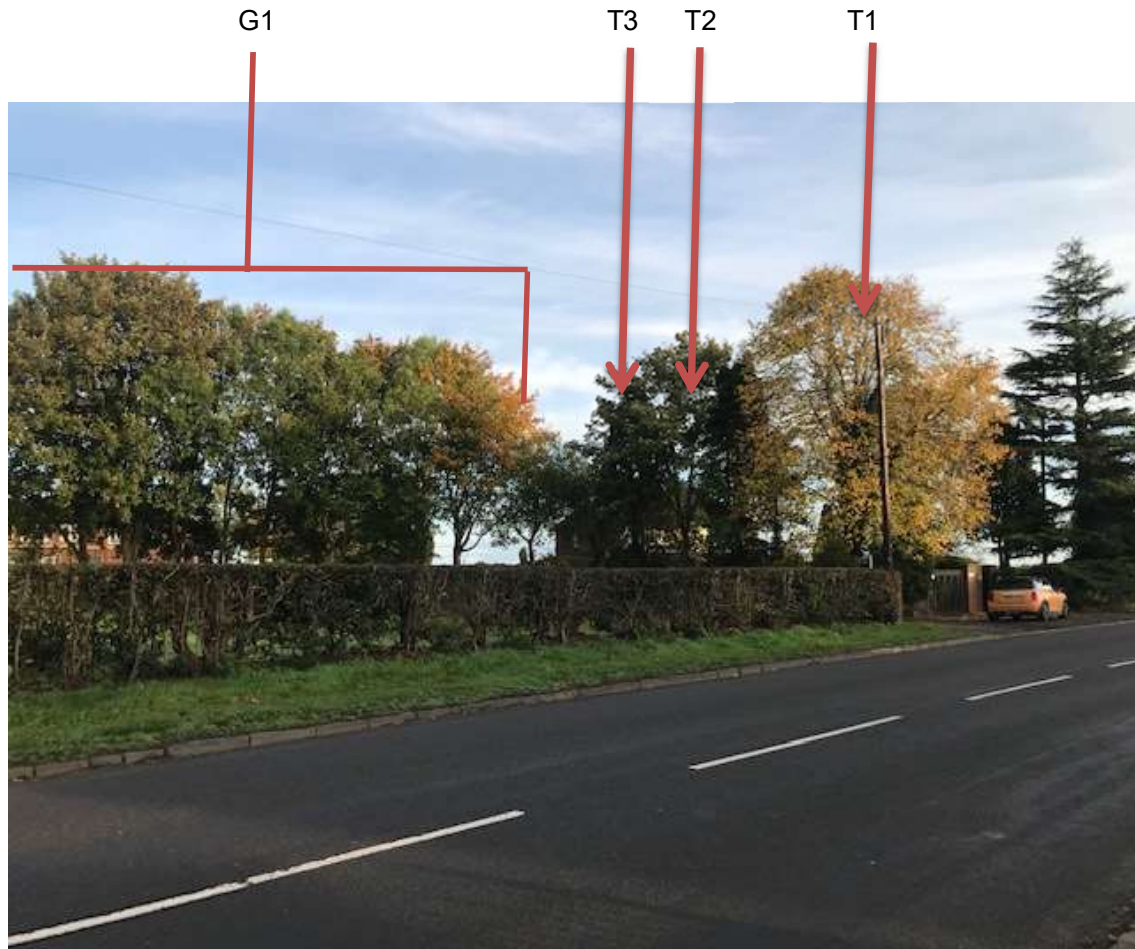
DATE:
apr 2022

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Page 93
J.H.

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TPO 220

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