

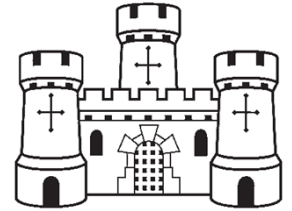
Public Document Pack

Date of meeting Tuesday, 9th September, 2025

Time 7.00 pm

Venue Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL

Contact Geoff Durham



**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 AT MOSS LANE, MADELEY. KEEPMOAT HOMES. 24/00619/FUL

(Pages 9 - 32)

This item includes a supplementary report

5 APPLICATION FOR MAJOR DEVELOPMENT - FORMER SITE OF THE ZANZIBAR, MARSH PARADE, NEWCASTLE. DURATA DEVELOPMENTS LTD. 25/00349/FUL

(Pages 33 - 44)

6 APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT FAIRGREEN ROAD, BALDWINS GATE. HENCIE HOMES LTD. 24/00833/OUT

(Pages 45 - 62)

This item includes a supplementary report

7 APPLICATION FOR MINOR DEVELOPMENT - NEWCASTLE-UNDER-LYME BOROUGH COUNCIL DEPOT, KNUTTON LANE. NEWCASTLE BOROUGH COUNCIL. 25/00120/DEEM3

(Pages 63 - 72)

This item includes a supplementary report

8 APPLICATION FOR MINOR DEVELOPMENT - CAR PARK, MEADOWS ROAD, KIDSGROVE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 25/00345/DEEM3

(Pages 73 - 82)

- 9 **APPLICATION FOR MINOR DEVELOPMENT - LAND NORTH OF MUCKLESTONE WOOD LANE, LOGGERHEADS. MR CHRIS BUTTERS. 25/00505/OUT** (Pages 83 - 92)
- 10 **APPLICATION FOR MINOR DEVELOPMENT - 35 CLAYTON ROAD, NEWCASTLE UNDER LYME. ROBERT GASKELL. 25/00485/FUL** (Pages 93 - 104)
- This item includes a supplementary report
- 11 **APPLICATION FOR OTHER DEVELOPMENT - LAND WEST OF HAZELEY PADDOCKS, KEELE ROAD, KEELE. S. GIBSON / G. BENSON-LEES. 25/00574/PIP** (Pages 105 - 116)
- This item includes a supplementary report
- 12 **APPLICATION FOR OTHER DEVELOPMENT - LAND EAST OF HAZELEY PADDOCKS, KEELE ROAD, KEELE. S. GIBSON / G. BENSON-LEES. 25/00575/PIP** (Pages 117 - 128)
- This item includes a supplementary report
- 13 **LAND AT DODDLESPPOOL, BETLEY. 17/00186/207C2** (Pages 129 - 130)
- 14 **URGENT BUSINESS**
- To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972
- 15 **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), Beeston, Crisp (Vice-Chair), Fear, Holland, Dean, Hutchison, Burnett-Faulkner, J Williams, G Williams, Gorton and Brown

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

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

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

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

Substitute Members:	Sweeney	S Jones
	Berrisford	Fox-Hewitt
	S Tagg (Leader)	D Jones
	Heesom	Edgington-Plunkett
	Johnson	Grocott
	J Tagg	Dymond

If you are unable to attend this meeting and wish to appoint a Substitute to attend on your place you need to identify a Substitute member from the list above who is able to attend on your behalf

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

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PLANNING COMMITTEE

Tuesday, 12th August, 2025
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Paul Northcott (Chair)

Councillors:	Crisp	Hutchison	G Williams
	Holland	Beeston	Brown
	Bryan	J Williams	

Apologies: Councillor(s) Fear, Burnett-Faulkner and Gorton

Substitutes: Councillor Gill Heesom (In place of Councillor Andrew Fear)
Councillor David Grocott (In place of Councillor Richard Gorton)

Officers:	Craig Jordan	Service Director - Planning
	Rachel Killeen	Development Management
		Manager
	Tom Cannon	Senior Planning Officer

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

Resolved: That the minutes of the meeting held on 15 July, 2025 be agreed as a correct record.

3. **APPLICATION FOR MAJOR DEVELOPMENT - LAND NORTH OF MUCKLESTONE WOOD LANE AND EAST OF ROCK LANE, LOGGERHEADS. SHROPSHIRE HOMES. 25/00352/REM**

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

- (i) Link to outline planning permission and conditions
- (ii) Approved plans
- (iii) Facing materials
- (iv) Boundary treatments
- (v) Provision of cycle storage
- (vi) Landscaping scheme
- (vii) Refuse strategy
- (viii) Details of contours around T6

[Watch the debate here](#)

4. APPLICATION FOR MAJOR DEVELOPMENT - MORSTON HOUSE, THE MIDWAY, NEWCASTLE. WUKPG. 25/00438/FUL

Additional recommendation (iv) proposed by Councillor John Williams and seconded by Councillor Bryan

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

- (i) Variation of conditions 2 and 9 to refer to the revised plans
- (ii) Substation doors shall not open outwards onto the highway
- (iii) Submission of details of servicing of the substation
- (iv) Submission of details of materials for the substation.
- (v) Any other conditions which are still relevant to the original decision

[Watch the debate here](#)

5. APPLICATION FOR MAJOR DEVELOPMENT - HARTSHORNE POTTERIES LTD ROSEVALE ROAD, CRACKLEY. HARTSHORNE CROSSROADS PROPERTIES LIMITED. 25/00443/FUL

Members were advised that revised comments had been received from the Local Flood Authority who had raised concerns on the amended drainage details and had sought additional information. Therefore the recommendation was amended as follows:

Resolved: That the Service Director – Planning, be given the delegated authority - in consultation with the Chair to permit the application subject to the conditions listed below, once additional drainage information has been submitted and agreed with the Lead Local Flood Authority.

- (i) Time limit
- (ii) Approved plans
- (iii) Facing/roofing materials as set out in the application documents
- (iv) Construction of vehicular access
- (v) Surfacing/drainage of parking, turning and circulation areas
- (vi) Secure cycle shelter details
- (vii) Dust mitigation measures during demolition/construction works
- (viii) Construction hours
- (ix) Boundary treatments constructed in accordance with approved details
- (x) Construction environmental management plan
- (xi) Noise mitigation measures outlined in the Noise Impact Assessment
- (xii) Implementation of landscaping scheme
- (xiii) Habitat management plan

[Watch the debate here](#)

**6. UPDATE ON ENFORCEMENT CASE - 5 BOGGS COTTAGE, KEELE.
14/00036/207C3**

- Resolved:**
- (i) That the information be received
 - (ii) That an update report be brought back to committee in two months' time

[Watch the debate here](#)

7. URGENT BUSINESS

There was no Urgent Business.

8. DISCLOSURE OF EXEMPT INFORMATION

No confidential items were considered.

**Councillor Paul Northcott
Chair**

Meeting concluded at 8.00 pm

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LAND AT MOSS LANE, MADELEY
KEEPMOAT HOMES

24/00619/FUL

The application is for full planning permission for residential development for 37 dwellings with associated access, open space, drainage basin and pumping station.

The site comprises an area of grazing land that is situated beyond, but adjacent to the village envelope of Madley. The site is situated within the open countryside and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

The 13-week period for the determination of this application expired on 29th November 2024 but an extension of time has been agreed to 11th September 2025.

RECOMMENDATION

Permit, subject to conditions relating to the following matters:-

- 1. Standard time limit**
- 2. Approved plans and supporting documents**
- 3. Provision of access, parking and turning areas**
- 4. Travel Plan**
- 5. Construction Environmental Management Plan**
- 6. Noise mitigation measures/attenuation scheme**
- 7. Ground contamination report/any unexpected contamination**
- 8. Materials and boundary treatments in accordance with submitted details/schedule**
- 9. Development to be carried out in accordance with the approved Flood Risk Assessment (FRA)**
- 10. Tree and hedgerow protection measures for retained trees**
- 11. Arboricultural method statement**
- 12. Ecological and biodiversity mitigation and compensation**
- 13. Biodiversity Gain Plan**
- 14. Habitat Management Monitoring Plan (HMMP).**
- 15. Landscape and Ecological Management Plan**
- 16. Any further conditions requested by the Lead Local Flood Authority**

Reason for Recommendation

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

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

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

Additional information has been sought and provided, and the scheme is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

The application is for full planning permission for residential development for 37 dwellings with associated access, open space, drainage basin and pumping station.

The site comprises a parcel of undeveloped grazing land off Moss Lane, to the north of the junction with Bower End Lane. It sits to the north of the main West Coast Railway line, with residential development to the north. There are a number of existing trees on the site, some of which are covered by a tree preservation order, which will need to be removed to provide the proposed access road.

The site lies within the open countryside and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. It is located outside of, but immediately adjacent to, the village settlement boundary for Madley.

In terms of the planning history on the site, outline planning permission was granted for the erection of 42 dwellings, with all matters reserved except for access in 2015 (Ref. 13/00990/OUT). A subsequent reserved matters application (Ref. 17/01004/REM) was submitted in 2018, however, this was refused and dismissed at appeal on the grounds of the scale and massing of the northern corner of the scheme being out of keeping with the site's context.

The outline permission has since lapsed, and a new planning application was submitted in 2020 for 42 dwellings (Ref:20/00143/FUL). The revised layout included increased plot sizes and the removal of sections of adopted highways, particularly at the north, to reduce the density to the rear of the neighbouring properties, to address the concerns raised under the refused reserved matters scheme. Although Officers accepted the principle of new housing on the site, as well as the design, access, parking arrangements and impact on residential amenity, the application was withdrawn due to flood risk concerns.

Amended plans/additional information have been received throughout the application process, providing additional details/clarification on drainage/flooding issues, the impact on the adjacent railway line, ecology, the impact on existing trees, viability and highway matters, to address concerns raised by officers and statutory consultees.

Taking account of the above background, the key planning matters in the determination of the application are:

- Principle of proposed residential development
- Character and appearance of the development and potential impacts on the wider landscape
- Housing mix
- Landscape and open space
- Highway Safety and parking implications
- Trees and hedgerows
- Ecology and Biodiversity
- Residential amenity
- Flood Risk and Drainage
- Best and most versatile agricultural land
- Planning Obligations and viability
- Planning Balance

Principle of the proposed residential development and viability

Policy SP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (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 HOU1 of the Madeley Neighbourhood Plan (MNP) states that new housing development will be supported within the Madeley village envelope providing:

- There being suitable vehicular access to the site and no severe adverse impact on traffic safety and capacity;
- There being no significant adverse impact on the amenities of nearby residential properties;
- There being no significant adverse impact on built heritage including within the Madeley Conservation Area or on the natural environment, including trees, watercourses and landscapes.

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

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. (Para 11(d))

The Council cannot currently demonstrate an up to date housing supply.

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 the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

Although the MNP was made less than five years ago, it does not contain policies and allocations to meet its identified housing requirement. As a result, it does not comply with the relevant measures outlined within Paragraph 14 and so it cannot be concluded that the adverse impact of allowing development that conflicts with the neighbourhood plan is, in itself, likely to significantly and demonstrably outweigh the benefits.

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

In *Paul Newman New Homes Ltd v SSHCLG & Aylesbury Vale DC* [2019] EWHC 2367 (Admin) the judgement looks at how decision makers should assess whether “the policies which are most important for determining the application are out-of-date”. It states that the first step is to identify the “basket of policies from the development plan which constitute those most important for determining the application”. The second task is to “decide whether that basket, viewed overall, is out of date”.

The basket of policies can be out of date for reasons set out in the NPPF to do with housing supply and delivery, but also if (as a matter of planning judgement) the basket of policies has been overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason.

The basket of policies from the development plan most important for determining this application are considered to be LP Policy H1, CSS Policies SP1 and ASP6 and Policy HOU1 of the MNP. As stated

above, it has been accepted that the LP and CSS policies are out of date. The MNP was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6. This change in the local planning context has a bearing on the weight to be applied to the MNP policies and therefore it is considered reasonable to conclude that the 'basket of policies' overall, is out of date.

It is considered that the test in paragraph 11(d) has to be applied to this application given the lack of 5 year housing supply and lack of up-to-date policies in relation to the provision of housing. Therefore, the tilted balance outlined within Paragraph 11(d) of the framework is engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

In sustainability terms, although the site is outside the village envelope of Madeley, it directly adjoins it. The village is considered to represent a sustainable location for new residential development, given that it has primary and secondary schools, a doctors' surgery, community centre, shops and public houses/restaurants, a church and children's play area and playing field. There is a bus service (No 85) linking Madeley with Newcastle and Hanley City Centre. It is considered therefore that the village is well served by local services and that public transport provision is reasonable.

It is the case that the occupiers of the proposed dwellings will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. Top-up shopping for example, would be obtainable from within the village and accessible from the application site by foot or cycle. The bus service would provide an alternative for those without access to a car for certain trips. There are also bus stops within walking distance of the application site.

It should also be noted that in granting outline permission for residential development on the site in 2015, the Council has already accepted the principle of residential development on the site, albeit this permission has now lapsed.

Although this site is outside the village envelope, it would still be close to existing facilities. It is located approximately 400m from the village centre and the nearest bus stops to the site are located on Moss Lane itself. Manual for Streets advises that walkable neighbourhoods are typically characterised as having facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. These points undoubtedly weigh in favour of a conclusion that in terms of access to some facilities and a choice of mode of transport, the site can be described as being in a sustainable location.

It is acknowledged that both local and national planning policy seeks to provide new housing development within existing development boundaries on previously developed land where available. It is accepted that residential development on this greenfield site outside the settlement boundary would be contrary to this preferred approach. Nevertheless, as set out above, the basket of policies are considered to be out of date and this site would contribute to meeting the housing need over the emerging plan period in a sustainable and accessible location which would help to significantly boost the supply of homes in the borough.

The consideration of whether any adverse impacts exist that would outweigh the benefits of the proposed scheme shall be considered later in this report.

Character and appearance of the development and potential impacts on the wider landscape

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

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

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

Policy DES1 of the MNP states that new development must complement the local context by maintaining separation between public and private spaces; complementing the existing character and townscape in terms of scale and massing; avoid overdevelopment and over urbanization, taking account of the rural character of the area; complement the established layout in terms of set-back from the road and spacing around dwellings; ensure car-parking is integrated into the design and layout, so that it does not dominate streets and spaces; use high quality, durable materials, to complement the site and surrounding context, including local materials such as Staffordshire Blue or Staffordshire Mix clay tiles; provide sustainable drainage and permeable surfaces in hard landscaped areas; electrical car charging points, safe, well designed streets and spaces that enable natural surveillance; screened storage space for bins and recycling; utilise boundary treatments that reflect the local character; and provide connections to surrounding footpaths and a permeable layout to allow easy safe and convenient pedestrian movement.

RE5 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) states that new development in the rural area should amongst other things respond to the typical forms of buildings in the village or locality and that new buildings should respond to the materials, details and colours that may be distinctive to a locality.

R12 of that same document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area. R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

The application site comprises 1.6 hectares of grazing land. The site is bounded by existing residential development on The Bridle Path, Moss Lane and Bower End Lane, with open countryside and the main West Coast railway line to the west. The boundaries of the site are defined by existing landscaping, with vehicular access taken from Moss Lane between existing residential properties known as 'The Moss' and 'Rowley House'.

Prior to the submission of the application, as per best practise, the proposal was taken before the Design Review Panel (DRP). Following consideration of the proposals the DRP concluded their assessment in raising the following factors for the applicant to continue to develop;

- Undertake an 'Opportunities and Constraints' exercise and to utilise the findings to inform the proposals ie. make the most of the landscape, topography etc.
- Provision of accessible and functional open space including the retention of some of the existing trees / shrubs within the site, spaces to the site entrance, SuDS pond etc.
- Undertake a place making approach to the streets including the provision of a street hierarchy including an edge lane street type, hard landscape space rather than hammerheads, integrating blue and green infrastructure within the street, integrating parking within the development ie. pairing up drives etc.
- Clarify whether the street will be adopted, not adopted and what will be managed ie. boundaries, trees
- Develop and strengthen the layout to ensure a positive response to views within the site from entering to moving through the site,

- Integrate and strengthen the blue infrastructure / water management including Swales within the streets, the provision of a multifunctional SuDS Pond and the potential of the central landscape to support water management / drainage;
- Provision of a Landscape Strategy including clarifying the approach to new and existing trees, boundary treatments, views etc.
- Strengthen the proposals for the site entrance / gateway
- Vary the density within the site ie looser to the west and tighter to the existing housing
- Develop the proposals for the affordable housing which is unresolved
- Utilise Building for a Healthy Life as a design tool to support the design process.

The main entrance into the site is defined by an area of open space and landscape planting which provides a pleasant pastoral approach into the site, strengthening and enhancing views into the site from Moss Lane. The layout of the scheme has been developed to provide dwellings with active frontages along the majority of the proposed internal access road.

During the application process, amended plans have been received to ensure that plots 27 and 28 which are positioned 'side on' to the access road have additional window openings in these elevations, to address the main approach through the development. In addition, the boundary fences enclosing these plots along the main access road have been replaced with walls to enhance the streetscape in this area. Additional tree planting to the front of plots would further soften the impact of the development and contribute to the verdant character of the development, reflecting its position on the edge of the village adjoining open countryside.

The layout of houses along the northern boundary are arranged in a linear pattern, replicating the established structure and pattern of properties on The Bridle Path adjacent to this part of the site. This pattern would be repeated along the southern boundary, providing a consistent structure to the development, with the remaining properties arranged in blocks around the main internal access road.

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

NLP Policy N20, supports proposals that will enhance the character and quality of the landscape in Areas of Landscape Enhancement. Within such areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

It is accepted that the development would clearly have an effect on the character of the site and its immediate locality through the introduction of new built form into an area of undeveloped agricultural land that is sited at the edge of Madeley and through the removal of sections of the existing landscaping along the southern and western boundaries of the site. However, the development would be sited against a backdrop of existing residential development to both the north, east and south of the application site which would assist in ensuring that the scheme would not appear as an alien or incongruous addition to the wider landscape. In addition, the presence of the railway line to the south provides a natural barrier to the edge of built development along this area of the village and so assists the development in appearing as a natural extension of the existing village rather than an intrusion into wide open agricultural landscapes.

The introduction of new native hedgerow planting along the southern and western boundaries, combined with the rear gardens of the units and the SuDs basin backing onto these parts of the site would provide a natural buffer to the development and aid the transition between the built form of the development and the surrounding countryside. It is considered that over time the development will assimilate well with the wider landscape and so it is not considered that the development would have such an adverse impact on the character or quality of either the village or the wider landscape to justify a refusal.

With regards to house types, the scheme provides a mix of single and two storey dwellings with conventional pitched roofs, projecting front gable elements and canopy/front porch detailing. Stone cill/brick headers and corbelling at would also be utilised adding interest to the front elevation of the units. The scale and design of the proposed dwellings would therefore respect the size and appearance of surrounding residential development in this part of Madeley, which consists of a mix of

bungalows and two storey semi-detached and detached houses of varying designs and styles. The properties would be constructed from red brick, grey roof tiles and black fascias/rainwater goods. All these materials are considered appropriate.

In addition to the above, officers are mindful that the 2017 application on the site was dismissed at appeal due to the scale and massing of the northern corner of the scheme (plots 21-22) being out of keeping with the site's context. These concerns have been addressed with this revised scheme, by setting these plots (now numbered 18 and 19) in further off the boundary with properties on The Bridle Path, re-orientating the units and lowering the ground levels. As such, the northern part of the development is now considered to be acceptable.

Boundary treatments dividing private gardens would consist of 1.8m high timber boarded fencing. House types that have a side garden adjacent to the main estate road would be bounded by a 1.8m high brick walls. Other boundary treatments include estate railings and post and timber fencing where this would surround visually prominent areas of open space and a 2.2m high acoustic fencing adjacent to the railway line. All of the boundary treatments proposed are considered to be appropriate for their location within the site and can be secured by condition.

Housing mix

Policy HOU2 of the MNP confirms that residential development must meet local need by providing an appropriate housing mix. This should include smaller housing suitable for first-time buyers or those seeking to downsize; larger family housing for different family sizes; and housing suitable for older people, including sheltered housing and extra care.

The proposed scheme comprises 19, 4 bedroom detached houses 9, 3 bedroom terraced and semi-detached dwellings, 6, 3 bedroom detached units and 3, 3 bedroom bungalows. The proposed housing mix therefore provides a range of housing types which are potentially suitable for first time buyers, families of different sizes and older people as required under Policy HOU2 of the MNP.

Landscape and Open Space

CSS Policy CSP1 expects new development to contribute positively to healthy lifestyles. CSP5 of the CSS states that all new residential development will be linked to existing and new open spaces and sport and recreation facilities through a series of well-defined safe routes/streets, incorporating

Policy C4 of the NLP states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured. To this end, on sites with ten or more dwellings, or at least 0.4 hectares with fewer dwellings, taking a gross figure for all contiguous development areas, developers will be expected to provide for open space in accordance with the following:

- i. Publicly accessible open space must be provided pro rata at a scale of 0.1 hectares for each 50 houses.
- iv. In the case of developments of fewer than 50 dwellings, areas of new housing development, or in other situations where the Council considers that such a course of action would be more appropriate, developers will be invited to make some other contribution in accordance with a scale to be determined by the Council.

The Developer Contributions SPD sets out how on sites of 10 or more dwellings or, at least 0.4 hectares developers will be expected to provide open space in accordance with the standards set out in the adopted Local Plan.

An Open Space Assessment (OSA) has been submitted with this application to assess the open space requirement for this development against the aforementioned policy and existing open space provision in Madeley.

The site measures 1.62 hectares in size, with the scheme delivering a net density of 27.6 dwellings per hectare. For this proposal of 37 dwellings, less than 0.07ha of open space would need to be

required within the site (excluding SUDs). Given it is less than 100 dwellings, there is no need to provide any play space at the site.

Although SUDs should not be used within any calculation of open space, the proposal provides a dry basin for the majority of the time, with a footpath adjacent to it, thereby providing a connection to the footpath running adjacent to the railway line. Therefore, this area would be a pleasant location to provide some open space for residents at the site. In addition, an informal area of open space, including numerous trees is to be provided on the entrance to the site. This area which extends to 0.10 hectares in size is to be managed by the management company for the site. Given its size, this area would exceed the required level of open space using the formula in Policy C4 of the NLP. There are also a range of open space provision with Madeley to further cater for the needs of potential future residents of the development.

Given the scale of the site, the areas of open space provided and the proximity of existing open space within the settlement, it is considered that the development complies with the relevant adopted requirements for open space, subject to a contribution of £206,423 towards off-site public open space.

Highway Safety

NPPF Paragraph 114 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; 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 115 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 116 states that applications for development should;

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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

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

A Transport Assessment (TA) and Travel Plan (TP) have been submitted with this application and demonstrate that the vehicle movements associated with the proposed development can safely be

accommodated on the surrounding highway network without endangering highway safety (there have been no recorded accidents within the immediate vicinity of the site over the last 5 years. They also confirm that the site is located in an accessible and well-connected location as set out in the 'principle of development' section of this report.

Access to the site would be taken from Moss Lane. Updated plans have been received providing appropriate visibility splays at the site access and details of how the internal road layout will be drained, following initial comments from the Highway Authority (HA). The updated comments of the HA will be reported to Committee via a supplementary report. In addition, following the receipt of amended plans providing tracking plans for refuse vehicles, it is considered that the geometry of the internal road layout which would be constructed to adoptable standards would provide safe and suitable access for potential future occupiers/users.

In terms of parking provision, all 3 bedroom properties have 2 on-street parking spaces, with all 4 bedroom units providing 3 spaces. Where garages make up part of this provision, they are of the necessary size to represent a useable parking space. As such, the level of on-site parking is acceptable and accords with the Council's parking guidelines.

Overall, 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. Policy NE1 of the MNP requires that development preserve or enhances the rural character of the area, including veteran trees and mature hedgerows.

The development of the site, including the formation of the proposed access road will require the removal of trees H1, T1, T2, T4, T8, G2 (in part), G4 and G5, which are identified in the submitted Arboricultural Impact Assessment (AIA) as being of moderate or low-quality category B and C trees. The proposed access road is a critical component of the development and must be constructed between T4 (Silver Birch) and T8 (Sycamore), both of which are subject to TPO No.157.

Although it is regrettable that the proposal would result in the loss of these trees, it has been determined that there is no feasible alternative route or construction methodology that avoids impacting the trees. Special construction methodologies such as no-dig solutions cannot be implemented in this case due to the requirement for excavations on the periphery of the RPAs to a depth greater than 1m. These excavations are necessary to accommodate adjacent drainage infrastructure and the complete removal of peat, which, according to site investigations. Also, an existing highway drain, planned to be diverted, runs directly beneath T4. This drain is believed to be obstructed by root ingress and will require full removal and replacement; this work cannot be carried out without the removal of T4.

Whilst the Landscape Officer raises some concerns regarding the loss of these trees, they are all of low to medium quality. As demonstrated in the Landscape Layout and Planting Plans, their loss would be mitigated through the introduction of significant new native tree, scrub and hedgerow planting across the site, including adjacent to the site entrance, along the access road and around the drainage basin and pumping station. These areas of new landscaping would clearly offset the small number of existing trees which would be lost to facilitate the development and would provide a verdant entrance to the development and soften the impact of the proposed built form on this edge of village site, aiding the transition between the scheme and the surrounding open countryside. Conditions will be imposed requiring the development to be constructed in accordance with the submitted landscape scheme and the tree protection measures contained in the AIA.

Therefore, overall, whilst the proposal would result in the loss of several existing trees, including those covered by a TPO, it is considered that the compensatory planting would fully off-set this impact, and the loss of existing trees does not weigh against the scheme.

Ecology and Biodiversity

Paragraph 180 of the NPPF states that planning policies and decision should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) 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; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 186 of the Framework states that when determining planning applications, LPAs should apply the following principles;

- a) 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;
- b) 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;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

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.

MNP Policy NE1 sets out how development must, where appropriate, preserve or enhance the rural character of the area. This includes consideration of impacts on wildlife habitats, ecology and biodiversity. Development should provide biodiversity net gain. Features of particular sensitivity include veteran trees, and mature hedgerows

Ecology and Biodiversity Net Gain

The application is accompanied by an updated Preliminary Ecological Appraisal (PEA) following initial comments from Naturespace (NS) and Staffordshire Wildlife Trust (SWT), requesting that further works for badger and reptiles were undertaken within the site.

The PEA confirms that following an extended phase one habitat survey, the proposal through the development of the site and removal of some existing trees/hedgerows will impact on birds, bats, amphibians, badgers, reptiles and hedgehogs. To offset this impact, the PEA advises that the following mitigation measures are followed to limit the impact on such species:

- If works have not begun by August 2026, an updated site visit will be required to assess the habitats within the site;
- A survey for badger to assess if they are present within or adjacent to the site
- Surveys for reptiles (seven visits between mid-March and September);
- Production and implementation of a hedgehog RAMS to avoid any harm to this species during the proposed works;
- Production and implementation of an amphibian RAMS to avoid any harm to this species during the proposed works.
- Production and implementation of a badger RAMS to avoid any harm to this species during the proposed works.
- Production of an invasive species method statement to avoid the spread of invasive species into the wider landscape during the proposed works;
- Precautionary check for invasive prior to works commencing;
- Precautionary check for badger prior to works commencing to assess if badgers are using the habitats within the site for shelter;
- Enhancing the site for species through appropriate landscape planting that includes native, species rich hedgerows, trees and areas of wildflowers plus provision of integrated bat and bird features within newly constructed buildings;
- Production of a Management Plan to ensure the long-term commitments to manage the planting, protection and enhancement of biodiversity in and around a new development site and
- Vegetation clearance or pruning should be undertaken outside of the nesting bird season (1st March to 31st August Inclusive) to avoid any impact on breeding birds. Or a nesting bird check undertaken by a suitably experienced ecologist should be undertaken immediately prior to works commencing.

These details can be secured by condition. Therefore, subject to conditions requiring that the development follows the recommendations contained in the PEA and surveys undertaken, the proposal would not have an adverse impact on ecology.

A Biodiversity Impact Assessment (BIA) and Biodiversity Metric (BM) have been undertaken to evaluate the ecological impact of the proposed development. The baseline biodiversity value of the site, prior to development, is calculated at 19.05 habitat units and 0.23 hedgerow units. Following the completion of the proposed development, the on-site biodiversity value is projected to reduce to 0.90 habitat units and 0.91 hedgerow units. This would result in a net loss of 1.8.15 habitat units and 0.68 hedgerow units, which equates to a 95.28% reduction in habitat units and 289.25% of hedgerow units.

Although the on-site biodiversity enhancements would result in a significant net loss of BNG, the new habitat creation would include the provision of introduced scrub, modified grassland, SuDs basin, neutral grassland, mixed scrub, new tree planting and the planting of a species rich native hedgerows along the southern boundary and within the site. To ensure that the scheme delivers the required 10% net gain in biodiversity, the applicant has confirmed that the offsetting biodiversity units will be secured via Wild Capitol, a third part habitat bank. As this is a post-determination matter which will be resolved through submission of the Biodiversity Gain Plan prior to commencement, this, together with a habitat management plan (HMP) can be secured via condition. A landscape and ecological management plan should also be submitted prior to first occupation to ensure that the onsite biodiversity enhancements are correctly established and maintained for the necessary 30- years.

Residential Amenities

Paragraph 180 of the NPPF advises that, planning policies and decisions should contribute to and enhance the natural and local environment by "...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans

Paragraph 191 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 192 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

A Noise Assessment (NA) has been submitted, including the measurement of railway noise levels at appropriate locations on the site. The NA confirms that the measured noise levels warrant the implementation of noise mitigation measures for the bedrooms of dwellings closest to the railway line. An addition a 2.2m high acoustic fence would be erected along the southern boundary of the site, to mitigate the impact from the nearby railway line. As such, an appropriate scheme of sound insulation measures has been recommended in the Assessment and will be incorporated into the scheme by the applicant. The Environmental Health Officer raises no objections to the application. They agree with the conclusions of the accompanying NA and that the recommendation of these reports can be suitably secured through condition. To ensure that there is no adverse impact to existing residents during the construction phase, further conditions are also recommended, requiring the submission of a CEMP.

With regard to the interrelationship of the proposed dwellings with the existing neighbouring properties, sufficient separation distances between properties would be provided in accordance with the council's space around dwellings guidance (SAD), including between the single and two storey houses which back onto The Bridle Path to the north of the site. As such, there would be no undue overlooking, loss of light or outlook to these properties as suggested by neighbouring residents.

Turning to the relationship between the proposed new dwellings on the site itself, all properties would also comply with the SAD. In terms of bin collection arrangements, the main internal road would be an adopted highway, with all properties well under the 30m 'drag distance' for bin collection, including plots 18, 22 and 23 which are located on small private drives. Indeed, the occupiers of all plots would only be required to push their bins for between 5-15m for collection on the adopted highway.

Therefore, subject to conditions, it is considered that the proposed development would not result in adverse impacts on residential amenity.

Flood Risk and Drainage

NPPF Paragraph 173 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 site lies within flood zone 1, land with a low flood risk, although it is acknowledged that residents have raised concerns regarding flooding/drainage issues on the site. The application has been accompanied by A Flood Risk Assessment (FRA) and drainage mitigation strategy which includes addressing the issues across the site with the broken highways drain, by making it good and re-routing it across the site. The scheme also proposed to use a SUDs basin in the south-west corner of the site, along with associated offline storage adjacent to the pump station and by the site's entrance.

The LLFA originally raised concerns about certain aspects of the drainage strategy for the site. However, additional information regarding the following elements of the drainage strategy to ensure that the site is adequately drained and does not increase flood risk on the site or surrounding land have been provided clarifying the:

- Location and maintenance/management of emergency underground storage crates,
- Detailed water quality discharge measures,
- Confirmation of approval from United Utilities to connect to the public sewer,
- Confirmation that no repairs are needed to the pipe adjacent to/discharging towards Network Rail land,
- Extra information regarding hydraulic modelling,
- Details of the repaired highway drain, reinstated western boundary ditch and new northern boundary ditch,
- Details of FFLs and flood exceedance drawings updated to reflect the latest flood modelling data and external works,
- How higher groundwater levels on site will be addressed, with trial trenching demonstrating that the underground attenuation crates will be designed to manage this;
- Details of surfacing materials/permeable surfacing.

The above measures would address the concerns that have been raised by local residents and the Parish Council concerning the impact of the development on local drainage infrastructure, capacity of the drainage scheme and runoff from the development. The LLFA have been re-consulted on the above information and their comments will be reported to committee via a supplementary report.

Given the site's proximity to the railway line, it is necessary to ensure that any runoff from the scheme does not discharge towards this area flooding the tracks or leading to issues with the stability of the railway embankment. Network Rail have confirmed that the applicant needs to enter into a Basic Asset Protection Agreement (BAPA) with them to ensure that the proposal does not adversely impact on the railway line which a separate process to obtaining planning permission. An informative note is to be attached to the decision advising the applicant of this together with all the other advisory notes referred into in Network Rails consultation response.

Agricultural Land Quality

Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The best and most versatile land is defined as that which lies within Grades 1, 2 and 3a. The Agricultural Land Classification Report (ALCR) identifies that of the 1.6 hectare site, 0.16 hectares (10%) would represent Grade 3a land. The remaining land comprises either Grade 3b, Grade 4 or other land. As a result, the development would result in the loss of approximately 0.16 hectares of Best and Most Versatile Agricultural Land (BMVAL).

This area lies on the higher ground in the north of the site and the ALCR confirms that it comprises of coarse loamy topsoils with imperfect drainage (Soil Wetness Class III). Under the local climate this land is often likely to be too wet for winter and early spring cultivations, although late spring (as well as autumn) sowings are usually possible. Moreover, this area of BMVAL is a narrow strip of land which can only be accessible through the remainder of the site which is a significantly lower quality. This

raises the question of whether it would be practical to farm such a small parcel of land within the context of the classification of the wider site.

Notwithstanding the above and although the area of BMVAL only accounts for 10% of the site, the proposal would result in the loss of such land which your Officers conclude is a material consideration which weighs against the proposal, albeit to a limited extent. Whether this and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report.

Planning obligations and financial viability

Section 122 of the Community Infrastructure Levy 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 Council's Landscape Development Section has requested a financial contribution of £206,423 towards off-site Public Open Space.

Staffs County Council as Education Authority requests a contribution of £307,073 towards both primary and secondary school provision.

Staffordshire and Stoke-on-Trent Integrated Care Board requires a financial contribution of £33,173 which is to be targeted towards supporting the future development/adaptation/expansion of premises within Newcastle under Lyme.

In addition, 25% of the units should be affordable to comply with adopted policy.

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

The applicant has submitted a Viability Assessment which seeks to demonstrate that the above financial contributions and affordable housing provision would render the scheme unviable. The viability case has been considered by independent and suitably qualified valuers, and it is accepted that the scheme cannot meet the requisite planning obligations.

Planning Balance

As stated above, it is considered that the test in paragraph 11(d) of the NPPF has to be applied and an assessment of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, is required.

The provision of 37 dwellings would make a significant contribution towards the Borough's housing supply, particularly in the context of a development plan that is not up to date in terms of housing need and where a suitable supply of housing cannot be demonstrated. This benefit therefore must also be attributed substantial weight. There would also be economic benefits associated with the construction of the development and the impact from occupiers of the new development utilising local services, facilities and businesses in Madeley.

In terms of the harms of the development, while it is acknowledged that some existing trees would be lost, they are of low/moderate quality and the proposed replacement planting forming part of the proposed landscape strategy would off-set this loss. As such, officers consider that limited weight should be attached to this consideration. It is accepted that the proposal would have some localised visual harm which should be given moderate weight in the planning balance. The loss of a small strip of Best and Most Versatile Agricultural Land must be given moderate to limited weight due to the size and quality of this parcel of land.

Overall, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, and planning permission is therefore recommended, subject to conditions.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside.
Policy C4:	Open Space in New Housing Areas.
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures.
Policy N4:	Development and Nature Conservation – Use of Local Species.
Policy N8:	Protection of Key Habitats.
Policy N10:	New Woodland Considerations
Policy N12:	Development and the Protection of Trees.
Policy N13:	Felling and Pruning of Trees.
Policy N14:	Protection of Landscape Features of Major Importance to Flora and Fauna.
Policy N17:	Landscape Character - General Considerations.
Policy N20:	Areas of Landscape Enhancement
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities.

Madley Neighbourhood Development Plan

Policy HOU1:	Housing Development
Policy HOU2:	Housing Mix
Policy DES1:	Design
Policy NE1:	Natural Environment
Policy TRA1:	Critical Road Junctions

Other Material Considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (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

20/00143/FUL - Erection of 38 dwellings and associated parking and landscaping – Application withdrawn

17/01004/REM - Application for approval of reserved matters for Appearance, Landscaping, Layout and Scale for the erection of 42 dwellings with associated parking and landscaping – Application refused, appeal dismissed

13/00990/OUT - Residential development for up to 42 dwellings with all matters reserved except for means of access - Approved

Views of Consultees

The **Highway Authority** has requested that additional information is provided regarding visibility at the site access, tracking for refuse vehicles and drainage of the internal road layout.

Staffordshire County Council as **Lead Local Flood Authority (LLFA)** requests that additional information/clarification is provided regarding water quality, hydraulic modelling, highway drain diversion, finished floor levels and discussions taken place with Network Rail to ensure that there is a viable drainage strategy to ensure that there is no adverse impact on the railway line.

NatureSpace request that a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist is produced, to show that the works will be carried out following best practice procedures.

The **Landscape Development Section** has raised concerns that the proposal would adversely impact on existing TPO trees at the site access and details of the LAP and LEAP have not been provided.

Staffordshire Wildlife Trust comments on the updated reptile survey and RAMS will be reported to committee via the supplementary report.

Network Rail have confirmed that the applicant needs to enter into a basic asset protection agreement with Network Rail. There should also be no overspill of surface water onto the railway tracks.

Staffordshire and Stoke-on-Trent Integrated Care Board have no objections subject to a financial contribution of £33,173 towards supporting the future development/adaptation/expansion of primary care facilities, in this case the investment would be contained within the Newcastle South PCN in alignment with strategic estates planning for the PCN, which will enable the ICB to work towards the aim of tackling inequalities in outcomes, experience, and access for patients.

The **Environment Agency** raises no objections, subject to conditions requiring the preparation and submission of a ground investigation report and reporting any unexpected contamination.

United Utilities requests that a condition is imposed requiring the submission of sustainable drainage systems for the disposal of surface water.

Staffordshire Police are generally positive regarding the proposals but make a number of observations and recommendations in relation to boundary treatments, parking arrangements and fenestration arrangements.

The **Environmental Health Division** raises no objections subject to conditions relating to land contamination, a Construction Environmental Management Plan and a noise attenuation scheme.

Staffordshire County Council as **Education Authority** states that there are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at both primary and secondary phases of education. A primary school education contribution has been calculated as £149,184.00 and a secondary school education contribution has been calculated as £153,888.00. The total requested contribution is £303,072.00.

Madeley Parish Council objects on the following grounds:

- The development would not be located within the Madeley village envelope and Madeley Heath village envelope (policy HOU1 of the NDP).
- The development would have an adverse impact on traffic safety and capacity, (policy HOU1 of the NDP - Development must not cause any severe adverse impact on capacity or road safety).
- Does not provide acceptable and safe access and egress for vehicles entering the development.
- Newts are present on or around the site and should be protected.
- This development would result in additional strain on local infrastructure, particularly concerning drainage and the capacity of the mains drainage system.
- The increased density and impermeable surfaces may exacerbate the existing issues of surface water runoff, which are critical given the rural context and existing environmental stresses.
- Supports concerns raised by Network Rail regarding the overspill of surface water onto the railway tracks and the stability of the railway embankment.
- Concerns regarding the mix of housing types included in the development (policy HOU2 of the NDP.)

No comments have been received from **Waste Services**, **Staffordshire Badger Conservation Group**, or the **Housing Strategy Officer** by the given deadline and as such it is assumed that they have no comments to make.

Representations

17 letters of objection have been received. A summary of the comments made is as follows:

- Root protection areas of T5 incorrectly shown on submitted plans;
- Impact on natural underground spring on the site and its impact on the flow of water during periods of heavy rain;
- Flooding and drainage issues on the land;
- Impact of surface water flooding on the adjacent railway/embankment;
- Loss of light to adjacent properties (Moss House, The Willows);
- Impact on outlook from nearby properties;
- Overlooking of properties in Bridle Path – the properties in this area should be single storey;
- Impact on local infrastructure, including local schools/doctors;
- Overdevelopment of the site;
- Design and appearance of the proposed dwellings out of keeping with its surroundings – the scheme should be mainly bungalows;
- Proposal does not deliver affordable homes, as majority of houses large detached units;
- Proposal contrary to Policy HOU1 of the NP as outside the village envelope;
- Impact on highway safety/congestion in the area;
- Poor visibility/access arrangements cause danger to users of Moss Lane;
- Impact on wildlife;
- Low response rate to community consultation, does not mean that residents do not object to the proposal.

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/24/00619/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

25th August 2025

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th September 2025

Agenda Item 4

Application Ref. 24/00619/FUL

Land At Moss Lane, Madeley

Since the publication of the main agenda report, the **Lead Local Flood Authority (LLFA)** has provided additional comments, confirming that they cannot support the application in its current form. Concerns are raised regarding the absence of a suitable drainage strategy for the development, given that the site is effectively a storage basin for surface water from surrounding land. In addition, extra information is requested regarding water quality, hydraulic modelling, a capacity assessment for the outfalling culvert and finished floor levels. The LLFA also raise concerns regarding the potential discharge of surface water towards the adjacent railway line.

United Utilities have provided comments on the application, confirming that the applicant should contact them at technical approval stage if this application is permitted.

A further 2 letters of representation have also been received from local residents, raising the following objections:

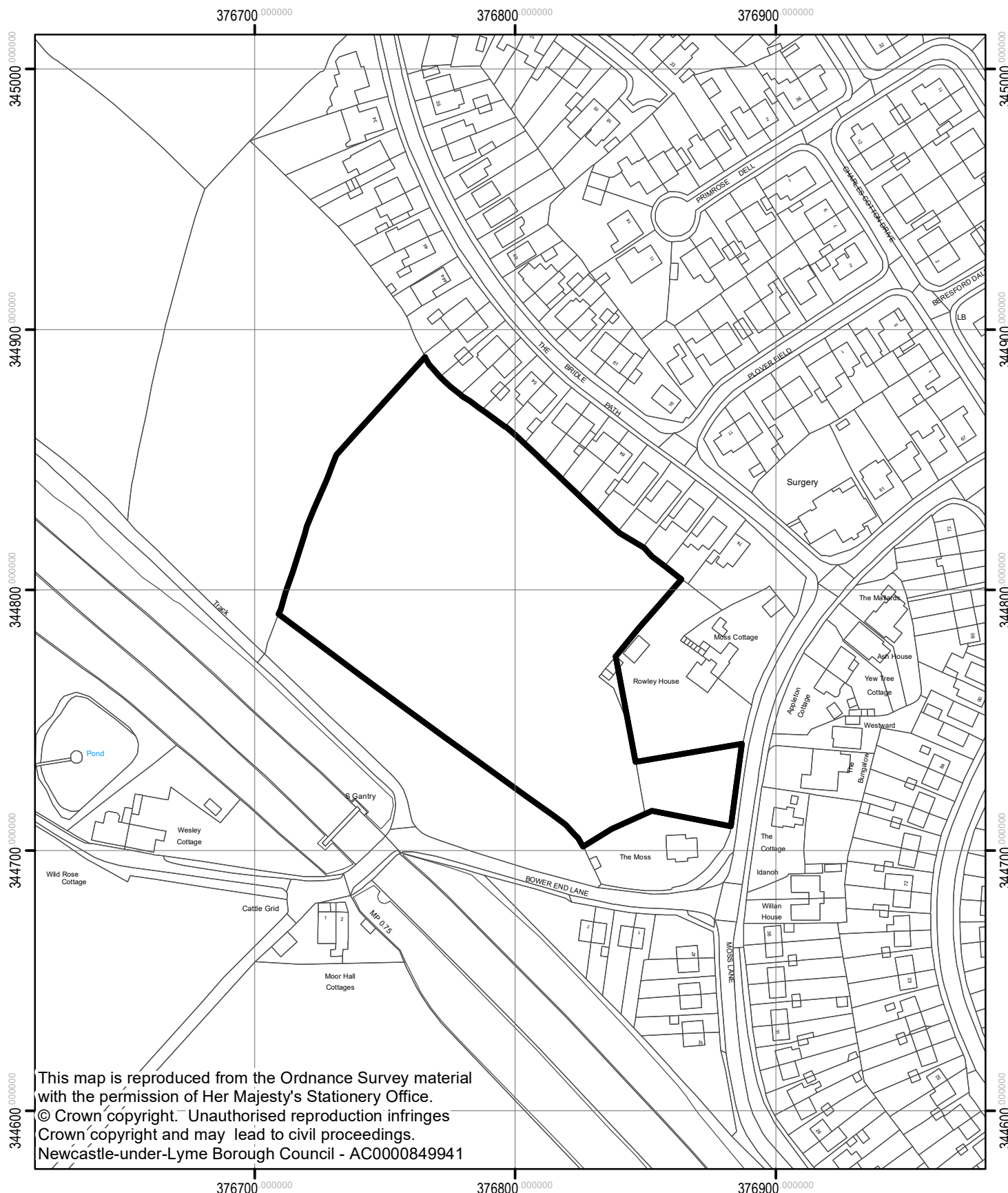
- Highway safety concerns, congestion and parking issues in the locality would be increased;
- Flooding/drainage issues;
- Impact on septic tank on the land which dates from 1860s;
- Overlooking of neighbouring properties.

Officer's comments

Given the concerns raised by the LLFA, Officers recommend that the application is **DEFERRED** to enable the applicant to provide an updated drainage strategy to seek to address these concerns.

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24/00619/FUL Land at Moss Lane Madeley



Newcastle Borough Council



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FORMER SITE OF THE ZANZIBAR, MARSH PARADE, NEWCASTLE
DURATA DEVELOPMENTS LTD

25/00349/FUL

The application seeks full planning permission for the erection of 63 apartments falling within use class C3, hard and soft landscaping works and provision of access and parking provision at the former Zanzibar nightclub site.

The application site, of approximately 0.29 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. In addition, it is within the Live-Work Office Quarter as defined in the Newcastle Town Centre Supplementary Planning Document.

The statutory 13-week determination period for this application expired on the 5th of August and an extension of time has been agreed to the 12th of September 2025.

RECOMMENDATION

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatments**
- 5. Landscaping scheme**
- 6. Cycle parking**
- 7. Access arrangements**
- 8. Construction Environmental Management Plan**
- 9. Noise mitigation**
- 10. Contaminated land**
- 11. Soil Importation**
- 12. Lighting**
- 13. Construction hours**
- 14. Biodiversity Management Plan**
- 15. Affordable Housing**
- 16. Compliance with submitted drainage strategy**
- 17. Additional drainage details as requested by the LLFA**

Reason for recommendations

The redevelopment and regeneration of this vacant brownfield site within a sustainable urban location, accords with local and national planning policy. There would be no adverse impact on the setting of any listed buildings and the scale and design of the development would enhance the appearance of the area. It has been demonstrated that the proposed development would not have any adverse impact on highway safety or residential amenity and subject to a number of conditions, the development represents a sustainable form of development and should be supported.

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

The LPA has requested further information throughout the application process and the applicant has subsequently provided amended and additional information. The application is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the erection of 63 apartments (within Use Class C3) with associated hard and soft landscaping works and the provision of access and parking provision at the former Zanzibar nightclub site.

The application site, of approximately 0.29 square metres in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. In addition, it is within the Live-Work Office Quarter as defined in the Newcastle Town Centre Supplementary Planning Document.

The proposed apartments are intended to be 100% affordable rent.

The application raises the following key issues:

1. The principle of the development of this site for residential purposes,
2. Impact on the character of the Conservation Area and the setting of nearby listed buildings,
3. The design of the development and its impact on the surrounding area,
4. The impact of the development on highway safety,
5. Residential amenity,
6. Biodiversity Net Gain,
7. Flood Risk and sustainable drainage,
8. Planning obligations and viability,
9. Conclusions

Is the principle of the development of this site for residential purposes acceptable?

Paragraph 86 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

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 Core Strategy 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.

The SPD places the application site within the Live – Work Office Quarter which is a mixed area which has been defined in recognition of its shared potential for significant redevelopment. Additional residential development is therefore appropriate in this location but the SPD notes that design will need to reflect the importance of the area and this is an important gateway.

The Newcastle Town Centre SPD states that encouraging mixed-use development increases the diversity of uses within a locality. As a result, such development would enhance the vitality and viability of the Town Centre by encouraging its use by a greater range of people for different purposes, possibly at different times of the day and night. This helps to strengthen the social fabric and economic viability of the Town Centre. It also has positive implications in terms of sustainable development as it encourages proximity of uses, reducing the need to travel.

This is a previously developed site in a highly sustainable location within the Town Centre which has good access to shops and services and to regular bus services to destinations around the borough and

beyond. It is considered that the site provides a highly sustainable location for additional residential development that would accord with the Town Centre SPD.

Is the proposal acceptable in terms of its impact on the character of the Conservation Area and the setting of nearby listed buildings?

The site is not located in a Conservation Area, however, the Conservation Area of Stubbs Walk is located approximately 50m to the south. There are no listed buildings within the site, but there are three Grade II listed properties located to the south of the site along Marsh Parade.

In considering development affecting Listed Buildings, special regard will be given to the desirability of preserving the building, its setting or any features of special architectural or historic interest (Section 66, Planning [Listed Buildings and Conservation Areas] Act 1990).

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

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

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

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

Saved Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a listed building.

A Heritage Statement that accompanies the application concludes that the proposed development will cause no harm to the setting and thereby significance of the nearby listed buildings or the character of nearby Conservation Area.

You Officers agree with the findings of the Heritage Statement and to conclude, it is not considered that there would be any adverse impact on the setting of any listed buildings or on the character of the Conservation Area.

The design of the residential development and its impact on the surrounding area

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

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. In particular, Policy

R3 states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it, exploiting existing site characteristics, such as mature trees, existing buildings or long views and incorporating them into the proposal. In addition, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

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

The surrounding area is comprised of a variety of different property styles, which include traditional two storey terraced dwellings, a contemporary three storey apartment building and the prominent 5 storey building known as Brunswick Court which lies to the northwest of the application site. However, the majority of nearby buildings follow a traditional appearance and are constructed of red brick and render. Brunswick Court and the three-storey apartment building on Marsh Parade both feature flats roofs, although most nearby properties feature traditional dual pitched roof arrangements.

A recent planning application has been approved for the creation of 5 commercial units adjacent to the western boundary of the site facing North Street (Ref. 25/00324/FUL).

The proposed development has been presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF, and the advice of the design panel has influenced the final design of the scheme as demonstrated in the submitted Design and Access Statement.

The proposal would comprise of two large, detached apartment buildings that would form a loose L shape formation close to the boundaries of the site. The first building would face directly onto Hassell Street. It would measure 44m x 14m in plan and would have a rectangular footprint, the height to the staggered ridge would be 13m at its highest point. The appearance of the building would be largely contemporary, with a strong fenestration facing onto Hassell Street and sections of brickwork broken up by metal mesh screening which adds interest to the scheme. The ground floor section of the building would feature red brick with projecting bond to complement the other materials to be used.

The second building would face onto Marsh Parade. Its footprint would measure approximately 14m x 35m in plan and the building would feature a 'W' shaped roof formation which would have a ridge height of 15m. The building would provide an interesting feature at this prominent gateway to the Town Centre while responding well to the existing site levels and the frontages of Hassell Street and Marsh Parade. The appearance of the building would be contemporary, with the ground level being proposed as buff brick with the higher levels constructed of black metal cladding and metal mesh. The palette of materials reflects the history of the town and the industrial heritage of the wider area whilst providing examples of high-quality contemporary detailing. The design of the proposal also follows a similar design style to the recently approved schemes at the Ryecroft site within the town centre, which will help tie the development into the wider regeneration works taking place throughout the town.

Landscaped areas are proposed at the north and east of the Marsh Parade apartment block, with the northern section comprising a small communal garden area for future occupants. The placement of these landscaped areas will also enable the recently uncovered Butterworth Ltd mural to be retained and showcased along the A52 highway. A small landscape strip is also proposed along Hassell Street and to the rear of the site along the parking areas, which will help to break up the urban form of the development.

It is considered that the development would be of high quality with the proposed apartment buildings creating active frontages along what is currently an unused and unsightly brownfield site. Overall, it is considered that the scale and design of the development would be appropriate and with the implementation of an appropriate landscaping scheme, there would be no adverse impact on the character and appearance of the surrounding area.

The impact on highway safety

The NPPF, at paragraph 116, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) 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.

The Local Plan maximum parking standards for residential developments is 1 space per one bedroom dwelling (plus one space per three dwellings for visitors) and two spaces for a two or three bedroomed dwelling. Therefore, the maximum level of parking for the proposal would be 94 off-street car parking spaces.

The application is accompanied by a Transport Statement which considers the transport impacts associated with the proposed development. The Transport Statement notes that the trip generation of the proposed development is anticipated to be a total of 10 trips in and out of the site in peak AM hours and 12 trips in the PM peak hours. The Statement goes on to conclude that this level of traffic is not considered to be significant and notes that survey data from the 2021 census shows that car ownership for this area is 16 to 21% and on that basis 13 spaces would be required, which is the amount currently proposed within the scheme. 64 cycle spaces would also be provided within the application site.

The Highway Authority agree with the Transport Statement and have no objections to the proposal subject to conditions.

A designated bin storage area would be included within the scheme. The exact details of this bin store area in respect of its boundary treatments still need to be submitted in support of the proposal, but this can be addressed through an appropriately worded condition.

Despite the shortfall in parking spaces below the maximum standards outlined within the Local Plan, the application site is situated in a highly sustainable location within close proximity to the Bus Station that provides services throughout and beyond the borough. There is also on street parking available on the nearby highways. Recent appeal decisions for town centre developments have also demonstrated that parking standards can be relaxed in sustainable locations.

Therefore, in the absence of any objections from the Highway Authority and given the highly sustainable location of the site, subject to conditions, the proposal is considered to comply with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Residential amenity

Paragraph 135 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It further sets out at paragraph 191 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

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

Paragraph 200 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

A large number of objections have been received from users of the nearby music venue known as 'The Rigger' which is located on the corner of Hassell Street and Marsh Parade. As recognised in paragraph

200 of the NPPF, new development should not threaten existing businesses or place unreasonable restrictions on them and it is recognised that noise from 'The Rigger' venue has the potential to impact future occupants of the site.

It is important to note that there are other residential units close to the site, including the block of flats known as Marsh Box on Marsh Parade which was approved under application 17/00179/FUL and is in closer proximity to the music venue than the proposed development. The Marsh Box has been completed and occupied for several years without the Council receiving complaints from occupants on noise grounds.

A detailed Noise Impact Assessment has been provided in support of the application which has been assessed and found to be acceptable by the Council's Environmental Health Team. Therefore, whilst the concerns of users of The Rigger are noted, in the absence of any technical information to demonstrate that the proposal would result in an adverse impact on future occupants of the site, it is not considered that a refusal on the grounds of amenity impacts could be sustained.

With respect to space standards, the proposed units would be of an appropriate size in terms of floor space and would exceed the minimum size of requirements per unit as required by national standards. All bedrooms would also have an acceptable level of daylight and the primary rooms would benefit from an acceptable outlook onto Hassell Street and Marsh Parade.

Whilst the proposal would only benefit from a small area of private outdoor amenity area, there are a number of parks and green spaces around close to the site which future occupiers could access.

With regards to privacy, the Space Around Dwellings SPG notes that where principal windows face a highway, then the standard 21m separation distance should not be applied. In this case the principal windows of the Hassell Street apartment block would be separated from existing dwellings by a distance of 12.35m, which is slightly more than the typical 10m separation distance found on nearby streets. Officers note that if the proposal were to increase this separation distance by setting the building further back from the highway, this would result in a development which would not sit comfortably with the urban grain of the area.

It's acknowledged that the introduction of a new residential development onto this site would impact the outlook from existing properties, however it must be noted that an older permission for residential development has been granted on the site under application referenced 05/00902/OUT, which would have resulted in a similar impact to residents at the application currently put before the committee. Both the previous permission and this current application were assessed against the same guidance set out within the Space around dwellings SPG.

Subject to noise mitigation and the conditions suggested by the Council's Environmental Health Division which relate to land contamination, construction management and air quality, the development is considered to be in accordance with the NPPF with respect to residential amenity.

Biodiversity Net Gain

Paragraphs 180 & 185 of the NPPF set out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

Biodiversity Net Gain (BNG) is "an approach to development that leaves biodiversity in a better state than before". When applying biodiversity net gain principles, developers are encouraged to bring forward schemes that provide an overall increase in natural habitat and ecological features. The aim of BNG is to minimise losses of biodiversity and help to restore ecological networks. Sites must demonstrate a minimum of a 10% Biodiversity Net Gain as calculated using a Biodiversity Metric and a Biodiversity Gain Plan, with habitat used for net gain to be secured for a minimum of 30 years.

An on-site baseline biodiversity value has been provided within the submitted Biodiversity Net Gain Assessment and the applicant has then made a post-development biodiversity value calculation. To

achieve the 10% BNG requirement, new habitat creation and landscaping would be included on site which would result in a 28.27% gain in biodiversity habitats for the site.

The results of the assessment demonstrate that more than a 10% gain in biodiversity units when compared with the current baseline can be achieved.

Food Risk and sustainable drainage

Paragraph 182 of the NPPF states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity

The application is accompanied by a Drainage Strategy which has been reviewed by the Lead Local Flood Authority. Whilst objections were initially raised, following the submission of additional information the LLFA have confirmed that they no longer object to the proposal subject to a number of conditions.

Subject to any conditions required by the LLFA, the development is considered to be in accordance with local and national planning policy.

Planning obligations and financial viability

Section 122 of the Community Infrastructure Levy 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 Council's Landscape Development Section has requested a financial contribution of £190,801 towards off-site Public Open Space which would be used on the nearby Brampton Park and Public Realm within the Town Centre.

Staffordshire and Stoke-on-Trent Integrated Care Board requires a financial contribution of £31,380 which is to be targeted towards supporting the future development/adaptation/expansion of premises within Newcastle under Lyme.

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

The applicant has submitted a Viability Assessment which seeks to demonstrate that the above financial contributions would render the scheme unviable. The viability case has been considered by independent and suitably qualified valuers, and it is accepted that the scheme cannot meet the requisite planning obligations.

Conclusions

The proposal would provide various social and economic benefits, most notably the provision of 63 new residential units in a sustainable location within the urban area, which will increase the housing mix and make a contribution to boosting housing supply in the Borough. It has also been demonstrated that the design and appearance of the scheme would be of an appropriate quality and would not harm the visual amenity of the area. Onsite planting and biodiversity enhancements have been proposed, and other environmental objectives will be secured. Therefore, the three overarching objectives of sustainable development will be achieved.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
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 IM1: Provision of essential supporting infrastructure and community facilities
Policy T16: Development - General Parking Requirements

Other material considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (March 2014, as updated)

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

Affordable Housing SPD (2009)

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

Space Around Dwellings SPG (SAD) (July 2004)

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

Newcastle Town Centre Supplementary Planning Document (adopted 2009)

Relevant Planning History

04/01309/OUT - 101 residential flats with 137 on-site parking spaces – Refused

05/00902/OUT - Residential flats, commercial accommodation, gym/fitness suite and on-site parking – Approved

15/00710/COU – Change of use to antiques dealer's centre with ancillary restaurant use - Approved

20/00810/DEM - Application for prior notification of proposed demolition of the former Zanzibar nightclub building – Approved

25/00262/FUL - Planning application for enabling and remediation works to prepare the site for redevelopment – Approved

25/00324/FUL - Full (detailed) application for the erection of 5 commercial enterprise units within Use Class E, hard and soft landscaping works and provision of access and parking – Approved

Views of Consultees

The Council's **Environmental Health Division** has no objections subject to conditions relating to land contamination, construction management, noise levels, soil importation and hours of construction.

The **Highway Authority** raises no objections to the proposal subject to conditions relating to the creation of the new access onto Hassell Street, the provision of parking spaces, cycle storage and the submission of a Construction Environmental Management Plan.

The **Landscape Development Section** have requested a financial contribution of £190,801 that should be secured through a S106 agreement.

The **School Organisation Team** have confirmed that they do not wish to seek a financial contribution.

Staffordshire and Stoke-on-Trent Integrated Care Board have requested a financial contribution of £31,380 that should be secured through a S106 agreement.

The **County Minerals Officer** has no comments on the proposal.

Following the submission of additional information the **Historic Environment Records Officer** confirms that they raise no objections to the proposal.

Staffordshire Flood Team raise no objections, subject to conditions.

Staffordshire Police have provided guidance on a number of security matters.

The **Conservation Advisory Working Party** note that the southern section of the proposal which faces onto Hassell Street is uninspiring in design terms and that the proposal fails to recognise the traditional building styles found nearby. Concerns were also raised regarding the limited parking and the lack of ambition for the building facing onto Marsh Parade.

No comments have been received from **Staffordshire Wildlife Trust** or the **Waste Services Team**.

Representations

62 objection letters have been received which raise the following concerns:

- Noise complaints could be received from future occupants due to the proximity of 'The Rigger' Music venue, which in turn would threaten the viability of the venue
- Parking issues
- Loss of privacy

Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00349/FUL>

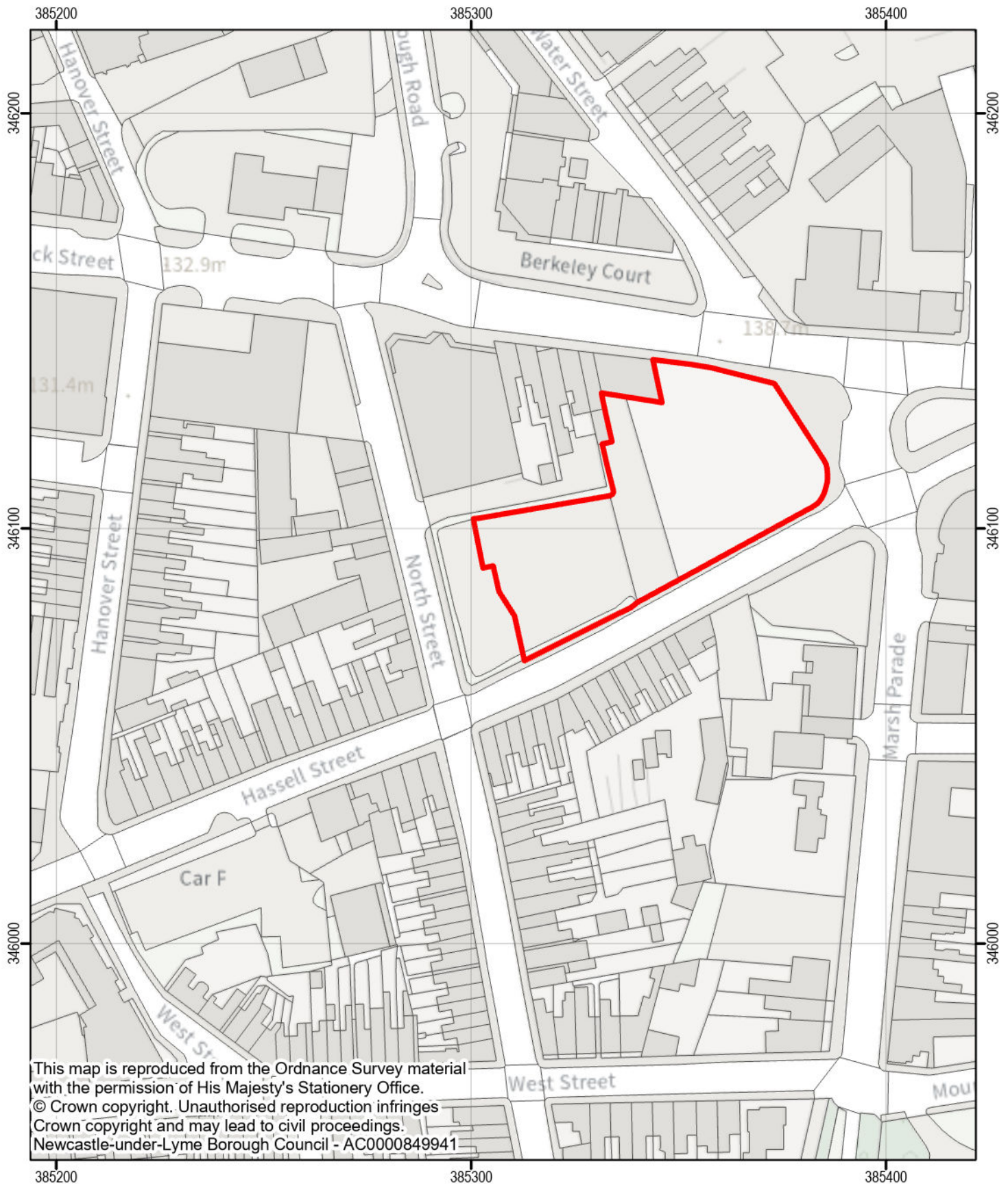
Background Papers

Planning File
Development Plan

Date report prepared

26 August 2025

23/00349/FUL
Former Site Of The Zanzibar
Marsh Parade
Newcastle



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Newcastle-under-Lyme Borough Council - AC0000849941

Newcastle Borough Council

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LAND ADJACENT FAIRGREEN ROAD, BALDWINS GATE
HENCIE HOMES LTD

24/00833/OUT

The application seeks outline planning permission for a residential development of up to 9 serviced plots for self-build and custom housebuilding at land adjacent to Fairgreen Road, Baldwins Gate. Access is for consideration as part of the proposal but all other matters of detail are reserved for subsequent approval.

The site is situated beyond, but adjacent to the village envelope of Baldwin's Gate. The site is situated within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee due to concerns regarding the potential impact of the development on the nearby wetland of Chorlton Moss.

The 8-week period for the determination of this application expired on 27 January 2025, however an extension of time has been agreed until the 12 September.

RECOMMENDATION

Permit subject to conditions regarding the following matters:

- 1. Standard time limits for submission of reserved matters and commencement of development**
- 2. Approved plans**
- 3. Contaminated land**
- 4. Construction Environmental Management Plan**
- 5. Habitat and maintenance plan**
- 6. Surface water drainage scheme**
- 7. Works to be completed in accordance with recommendations of Ecological Appraisal**
- 8. Works to be completed in accordance with recommendations of Hydrological Report**
- 9. Works to be completed in accordance with recommendations of Botanical Report**
- 10. Programme of archaeological mitigation**

Reason for Recommendation

While there would be some local impact on the character and appearance of the area and some loss of best and most versatile agricultural land, the residential development of the site would make a contribution to the Council's housing supply and supply of self-build dwellings.

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

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

Following the submission of additional information, the proposed development is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

The application seeks outline planning permission for a residential development of up to 9 serviced plots for self-build and custom housebuilding at land adjacent to Fairgreen Road, Baldwins Gate. Access is for consideration as part of the proposal, but all other matters of detail are reserved for subsequent approval.

The site is situated beyond, but adjacent to the village envelope of Baldwin's Gate. The site is situated within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The main issues for consideration of the full planning application are therefore;

- The principle of residential development in this location,
- Visual impacts of the proposal,
- Residential amenity,
- Highway safety,
- Agricultural land,
- Ecology and biodiversity
- Biodiversity Net Gain

The principle of residential development and its 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))

The Council submitted its emerging Local Plan for examination on the 20 December 2024. The Council is now preparing a response to a number of action points raised during the examination hearing sessions before the Inspector issues her interim views on next steps on the Local Plan. There are outstanding objections to the Local Plan and as such, the weight to be afforded to the Plan is limited to moderate weight, in the terms of paragraph 49 of the NPPF (2024).

The Council cannot currently demonstrate an appropriate supply of specific, deliverable housing sites.

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 the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

The CHCMWA Neighbourhood Plan was made on the 21st January 2020 and so the plan is more than five years old, in addition the neighbourhood plan does not contain policies and allocations to meet its identified housing requirement. As a result, the neighbourhood plan does not comply with the relevant measures outlined within Paragraph 14 and so it cannot be concluded that the adverse impact of allowing development that conflicts with the neighbourhood plan is, in itself, likely to significantly and demonstrably outweigh the benefits.

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 NP. As stated above, it has been accepted that the LP and CSS policies are out of date. The NP was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6. This change in the local planning context has a bearing on the weight to be applied to the Neighbourhood Plan policies and therefore it is considered reasonable to conclude that the 'basket of policies' overall, is out of date.

Given the above it is considered that the test in paragraph 11(d) has to be applied to this application given the lack of up to date policies in relation to the provision of housing. Therefore, the tilted balance outlined within Paragraph 11(d) of the framework is considered to be engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

In sustainability terms, although the site is outside the village envelope of Baldwins Gate, it is considered that the village represents a sustainable location for new residential development. In allowing an appeal in July 2023 for 200 dwellings at Baldwin's Gate Farm, the Inspector noted that "the Village of Baldwins Gate contains a range of facilities including a Primary School, petrol filling station, shop, village hall, doctors surgery and a public house. As such there is an acceptable level of services available for meeting the majority of day-to-day needs".

It is the case that the occupiers of the proposed dwellings would be able to access certain services and facilities within walking distance and would also have a choice of modes of transport. Top-up shopping for example, would be obtainable from within the village and accessible from the application site by foot or cycle.

Baldwin's Gate is served by a bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury and there are bus stops within walking distance of the application site. While it is acknowledged that the bus service does not operate in the evenings or on Sundays, it is considered that the bus service would provide an alternative for those without access to a car for certain trips.

In allowing the Baldwin's Gate Farm appeal, the Inspector acknowledged that the scheme would undoubtedly result in some additional private vehicle trips for employment, larger weekly shopping trips and leisure activities because the bus services would not be able to meet every individual's particular needs. However, he stated that the existing level of bus service would provide a genuine choice for future occupiers, highlighting that the Framework does not require public transport options to be as convenient as private cars, but to offer a genuine choice as well as maximising sustainable transport solutions.

These points undoubtedly weigh in favour of a conclusion that in terms of access to facilities and a choice of mode of transport, the site can be described as being in a sustainable location in accordance with paragraph 11d of the Framework.

The consideration of whether any adverse impacts exist that would outweigh the benefits of the proposed scheme shall be considered later in this report.

Visual impacts of the proposal

Paragraph 131 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development

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

Policy CSP1 of the Core Spatial Strategy broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

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.

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

Policy DC2 of the NP states that development proposals must, amongst other things, complement 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.

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

The site is designated as being an Area of Landscape Restoration and Policy N21 of the Local Plan seeks development that will restore the character and improve the quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The proposed development is for outline planning permission with all matters save for access reserved for subsequent approval. An indicative plot layout plan has however been submitted to demonstrate how the proposal may broadly be arranged on site. The layout plan shows that the proposed dwellings would be positioned in a linear arrangement, which would run adjacent to the rear of properties found on the south side of Fairgreen Road.

The new dwellings would not be easily visible from nearby highways due to the surrounding built form, however the views from the adjacent public rights of way would be significantly altered. The visual impact would be most prominent from the rear windows of dwellings that are located on Fairgreen Road, but some limited views of the site would also be available from Meadow Road to the southwest.

In respect of impacts on the wider landscape, the woodland to the south and the existing properties to the north of the site in combination with the low topography would limit the visual impacts of the proposal. Furthermore, it is considered that the proposal would be seen in

context with the settlement of Baldwins Gate rather than appearing as an isolated feature within the locality.

It is considered that 9 dwellings could satisfactorily be accommodated on the site with ample room for car parking, turning areas and private rear garden areas and it is accepted that a design can be achieved that would provide a suitable level of landscaping.

Given the above it is considered that any harm from the proposed development would be localised, however there will ultimately still be some harm to the character and appearance of the immediate area due to the introduction of new built form into an area of currently undeveloped agricultural land. Whether this and any other adverse impact would significantly and demonstrably outweigh the benefits of the development will be considered at the end of this report.

Residential Amenity

Criterion f) within Paragraph 135 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.

SPG (Space around Dwelling) provides guidance on privacy, daylight standards and environmental considerations.

All rooms for the new dwellings could be designed in a way that would accord with the guidance outlined in the SPG and so there is not at this stage considered to be any detrimental impact on the amenity of neighbouring properties as a result of the proposal.

The Environmental Health Team have raised no objections to the proposal subject to a limitation on construction hours and measures to safeguard the site from unknown contamination.

Subject to the recommendations set out above, the proposal is considered acceptable in respect to residential amenity and so accords with the provisions of the Framework.

Parking and Highway Safety

Paragraph 115 of the NPPF ensures that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users.

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Local Plan Policy T16 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 or parking problem.

The proposal would result in the creation of a new access road that joins Fairgreen Road which is a 30mph road. Improvements are proposed to the access road to ensure that it is wide enough to allow for two vehicles to pass whilst also providing a pavement for pedestrians. The Highway Authority raises no objections to the proposal.

While the concerns of local residents regarding increased traffic movements from future occupants and construction vehicles are noted, in the absence of any objections from the Highway Authority, it is not considered that a refusal on highways grounds could be sustained.

The applicant has confirmed that the new access highway would be built to an adoptable standard.

Therefore, in light of the above and subject to conditions, the development is considered to accord with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Agricultural Land Quality

Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

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

Best and most versatile agricultural land (BMVAL) is defined as that which lies within Grades 1, 2 and 3a. The Agricultural Land Classification Assessment (ALCA) submitted with the application identifies that the site contains 0.8ha of Grade 3b, 'Good' quality agricultural land. Consequently, the development results in a loss of approximately 0.8ha of Best and Most Versatile Agricultural Land (BMVAL).

In considering the loss of BMVAL during an appeal at Baldwins Gate Farm, the inspector noted that the land quality was not unusual for this area of the Borough and that many sites adjacent to the community are likely to contain a portion of BMVAL. There was also no evidence that the bulk of the BMVAL in the holding would be lost, however, the inspector acknowledged that the proportions of the loss would represent a significant proportion of the overall site area and affords them some harm.

Information submitted in support of the application notes that the parcel of land which forms the application site has not been actively in use for agricultural purposes since 2014. It was recognised in a previous application for this site (16/01101/FUL) that the waterlogged soil within this site limits the choices of cropping and agricultural land use and that the site contains only a small quantity of best and most versatile agricultural land.

Your officer considers that given the limited amount of the site that comprises best and most versatile agricultural land and given its dispersed nature, it cannot be concluded that its loss would have any significant adverse impact.

Ecology and Biodiversity Net Gain

Paragraphs 187 & 192 of the NPPF set out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets including enhancing the areas natural habitats and biodiversity to achieve the

outcomes and targets set out within the UK and Staffordshire Biodiversity Action Plans and Staffordshire Geodiversity Action Plan. Development should avoid and/or mitigate adverse impacts, and wherever possible, enhance the area's natural assets, landscape character, waterways, green corridors and priority species and habitats.

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

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

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

Biodiversity Net Gain (BNG) is "an approach to development that leaves biodiversity in a better state than before". When applying biodiversity net gain principles, developers are encouraged to bring forward schemes that provide an overall increase in natural habitat and ecological features. The aim of BNG is to minimise losses of biodiversity and help to restore ecological networks. Sites must demonstrate a minimum of a 10% Biodiversity Net Gain as calculated using a Biodiversity Metric and a Biodiversity Gain Plan, with habitat used for net gain to be secured for a minimum of 30 years.

The site comprises a strip of an open agricultural field that is of limited ecological value and is not subject to any ecological designations, however to the south of the site is Chorlton Moss Local Wildlife Site, an area of ecological importance.

While a previous application for development of land in close proximity to this site has been refused due to impact on the Chorlton Moss wetland site, it is Important to note that the site in this case is not directly adjacent to Chorlton Moss but rather is separated from it by a strip of agricultural land.

The application is supported by a number of technical reports, including Hydrology reports, an Ecological Appraisal, a Botanical Survey Report, a Geo Environmental Assessment and a Biodiversity Net Gain Statement and matrix. These reports conclude that the development will not have any significant impact on the Chorlton Moss wetland site but do set out a number of recommendations which could be controlled through condition. Staffordshire Wildlife Trust initially objected to the proposal on the basis that the development could result in adverse impact on the Chorlton Moss site, however this objection was withdrawn following clarification and additional information from the applicant.

Whilst the concerns of residents and the Parish Council regarding impact on Chorlton Moss are noted, in the absence of any objection from SWT on such grounds and subject to the imposition of a number of conditions, it is not considered that an objection could be sustained.

SWT have raised concerns regarding the proposed BNG scheme for the site. Their concerns principally relate to a historical aerial photograph which they consider suggests that part of the

site appears to have been Intentionally degraded in the past. On this basis, they argue that this needs to be factored into any BNG assessment.

The applicant's Ecologist has provided a response which seeks to refute this.

Having reviewed the submissions, the opinion of your Officers is that there is insufficient evidence to conclude that habitat degradation has taken place on the site and as such, it does not need to be considered within the BNG assessment. An updated BNG assessment has also been submitted in response to the concerns raised by the SWT which demonstrates that there would be a total increase to habitats of 12.35% and in linear habitats by 770.3%, both of which are above the statutory minimum of 10%.

Officers are satisfied that the BNG requirements of 10% could be achieved within the site without having to provide enhancement to any off-site locations.

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

Planning Balance

As stated above, it is considered that the test in paragraph 11(d) of the NPPF has to be applied and an assessment of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, is required.

The provision of 9 dwellings would make a contribution towards the Borough's housing supply, particularly in the context of a development plan that is not up to date in terms of housing need and where a suitable supply of housing cannot be demonstrated. This benefit therefore must also be attributed with substantial weight. In addition, the provision of self-build and custom housebuilding plots must be attributed significant weight.

Now turning to the harms of the development, it is accepted that the proposal would have some localised visual harm which can be given moderate weight in the planning balance. The loss of a small strip of agricultural land also weighs against the proposal, however as noted in the report, due to the size and quality of this parcel of land only limited weight can be given to this loss.

The aforementioned harms are acknowledged, however it is considered that they are not sufficient to significantly and demonstrably outweigh the identified benefits of the scheme. On this basis planning permission should be granted subject to the imposition of appropriate conditions, as recommended.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 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

Newcastle-Under-Lyme Local Plan 2011

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside.
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 N17:	Landscape Character - General Considerations.
Policy N21:	Areas of Landscape Restoration
Policy T16:	Development – General Parking Requirements

Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Area

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

Other Material Considerations

National Planning Policy Framework (2024)

Planning Practice Guidance (PPG) (2024)

Supplementary Planning Documents/Guidance

Space around Dwellings SPG (SAD) (July 2004)

Planning History

16/01101/FUL - Demolition of existing buildings, erection of 97 houses and 2 bungalows, access, parking and amenity space – refused

17/01024/FUL - Demolition of existing buildings, erection of 97 houses, access, parking and amenity space (Revised Proposal) – refused

Views of Consultees

NatureSpace recommend that non-licenced working methods would be adequate for any development works and the details of these can be submitted at reserved matters application stage for the individual plots.

Following the submission of additional details, **Staffordshire Wildlife Trust** have no further objections to the impact on the Chorlton Moss site, however maintain concerns that the application site may have been intentionally degraded in the past which would affect the BNG matrix calculations.

Following the submission of additional details, **the Public Rights of Way Officer** notes that whilst SCC would be unlikely to adopt any footpath as a PROW, they would be willing to discuss the creation of a new PROW.

Whitmore Parish Council object to the proposal for the following reasons:

- The site has had two previous refusals
- Policy PSD3 (Distribution of Development) of the July 2024 Final Draft of the NuLBC Local Plan 2020- 2040, states that Baldwins Gate is expected to accommodate in the order of 250 new dwellings in the period 2020 – 2040. This requirement is already met with current developments
- The site falls outside of the village envelope
- Impact on nearby Chorlton Moss site

The **County Archaeologist** raises no objections to the proposal subject to a condition requiring the submission of a programme of archaeological mitigation.

Network Rail notes that the proposal is 51m from the railway boundary, the applicant should therefore ensure that all surface waters from the dwellings is directed away from the railway boundary and that the applicant should take into account noise & vibration from the existing operational railway

The **Highway Authority** raise no objections to the development subject to a condition requiring that additional details of highways details be submitted to the LPA for approval prior to the first commencement of the scheme.

The **Environmental Health Division** have no objections in principle to the development, subject to conditions relating to construction hours and ground contamination.

No comments have been received from the **Landscape Development Team** or from **Waste Services**.

Representations

64 letters of objection have been received as well as 64 letters of support.

The objectors to the scheme raise the following concerns:

- Previous applications have been refused on site for reasons that remain valid
- Construction traffic
- Impact on drainage and flood risk
- Impact on Chorlton Moss and ecology
- Conflict the policies set out within the Neighbourhood Plan
- Lack of housing need
- Lack of infrastructure
- Impact on school
- Impact on amenity
- Impact on public rights of way

- Visual harm caused by encroachment into the countryside

The supporting letters note the following points:

- The scheme will diversify the housing options within Baldwins Gate whilst providing development in a suitable location.
- The proposal will provide opportunities to improve the adjacent Public Right of Way.
- The proposal will help to support the ecological value of the Chorlton Moss site.

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/24/00833/OUT>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

28 August 2025

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th September 2025

Agenda Item 6

Application Ref. 24/00833/OUT

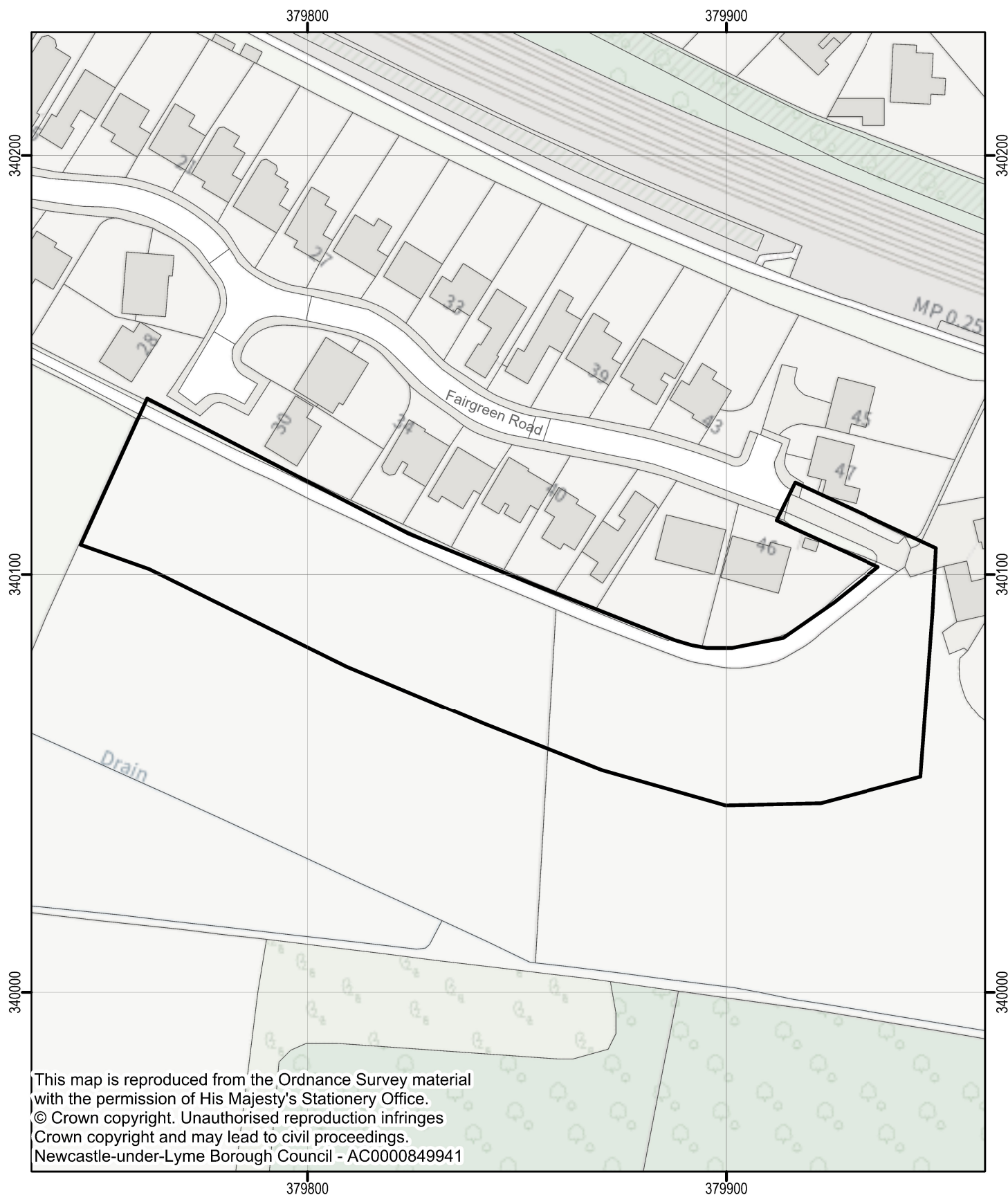
Land Adjacent Fairgreen Road, Baldwins Gate

The main agenda report states in error that part of the site comprises Grade 3b agricultural land, but it should state that part of the site is Grade 2 land. It remains the case that some of the land comprises Best and Most Versatile Agricultural Land (BMVAL).

The recommendation in the report remains unchanged.

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24/00833/OUT
Land Adjacent Fairgreen Road
Baldwins Gate



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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL DEPOT, KNUTTON LANE

NEWCASTLE BOROUGH COUNCIL

25/00120/DEEM3

The application seeks permission for the erection of a new tractor storage building, the replacement of a dry mixed recycling enclosure, alterations to the existing office building and changes to the main reception entrance and external pedestrian entrance at the Borough Council Depot located on Knutton Lane.

The site lies within the Urban Area of Newcastle as specified on the Local Development Framework Proposals Map.

The 8-week period for the determination of this application expires on 18th September 2025.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Time Limit**
- 2. Approved plans**
- 3. Materials**
- 4. Landscaping scheme**
- 5. Biodiversity Net Gain**

Reason for Recommendation

The proposal is of a scale and design which is in keeping with the form, function and character of the existing depot site and would not result in any adverse impact to residential amenity or highway safety.

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

This is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework, and it has not been necessary to request amended plans.

Key Issues

The application seeks full planning permission for a new tractor storage building, the replacement of a dry mixed recycling enclosure, alterations to the existing office building and changes to the main reception entrance and external pedestrian entrance at the Borough Council Depot located on Knutton Lane.

There is a range of existing buildings and external storage on site, with staff and visitor parking to the front and waste and recycling vehicles to the side and rear.

The site lies within the Urban Area of Newcastle as specified on the Local Development Framework Proposals Map. It is close to the town centre of Newcastle, with a mix of residential, community, education and commercial uses surrounding the site.

The main issues for consideration are the design and visual impact, residential amenity and highway safety.

Design & visual impact

Paragraph 131 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 135 of the framework lists 6 criteria, a) – f) with which planning policies and decisions should accord and details,

amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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

The tractor shed would be located close to the eastern boundary of the site and its modest footprint and mono pitched roof would reduce its overall mass and form. The area for the new garage is currently used for parking of vehicles and containers and the building would help to rationalise the space and provide secure enclosed storage. The scale and design of the building is considered to be in keeping with the character and appearance of existing buildings at the site and it would be well screened from Knutton Lane by the existing storage shed.

The proposed alterations to the pedestrian entrance route to the north of the site adjacent to Knutton Lane include the repositioning of the gate entrance, with an automated sliding gate and reused railings to close off the existing entrance point, with new benches and planting including a new tree, ornamental grasses and wildflower meadow. The proposal would enhance the site entrance and improve access arrangements and seating for staff. The development is relatively modest and would improve the character and appearance of the site frontage.

The proposed alterations to the office comprise new windows and doors along with changes to the main reception entrance, signage and enhancements to surfacing and railings at the front of the reception. The changes to the doors and windows are minor and would be viewed in the context of the existing building. Equally, the changes to the reception entrance would modernise and improve existing arrangements.

The replacement of the Dry Mixed Recycling (DMR) waste storage enclosure to the south of the site is required due to the current open site arrangement whereby waste is blown about in the wind. The new enclosure would be positioned in the same location and would be a more permanent design with a canopy to cover and better contain the DMR waste. The replacement enclosure would not have a significant impact on the overall appearance of the site when viewed from public vantage points.

Overall, it is considered that there would not be an adverse impact on the character and appearance of the area, and the proposal complies with national and local planning policy.

Residential Amenity

Paragraph 135 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It further sets out at paragraph 191 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

While the tractor store would be sited closer to the properties in Dunkirk Court than the existing development, the scale and design combined with the enclosure and rationalisation of the existing storage of vehicles in this part of the site would mitigate any impact on residential amenity. The existing boundary treatments would not be affected by the proposal.

Accordingly, it is considered that there would not be a significant impact on residential amenity.

Highway Safety

The NPPF, at paragraph 116, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) 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. Such a policy is, however, of limited weight as it is not in fully consistent with the Framework given its reference to maximum parking levels.

The proposal would not result in an increase in vehicular movements and seeks to make improvements to both pedestrian routes and existing parking arrangements. The Highway Authority raises no objections stating that the proposal is unlikely to generate a noticeable intensification of traffic and therefore would not cause a significant impact on the adjacent highway network.

Biodiversity Net Gain

Paragraphs 180 & 185 of the NPPF set out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

Biodiversity Net Gain (BNG) is “an approach to development that leaves biodiversity in a better state than before”. When applying biodiversity net gain principles, developers are encouraged to bring forward schemes that provide an overall increase in natural habitat and ecological features. The aim of BNG is to minimise losses of biodiversity and help to restore ecological networks. Sites must demonstrate a minimum of a 10% Biodiversity Net Gain as calculated using a Biodiversity Metric and a Biodiversity Gain Plan, with habitat used for net gain to be secured for a minimum of 30 years.

The application is accompanied by details of improvements to existing habitat, combining tree, shrub and meadow planting within the pedestrian entrance, and demonstrates onsite BNG of more than 10% can be achieved. The proposed BNG strategy would result in an increase of native species planting and enhancement on site over the existing arrangements. It is recommended that a condition is applied to ensure the implementation and management of the proposed planting.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

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

Policy T16: Development – General parking requirements
Policy T18: Development servicing requirements

Other material considerations include:

[National Planning Policy Framework \(2024\)](#)

[Planning Practice Guidance \(2024 as updated\)](#)

Relevant Planning History

15/00615/DEEM3	Proposed materials recycling facility – Approved
18/00511/FUL	Replacement of existing windows and doors with new uPVC double glazed windows and doors – Approved
19/00852/DEEM3	Partial demolition and reconstruction of existing building to accommodate new waste transfer working practices. Construction of new street sweeping bay - Approved
23/00949/DEEM3	Alterations to elevations of middle store consisting of; New roller shutter door, New double pedestrian door and bricking up of windows - Approved

Views of Consultees

The Highways Authority has no objections.

Coal Authority has no objections.

Cadent Gas has no objections.

Comments are awaited from the **Environmental Health Division** and **Staffordshire Wildlife Trust** and if received, will be provided in an update.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link: -

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00120/DEEM3>

Background Papers

Planning File

Planning Documents referred to

Date Report Prepared

26 August 2025

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th September 2025

Agenda Item 8

Application Ref. 25/00345/DEEM3

Car Park, Meadows Road, Kidsgrove

Since the publication of the main agenda report, an updated site layout plan has been received amending the size of the disabled parking to accord with requirements of the Highway Authority (HA).

The applicant has also provided additional information which is summarised as follows:

The need for additional enterprise space was originally identified in the Kidsgrove Town Deal Investment Plan developed in 2020. Since then, subsequent studies including the Staffordshire County Council study into the Supply and Demand of enterprise units (June 2021) have confirmed that demand remains.

The County Council has, in 2025, confirmed that it remains appropriate to rely on this study as demand for units at this size remains stable.

The Borough Council's Property Team has confirmed that there is sustained demand for units of this size and type. They have provided CoStar data from August 2025, splitting out the 0 – 500 sqft unit size unit availability.

The Borough Council has also received positive feedback from a local commercial agent that confirmed that units of this type would be very lettable in the Kidsgrove area.

Consultation with key stakeholders has been via the Kidsgrove Town Deal Board. This Board is made up of stakeholders with an interest in the local area, members include all 3 tiers of Local Government, the local MP, local business representatives, Go Kidsgrove and voluntary sector representatives. The Board resolved to take forward this proposal.

Further comments of the HA have confirmed that the disabled parking, along with the bus stop details and proposed footway are acceptable.

One additional neighbour objection has also been received, suggesting that the money associated with the scheme would be better spent on improvements to the town centre.

Officer's comments

The additional comments provided by the HA have addressed the outstanding highway matters referred to in the report.

The additional supporting information from the applicant adds further weight to the conclusions in the officer report that there is a clear need for this type of development, having undertaken the necessary consultation with key stakeholders.

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

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25/00120/DEEM3

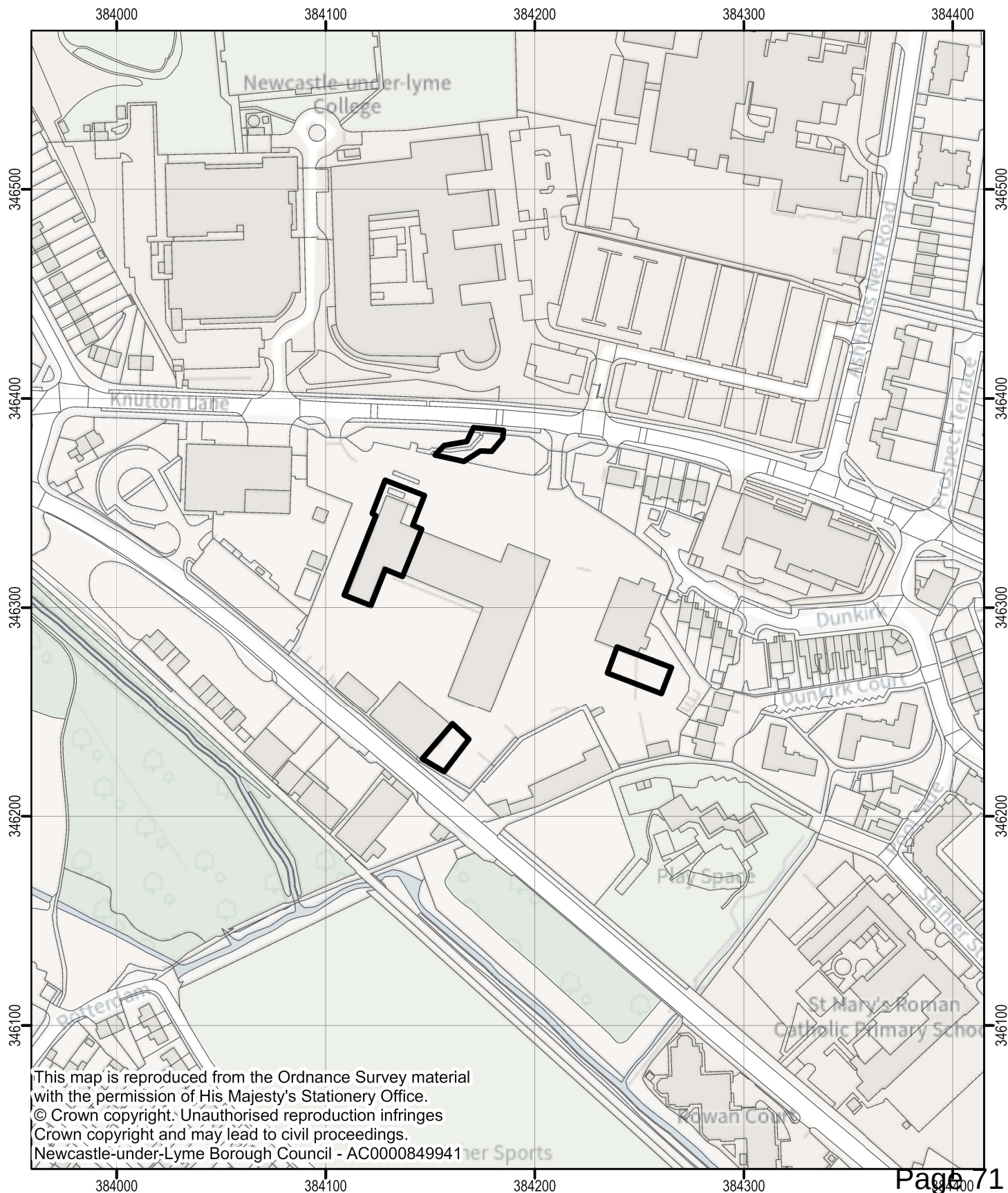
Newcastle Under Lyme Borough Council Depot

Knutton Lane, Knutton

Newcastle Under Lyme

Staffordshire

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CAR PARK, MEADOWS ROAD, KIDSGROVE
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

25/00345/DEEM3

Full planning permission is sought for the redesign of the existing public car park off Meadows Road, Kidsgrove and erection of new enterprise units (E(g) use).

Planning permission was granted last year for the erection of a community hub building, new garage with first floor mezzanine and reconfiguration of existing car parking on the site (Ref: 23/00891/DEEM3).

The site lies within the urban area of Kidsgrove as indicated on the Local Development Framework Proposals Map. The site also falls within a High Coal Mining Area and is immediately adjacent to Kidsgrove Town Centre.

The statutory 8-week period for the determination of this application expired on 7 July 2025. An extension of time until 15 September has been agreed with the applicant.

RECOMMENDATIONS

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

- 1. Time limit condition**
- 2. Standard time limit for commencement of development**
- 3. Approved plans**
- 4. Material samples**
- 5. Provision of cycle parking facilities**
- 6. Submission and approval of a Demolition and Construction Environmental Management Plan**
- 7. Details of external lighting to be submitted**
- 8. Details of any external plant/equipment to be submitted**
- 9. Works to be completed in accordance with parking details**
- 10. Operating/delivery hours**
- 11. Contaminated Land**
- 12. Foul and surface water drainage**
- 13. Any external lighting**
- 14. Habitat management plan**
- 15. Biodiversity gain plan**

Reason for recommendations

The redevelopment of this site is a sustainable form of development supported by the National Planning Policy Framework. The design, scale and appearance of the proposed development is considered appropriate, and the proposal would not result in any adverse impact on residential amenity or highway safety matters. Subject to appropriate conditions the proposal is considered to be an acceptable form of development.

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

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

KEY ISSUES

Full planning permission is sought for the redesign of the existing public car park off Meadows Road, Kidsgrove and erection of 3 new enterprise units. The proposed enterprise units would comprise an E(g) use under the Town and Country Planning (Use Classes) Order which includes offices, research, development and industrial processes which can be carried out in a residential area without detriment to its amenity.

Members may recall that the Planning Committee approved an application in 2024 (Ref: 23/00891/DEEM3) for the erection of a community hub building, new garage with first floor mezzanine and reconfiguration of existing car parking on the site. Whilst this permission remains extant, the Borough Council has decided to consider alternative options for the development of the site.

The site lies on the edge of Kidsgrove Town Centre and falls within the Urban Area of Borough as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of the application are as follows:

- Is the principle of the proposed development on the site acceptable?
- Is the design and massing of the proposal acceptable and the impact from the loss of existing trees?
- Impact on amenity,
- Is the proposal acceptable in terms of highway safety/parking facilities?
- Biodiversity Net Gain

Is the principle of the proposed development on the site acceptable?

Paragraph 90 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Saved Policy R12 of the Newcastle Under Lyme Local Plan (LP) confirms that within and close to Kidsgrove Town Centre, development for retail or leisure uses will be encouraged, so long as they do not harm the vitality and viability of the centre.

Policy SP1 of the Core Spatial Strategy (CSS) indicates 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. It also states that employment provision will be focused on sites accessible to and within the North Staffordshire Regeneration Zone. Policy SP2 of the CSS also supports the modernisation of the centres for new business investment, particularly in terms of retailing, education, leisure, entertainment, culture, office development.

The proposal seeks permission for 3 new enterprise units which comprise an E(g) use which involves either:

- (i) Offices to carry out any operational or administrative functions,
- (ii) Research and development of products or processes,
- (iii) Industrial processes.

Concerns have been raised by some local residents/business regarding the potential adverse impact of the proposed development on the vitality and viability of the town centre. However, the proposed enterprise units would provide start up units for small businesses or offices carrying out operational or administrative functions for businesses and therefore have a different function to main town centre uses within the centre such as retail and service sector businesses. As such, it would not have a detrimental impact on the viability or viability of the town centre or reduce footfall/visitors to the town. Indeed, by providing an active use on this edge of town centre site, the scheme would in fact enhance the entrance to the town centre from this direction.

Representations have also been received from businesses/residents indicating that there is no demand for the type of units proposed, that no consultation was undertaken by the Council regarding the proposals, and that there are existing vacant premises within the town centre/local area which could be used to accommodate the enterprise units. It is understood that the Council has undertaken an assessment of need in the local area and consultation with existing businesses for different uses on the site, which has confirmed that there is a demand for enterprise units locally. Although there are some vacant units within/adjoining the town centre, these premises do not provide the required space/appropriate layouts for enterprise units.

Given the above, it is considered that the site is considered a suitable location for new enterprise units which would enhance the vitality and viability of the adjacent town centre. It would therefore accord with paragraph 85 of the NPPF which seek to ensure that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. As such, the principle of development is considered to be acceptable in this case.

Is the design and massing of the proposal acceptable/loss of existing trees?

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

Paragraph 135 of the NPPF lists 6 criteria, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change. Paragraph 136 of the NPPF confirms that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that that existing trees are retained wherever possible.

Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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.

The surrounding area comprises a mixture of different building types, including residential and commercial properties of various design styles, however the majority of nearby structures are two storey in height and are constructed of redbrick and white render. There are also a number of gable fronted buildings in the locality which are clearly visible from public views along the Meadows and Station Road. The built form is also varied in the area with certain buildings fronting directly onto the footway and others set back from the highway.

This application would provide a gable fronted building on the existing car park which faces onto The Meadows. Although the site is currently open, existing buildings directly to the east are positioned immediately adjacent to the highway. Therefore, whilst the new building would extend forward on the plot, it would not detract from the established structure and layout of development on this side of the street. The scale and design of the new building would also complement the existing built form in this area. Thus, the scale, form, design and layout of the development would preserve the character and appearance of the area and accord with the NPPF and Policy CSP1 of the CSS.

As was the case with the extant permission on this site, the current proposal would involve the removal of 2 existing category C trees (Ash tree T4 and Whitebeam T1) where the new building is to be located and at the site entrance off Station Road. A further 2 category B trees (Sycamore and Whitebeam) along the southern boundary of the site would also be removed. Although these trees are of limited/moderate quality, they do in combination, provide an attractive approach to the site and soften the impact of the surrounding buildings in this urban environment. The applicant has subsequently confirmed that the County Council road improvement scheme would prevent any new tree planting as was initially proposed. Although this is regrettable, given their limited/moderate quality, the loss of these trees does not warrant refusal of the application.

Subject to a condition requiring the submission of details of the proposed external materials, the overall design of the proposals and their impact on the surrounding area and street scene are on balance considered to be acceptable. The proposal is therefore in compliance with policy CSP1 of the Core Spatial Strategy, and the relevant sections of the NPPF which support good design.

Impact on Amenity

Criterion (f) within paragraph 135 of the NPPF states that planning decision should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, for not undermine the quality of life or community cohesion and resilience.

The nearest residential properties known as 'The Meadows' are situated to the south of the site on the opposite side of Meadows Road. Although the new building would only be set back a couple of metres from the road frontage, appropriate separation distance would be maintained between existing residential units in The Meadows and the new building to ensure that it does not adversely impact on the outlook from, or daylight/sunlight received to these properties. As the proposed enterprise units would be small in scale and used for low key E(g) uses which can be carried out in a residential area without detriment to its amenity, the use and occupation of these premises are unlikely to generate a significant level of noise or disturbance which could impact on the amenities of nearby residents.

Subject to conditions regarding working hours and the submission of a construction environmental management plan, it is considered that the proposal would provide a high standard of amenity for existing and future users and would therefore accord with the NPPF in this regard.

Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

Policy T16 of the LP 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.

The NPPF, at paragraph 116, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The access arrangements to the site would be amended, with a new entry point off Station Road and exit onto 'The Meadows' to ensure there is no conflict with the future County Council road improvement scheme. The proposed parking layout for the car park has also been received following comments from the highway authority and amended plans have also been received setting the proposed building back slightly from 'The Meadows' road frontage, ensuring that it does not encroach onto highway land.

The proposed car park would provide 18 spaces including 1 disabled space. The existing car park on the site currently provides space for 18 cars and as such there would be no loss of parking provision on site for visitors to Kidsgrove. Although the parking standards in the Local Plan do not provide specific guidance for this type of development, given that the site lies within a highly sustainable location and there are other car parking areas that can be utilised nearby, it is concluded that the parking provision on site is proportionate in this case. The Highway Authority raises no objections to the application on this basis.

The proposed car park would utilise a one-way system which would result in a new access point being created along Station Road whilst the existing access point leading onto 'The Meadows' would be used as an exit only. This would ensure that the proposal accords with the highway improvements to be made to the surrounding road network by the County Council. Following concerns raised by the Highway Authority, additional information/amended plans have been submitted, including vehicle tracking, parking space assignment, and the re-alignment of the units so that they do not encroach on highway land. The further comments of the Highway Authority will be reported to Members in a supplementary report.

Subject to updated comments being received from the Highway Authority, it is considered that there would be no adverse impact on highway safety and that the development would accord with the guidance of the NPPF.

Biodiversity Net Gain

The application has been accompanied by a Biodiversity Net Gain Outline Strategy (BNGOS) and a Biodiversity Metric (BM) to evaluate the ecological impact of the proposed development. The baseline biodiversity value of the site, prior to development, was calculated at 0.6211 habitat units and zero hedgerow units. As the 4 existing trees on the site would be felled to facilitate the development, with no new on-site replacement planting, the proposal would result in a loss of 0.6211 habitat units or a 100% reduction in BNG on site.

Notwithstanding the above, the BNGOS sets out how off-site habitat units would be delivered at 'The Greenway' Kidsgrove, a 610m section of footpath/cycleway laid upon the former N.S.R Potteries Loop Line railway track. The track has since been landscaped and made into a greenway. The southern sections of the site are situated within the railway cutting and are fenced off with pedestrian usage diverted around the edge of the cut. These areas have developed into deciduous woodland with areas of grassland along the pathway. The site likely provides an ecological commuting route through the centre of Kidsgrove and appears to be an essential ecological asset for maintaining local ecosystem connectivity. This project is on Council owned land, with The Greenway maintained by the Council. The proposed off-site enhancements would involve the enhancement of modified grassland to species rich grassland, management of woodland/ivy growth, introduction of native understorey species, bats boxes, litter bins, removal of non-native invasive species and native planting, resulting in a 64.74% increase in habitat units and 62.93% uplift in hedgerow units in this area. This would more than offset the net loss in BNG on the application site.

As this is a post-determination matter which will be resolved through submission of the Biodiversity Gain Plan prior to commencement, this, together with a habitat management plan (HMP) can be secured via condition. A landscape and ecological management plan should also be submitted prior to first occupation to ensure that the biodiversity enhancements are correctly established and maintained for the necessary 30 years.

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 SP2:	Spatial Principles of Economic Development
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy R13:	Non-retail uses in Kidsgrove Town Centre
Policy T16:	Development – General Parking Requirements
Policy T17:	Parking in Town and District Centres
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (2019 as updated)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

23/00638/DEEM3 Demolition of existing garage, erection of community hub and garage with first floor mezzanine. Alterations to existing car parking provision – Application permitted.

23/00891/DEEM3 Demolition of existing garage, erection of community hub and erection of garage with first floor mezzanine, reconfiguration of existing car parking (Resubmission of 23/00638/DEEM3) – Application permitted.

Views of Consultees

The **Highway Authority** requests that the access arrangements are revised to ensure that the proposal does not conflict with the County Council road improvements scheme in 'The Meadows'. Additional vehicle tracking and parking assignment details are requested, and the units should be re-positioned to be outside of highway land.

The **Canals and River Trust** state that consideration should be given to whether the removal of existing trees and their replacement with 4 new trees is an appropriate approach when viewed from the canal corridor towpath and water space. They also comment that although the Coal Mining Risk Assessment refers to the canal, it is unclear if the canal is considered a sensitive receptor with regard to the former uses on site. A previous application (Ref: 23/00638/DEEM3) on the same site included a CEMP condition and should be repeated here.

Naturespace has no comments to make on this application.

The **Coal Authority** have confirmed that the part of the site where the built development is proposed (i.e. the new enterprise unit) lies outside of the defined High Risk Area. Therefore, a Coal Mining Risk Assessment is not required, and no objections are raised to this application.

The **Landscape Development Section** raises no objections, but comments that consideration should be given to the retention of existing trees.

Staffordshire Police Crime Prevention raises no objections and recommends that a high level of physical security is incorporated into the scheme including the means of external lighting, design of the units etc, which should accord with secure by design standards.

United Utilities request that a condition is imposed regarding the provision of sustainable drainage systems on site.

No comments have been received from the **Environmental Heath Division, Kidsgrove Town Council** or **Staffordshire Wildlife Trust**.

Representations

6 representations have been received from interested parties, raising the following concerns/objections:

- Adverse impact on the vitality and viability of the town centre/other nearby businesses;
- Loss of existing parking facilities will detrimentally impact on local businesses and footfall within the town centre;
- The Council should have consulted more widely with local businesses/the local community;
- Plenty of existing buildings in the town centre which could be used for this purpose;
- No demand for enterprise units in the area.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link: -

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00345/DEEM3>

Background Papers

Planning File referred to
Development Plan referred to

Date report prepared

27 August 2025

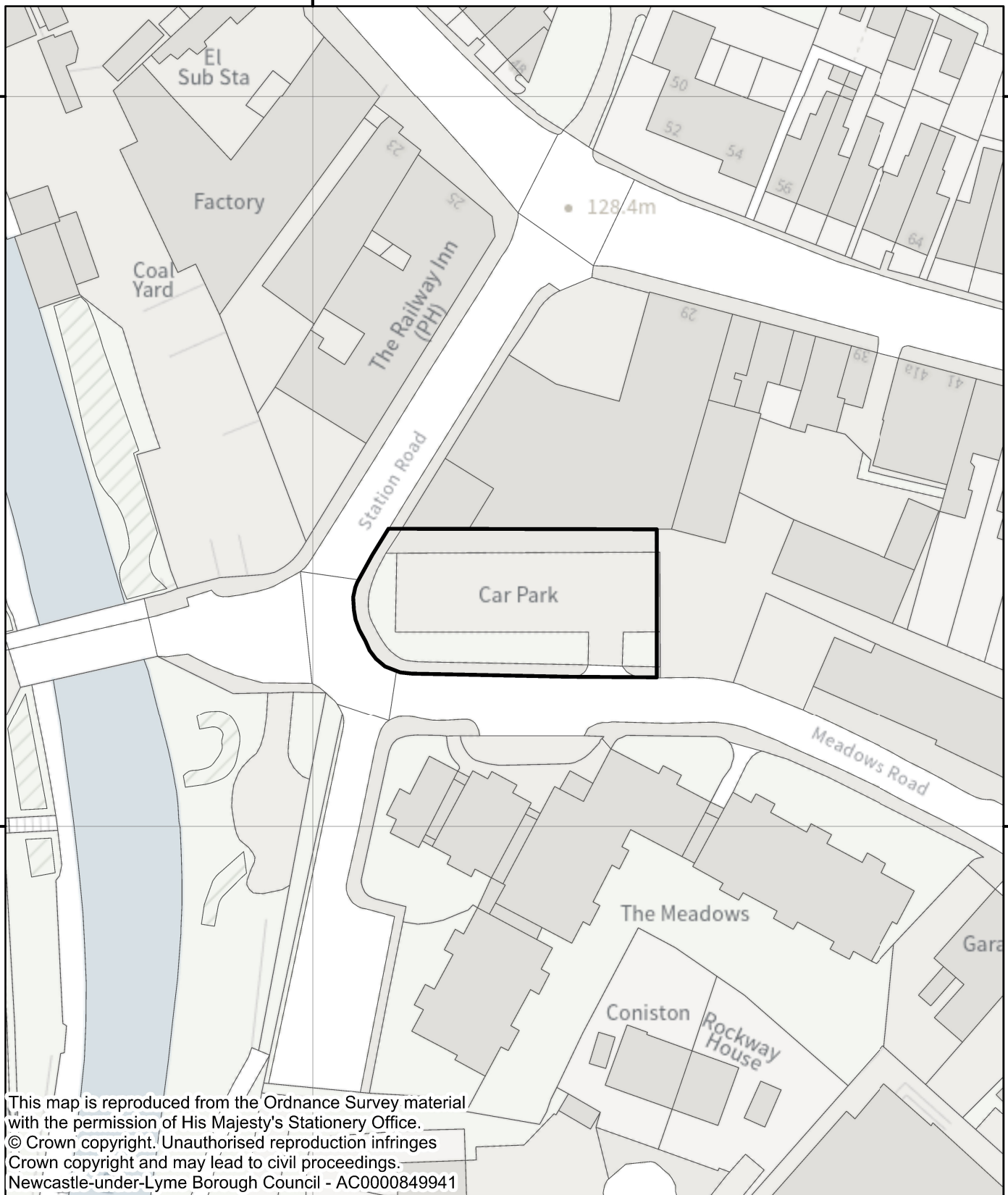
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LAND NORTH OF MUCKLESTONE WOOD LANE, LOGGERHEADS
MR CHRIS BUTTERS

25/00505/OUT

The application seeks outline permission for the erection of a single self-build property at land north of Muckleston Wood Lane, Loggerheads, with all matters reserved save for access. The application site is located within the open countryside and falls within a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee on the grounds that the site falls outside the village envelope of Loggerheads and is not in accordance with the Neighbourhood Plan in addition to highways safety grounds and the impact on the character of the area.

The 8-week period for the determination of this application expires on the 29th August 2025, however an extension of time has been agreed to the 12th September.

RECOMMENDATION

Permit subject to the following conditions:

- 1. Standard time limits for submission of reserved matters and commencement of development**
- 2. Approved plans**
- 3. Dwelling to be self-build**
- 4. Limit on construction hours**
- 5. Unexpected contamination**
- 6. Access to be completed in accordance with submitted plans**
- 7. Provision of visibility splays**
- 8. Biodiversity enhancements required in accordance with Ecological Appraisal**
- 9. Tree protection**

Reason for Recommendation

The development of this site is considered to be within a sustainable location and accords with recent appeal decisions on sites found nearby. The scheme would not significantly impact the appearance of the area, and it has been demonstrated that the proposed development would not cause impacts to highway safety, ecology or residential amenity. Subject to conditions, the development represents a sustainable form of development and should be supported.

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

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

Key Issues

The application seeks outline permission including access for the erection of a single self-build property at land north of Muckleston Wood Lane, Loggerheads. The application site is located within the open countryside and falls within a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map. As the proposal is for a self-build dwelling, it is exempt from Biodiversity Net Gain requirements.

The planning history for the site shows that a number of applications for residential development have been refused, two of which were dismissed at appeal. In the determination of the most recent appeal for one dwelling (Ref. 17/00450/FUL) the Inspector noted that while the site was in a sustainable location for new housing, it would cause harm to the character and appearance of the area, which outweighed the benefits of the proposal.

Taking into account the above background, the main issues in this case are:

- The principle of development in this location
- Impact on the character and appearance of the area
- Residential amenity
- Highway safety
- Planning Balance

Principle of development

The application site lies adjacent to but outside of the Loggerheads village envelope.

Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

Policy SP3 of the CSS seeks to maximise the accessibility of new residential development by walking, cycling and public transport. CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing. Furthermore, Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

Policy LNPG1 of the Loggerheads Neighbourhood Plan states that new housing development will be supported within the village envelope of Loggerheads village as defined in this Neighbourhood Plan. Outside the village envelope, housing development will be supported where it is a replacement dwelling, constitutes limited infill housing or within a built frontage of existing dwellings. It should reflect the character of surrounding dwellings and should not lead to significant loss of garden space. Furthermore, it should not cause significant harm to residential amenity, and in the case of an isolated property in the countryside, it must meet the special circumstances in paragraph 55 of the NPPF.

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

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

(Para 11(d))

The Council cannot currently demonstrate a five-year housing land supply.

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 the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

The LNP was 'made' in January 2019 and is therefore more than five years old. In addition, the neighbourhood plan does not contain policies and allocations to meet its identified housing requirement. As a result, the neighbourhood plan does not comply with the relevant measures outlined within Paragraph 14 and so it cannot be concluded that the adverse impact of allowing development that conflicts with the neighbourhood plan is, in itself, likely to significantly and demonstrably outweigh the benefits.

The CSS Policies SP1 and ASP6, and Local Plan Policy H1 are concerned with meeting housing requirements; however, 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 LP Policy H1, CSS Policies SP1 and ASP6 and LNPG1 of the Loggerheads Neighbourhood Plan. As stated above, it has been accepted that the LP and CSS policies are out of date. The Loggerheads Neighbourhood Plan was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6. This change in the local planning context has a bearing on the weight to be applied to the Neighbourhood Plan policies and therefore it is considered reasonable to conclude that the 'basket of policies' overall, is out of date.

In the absence of a required housing land supply, and lack of up to date policies in relation to the provision of housing, the tilted balance outlined within Paragraph 11(d) of the framework is considered to be engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

In sustainability terms, the site lies immediately adjacent to the Village Envelope of Loggerheads and the shops and services are approximately 900m away along Chestnut Road. There is a regular bus service within reasonable walking distance. In the previous appeal for this site, the Inspector noted that the site is located close to public transport and within walking distance of shops and services within Loggerheads. More recently, in allowing an appeal for up to 150 houses on land also north of Muckleston Wood Lane (23/00002/OUT), albeit further to the west of this site, the Inspector accepted the sustainability of the location.

These points undoubtedly weigh in favour of a conclusion that in terms of access to facilities and a choice of mode of transport, the site can be described as being in a sustainable location in accordance with paragraph 11d of the Framework. The consideration of whether any adverse impacts exist that would outweigh the benefits of the proposed scheme shall be considered later in this report.

Layout and impact on the character and appearance of the area, including existing trees

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

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

Policy CSP1 of the Core Strategy requires that the design of the development is respectful to the character of the area.

Policy LNPP1 of the LNP states that to be supported, new development must demonstrate high standards of design and details the factors that should be pursued in new development. Policy LNPP2 indicates that new development must complement and reinforce the local character of the area and non-designated heritage including conserving buildings and their setting and comprising high-quality, site-specific design.

As all details save for access are to be considered at a reserved matters stage, a full assessment of the visual impacts of the proposal cannot yet take place. A basic indicative site plan has however been submitted with the application.

In dismissing the most recent appeal for a dwelling on the site (Ref. 17/00450/FUL) the Inspector concluded that the development would introduce a form of built residential development into a part of the immediate countryside where there was none at present and therefore would have caused harm to the character and appearance of the area.

Whilst consideration must be given to that appeal decision, significant weight must be given to the more recently allowed appeal for up to 150 houses on land also on the north side of Mucklestone Wood Lane. In allowing that appeal the Inspector concluded that the proposal's impact on the landscape would be localised. Reserved matters consent has recently been granted for 138 dwellings (Ref. 25/00352/REM).

On the basis that significant housing expansion has been accepted on the northern side of Mucklestone Wood Lane, it would be unreasonable now to seek to sustain an argument that a single dwelling that would be well screened by existing vegetation would not also be acceptable.

The indicative layout shows that the proposed dwelling can sit comfortably within the site with an acceptable level of off-street car parking, turning areas and private garden areas without appearing as overdevelopment. Appearance and landscaping are reserved for subsequent approval, and it is accepted that a design can be achieved that would provide a suitable level of landscaping. The site also benefits from a good level of screening in the form of existing trees, which the submitted tree survey demonstrates would be retained throughout the development.

In consideration of the above it is accepted that the proposed development is acceptable, subject to the final design being secured as part of the reserved matters application.

Residential amenity

Criterion f) within Paragraph 135 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.

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

The Framework states within paragraph 135 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

As discussed, all matters of detail are reserved for subsequent approval. However, based on the size of the site and its relationship with neighbouring buildings it is accepted that a dwelling can suitably be accommodated on the site without resulting in any adverse impacts on residential amenity. Future occupants could also be afforded with suitable amenity space within the site area.

The Council's Environmental Health Team have raised no objections to the proposal subject to conditions relating to a limitation on construction hours and the reporting of any unexpected contamination.

Subject to the above conditions, it is considered that the dwelling can be suitably accommodated on the land without resulting in adverse implications to the amenity of nearby residential properties as well as that of the future occupants. The development therefore complies with the requirements of the development plan as well as the aims and objectives of the NPPF.

Highway safety

In the consideration of proposed development, paragraph 110 of the NPPF states it should be ensured that safe and suitable access to the site can be achieved for all users that appropriate opportunities to promote sustainable transport modes can be taken up, and that significant impacts on the transport network or on highway safety can be mitigated.

Paragraph 111 states 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.

The proposed site access is to be from Muckelstone Wood Lane at the southern end of the site. The proposal would see the improvement of an existing access track which is currently in a substandard condition.

The Highway Authority note that although the access affords restricted visibility in the western direction, visibility is sufficient in the eastern direction. In addition to the above, as the proposal would utilise an existing access path and would not generate a significant increase in vehicle trips, it would be difficult for the Highway Authority to object to the proposed development on the grounds of an unacceptable impact on highway safety.

Although local residents have raised concerns that the proposal would increase congestion on the local highway network which, the HA is satisfied that the proposed access arrangement would not adversely impact on highway safety.

In terms of parking provision, the site is large enough to easily accommodate sufficient parking spaces, in compliance with the Council's parking standards.

Accordingly, the development can be permitted with suitable vehicular access to the site and will not result in an adverse impact on highway safety, subject to suitable conditions. The proposal therefore complies with guidance relating to highway safety in the NPPF.

Planning Balance

As stated above, it is considered that the test in paragraph 11(d) of the NPPF has to be applied and an assessment of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, is required.

The provision of an additional dwelling would make a contribution towards the Borough's housing supply, particularly in the context of a development plan that is not up to date in terms of housing need and where a suitable supply of housing cannot be demonstrated. This benefit therefore must be attributed with substantial weight. The proposal would also make a contribution to the number of self-build properties within the borough which should be given significant weight. It has been demonstrated through the submission of technical details that the proposal would raise no issues in respect of residential amenity, visual harm, highway safety or biodiversity. On this basis, outline planning permission should be granted, subject to the use of appropriate conditions.

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

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
Policy CSP4: Natural Assets

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 N19: Landscape Maintenance Areas

Loggerheads Neighbourhood Plan

Policy LNPG1: New Housing Growth
Policy LNPG2: Housing Mix
Policy LNPP1: Urban Design and Environment
Policy LNPP2: Local Character & Heritage
Policy LNPT1: Sustainable Transport

Other Material Considerations

National Planning Policy Framework (2024)

Planning Practice Guidance (PPG) (2024)

Supplementary Planning Documents/Guidance

Space around Dwellings SPG (SAD) (July 2004)

Planning History

15/00404/OUT Erection of two detached 4/5 bedroom dwellings with garages – Refused and appeal dismissed

15/00671/OUT Proposed single 4/5 bed dwelling with detached garage and amended access point - Refused

17/00450/FUL Erection of new 4-bedroom dwelling with double garage and improved access – Refused and appeal dismissed

22/01100/FUL Proposed agricultural steel framed building – Approved

Views of Consultees

The **Highway Authority** raises no objections to the proposal subject to conditions requiring the submission of further highways details with any reserved matters application, the completion of the access in accordance with the submitted plans and the provision of visibility splays along the access point and adjacent highway.

Naturespace raise no objection to the proposal subject to the development taking place in accordance with details set out in the submitted ecological appraisal.

The **Environmental Health Team** raise no objections to the proposal subject to condition relating to a limitation on construction hours and the reporting of any unexpected contamination.

No comments have been received from **Staffordshire Wildlife Trust**, the **Landscape Development Section**, or **Loggerheads Parish Council**..

Representations

Two objections have been received from residents which raise the following concerns:

- Previous applications have been refused on site for reasons that remain valid
- Construction traffic
- The plot is adjacent to high quality agricultural land and an established woodland, both of which should be protected.

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/25/00505/OUT>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

26 August 2025

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35 CLAYTON ROAD, NEWCASTLE UNDER LYME
ROBERT GASKELL

25/00485/FUL

This application seeks permission for the redevelopment of the site at 35 Clayton Road, Newcastle to provide a pair of 3-bedroom, 2.5 storey, semi-detached houses.

The application has been called in to Committee due to concerns regarding access and car parking.

The statutory 8-week period for the determination of this application expires on 2 September 2025. An extension of time until 11 September has been agreed with the applicant.

RECOMMENDATION

Permit, subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Facing/roofing materials**
- 4. Boundary treatments**
- 5. Construction environmental management plan**
- 6. Unexpected contamination**
- 7. Parking area to be constructed in a bound material**
- 8. Implementation of submitted landscaping scheme**
- 9. Tree protection**

Reason for Recommendation

The proposed development represents a high quality design and there would be no significant harm to the visual amenity of the area. All technical issues have been addressed including the impact on highway safety and the relationship with the adjoining car park serving Brookfields House. It is therefore accepted that the proposed development is a sustainable form of development that accords with the development plan policies identified and the guidance and requirements of the National Planning Policy Framework and should be approved.

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

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

Key Issues

This application seeks permission for the redevelopment of the site at 35 Clayton Road, Newcastle to provide a pair of 3-bedroom, 2.5 storey, semi-detached houses. Pedestrian and vehicular access to the units and their associated parking spaces would be through the adjacent residential home known as Brookfields House. These parking spaces have already been constructed for the use of No 35 Clayton Road and formed part of planning permissions 18/00693/FUL and 22/00990/FUL for the construction of the adjacent residential home.

Clayton Road is a predominately residential area, with a mix of residential properties of varying sizes, designs and styles. Although most houses benefit from off-street parking to the front of plots, there is some on-street parking along both sides of Clayton Road.

Consent has been given for the demolition of the existing building under application 24/00509/DEM and that approval is still extant.

The proposal would involve the retention of an existing hedgerow on the site, with the remaining part of the land currently occupied by the existing buildings/hardstanding. As such, the proposal is not required to secure a 10% increase in biodiversity net gain.

Taking account of the above background, the key issues in this case are:

- The principle of development;
- The impact of the proposal on highway safety/parking;
- Residential amenity;
- The effect of the proposal on the character and appearance of the area; and
- Planning Balance.

Principle of development

Policy SP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (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 ASP5 states that in the Newcastle and Kidsgrove Urban Neighbourhoods Area there will be a minimum of 4,800 net additional dwellings within Newcastle, with the density of development to be balanced against the need to make more efficient use of land and provision of a range of housing types.

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

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. (Para 11(d))

The Council cannot currently demonstrate an up-to-date housing supply.

CSS Policies SP1 and ASP5, and Local Plan Policy H1 are concerned with meeting housing requirements and given that these policies do not reflect an up-to-date assessment of housing needs, they are considered to be out of date in respect of detailed housing requirements by virtue of the evidence base upon which they are based.

It is considered that the test in paragraph 11(d) has to be applied to this application given the lack of 5-year housing supply and lack of up-to-date policies in relation to the provision of housing. Therefore, the tilted balance outlined within Paragraph 11(d) of the framework is engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

The site lies on Clayton Road within the main built-up area of Newcastle, to the south of the town centre on previously developed land. The surrounding area is predominately residential in character. Therefore, the development would contribute to meeting the housing need for the borough over the emerging plan period in a sustainable and accessible location which would help to boost the supply of homes in the borough. The consideration of whether any adverse impacts exist that would outweigh the benefits of the proposed scheme shall be considered later in this report.

Access, parking and highway safety matters

Both pedestrian and vehicular access to the proposed dwellings would be through the site of the adjacent residential home known as Brookfields House. The 4 parking spaces which are to serve the 2 new units have already been constructed under planning permission 22/00990/FUL for the construction of Brookfields House. Under the 2022 consent, these 4 spaces were to be set aside for the use of No 35 Clayton Road. As such, although residents of Brookfields House have raised concerns about the shared access arrangements, this arrangement has already been established through the 2022 consent. Moreover, the current application is unlikely to generate an intensification in the number of vehicle movements into and out of these parking spaces when compared with the former use of No 35 as an office.

Residents of Brookfield House have requested that a condition is imposed preventing occupiers of the new dwellings from utilising the adjacent car park serving the home. The proposal would provide appropriate parking provision for the proposed development, applying the Council parking guidelines, and therefore, such a condition is not considered necessary or reasonable. Furthermore, the Car Park Management Strategy for Brookfields House, approved under discharge of condition application 22/00990/CN11 makes clear that *“4 spaces are allocated for Number 35 Clayton Road and residents, staff, and visitors will be prohibited from parking in the spaces shown/labelled on the approved landscape plan”*.

Further concerns have also been raised by residents that parked vehicles on Clayton Road are restricting visibility for drivers emerging from the site, and that the approved visibility splays for Brookfields House are not being enforced. However, the Highway Authority is satisfied that appropriate visibility splays are provided at the site access for vehicles/pedestrians emerging from the access serving both the current application site and Brookfields House.

Given the above factors, it is considered that the proposed development would provide safe and suitable access to the site in accordance with the NPPF.

Residential amenity

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

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

The site lies within an established residential area. As the proposed semi-detached houses would directly replace the existing building on the site, would occupy a smaller footprint and would be no higher than the structure they are replacing, the development would not have an adverse impact on the outlook from, or daylight/sunlight received to, either No 33 Clayton Road directly to the north or Brookfields House to the south. Similarly, due to the orientation of the proposed properties and position of the main window openings, there would also be no undue overlooking of neighbouring dwellings.

In terms of the living environment for the proposed occupiers of the new dwellings, the internal layouts and external amenity areas provide sufficient, useable spaces for dwellings of this size, despite concerns raised by nearby residents in this regard.

Character and appearance

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

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

The application site comprises a large 2 storey Victorian brick property which is currently vacant. This side of Clayton Road consists of a variety of housing types, designs and styles, including 2-storey detached, semi-detached and terraced housing, and a 4-storey residential home adjoining the site. Common design detailing includes front facing bay windows and dormer windows (No 35). These existing properties have a mix of pitched and hipped roofs, with the existing building on the application site taller than the adjacent 2 storey dwellings immediately to the north.

This application seeks to erect a pair of semi-detached 2.5 storey dwellings on the site. Given that the new dwellings would occupy a smaller footprint and be of a comparable height to the building they are replacing, and they would sit between existing 2 and 4 storey development, the proposed dwellings would respect the scale, form and proportions of the existing built form on this side of Clayton Road. Similarly, the simple pitched roof design, front facing bays and dormer windows also complement the design detailing of existing properties in the street. The dwellings would also be constructed from red multi facing bricks and grey roof tiles which would complement the surrounding environment. Thus, the proposed development would respect the character and appearance of the area, in accordance with the NPPF.

In terms of landscaping, the existing tree and hedgerow to the front and side of the site would be retained. As the new dwellings would be situated further away from these landscape features than the existing building which has consent for demolition, the existing tree and hedgerow would not be adversely affected, subject to a condition ensuring that the protection measures contained within the submitted Arboricultural Assessment are secured.

Planning Balance

As stated above, it is considered that the test in paragraph 11(d) of the NPPF has to be applied and an assessment of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, is required.

The provision of 2 additional dwellings would make a contribution towards the Borough's housing supply, particularly in the context of a development plan that is not up to date in terms of housing need and where a suitable supply of housing cannot be demonstrated. This benefit therefore must also be attributed substantial weight. In addition, it has also been demonstrated through the submission of technical details that despite the comments raised by interested parties, the proposal would raise no issues in respect of highway safety/access, residential amenity or impact on the character and appearance of the area. On this basis, planning permission should be granted, subject to the use of appropriate conditions.

Reducing Inequalities

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

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

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

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

- Sex
- Sexual orientation

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

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

The scheme has been developed embracing good design and access and 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 SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods 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 H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local Species
Policy N12: Protection of Trees
Policy N17: Landscape Character – General Considerations

Other Material Considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (2024 as updated)

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

Relevant Planning History

Application site

24/00509/DEM - Application for prior approval of the demolition of building (The Lodge) – Consent granted.

17/00194/OUT - Full planning permission for the demolition of Orchard House together with the conversion of No. 35 Clayton Road (previously offices) into four flats and B) Outline planning permission for the erection of up to 20 dwellings on the remaining part of the site – Approved.

Adjacent site

22/00990/FUL - Variation of condition 2 of planning permission 18/00693/FUL to substitute approved plans with revised plans to show an amended design of building, car parking layout, landscape and drainage design for specialist accommodation for the elderly comprising of 75 Residential apartments with care, communal facilities, parking and associated private amenity space for persons aged 55 and over - Approved

18/00693/FUL - Specialist accommodation for the elderly comprising of 75 Residential apartments with care, communal facilities, parking and associated private amenity space for persons aged 55 and over – Approved

Views of Consultees

The **Highway Authority** raises no objections to the proposal subject to a condition requiring the parking area to be constructed in a bound material.

The **Landscape Development Section** raises no objections, subject to conditions regarding the tree protection measures being installed and no equipment stored in these areas.

The **Environmental Health Division** has no objections subject to conditions regarding hours of construction and unexpected contamination.

Representations

2 representations have been received, raising the following concerns:

- Issues with safe access and egress onto Clayton Road from Brookfield House which shares the access with the proposed development;
- Existing parked vehicles on Clayton Road restrict visibility for drivers emerging from the access;
- The approved visibility splays for Brookfield House are not being enforced;
- Potential conflict between vehicles accessing the 4 car parking spaces for the new dwellings and the main car park for Brookfields House;
- A condition should be imposed ensuring that the occupiers of the new dwellings cannot use the adjacent car park serving Brookfields House;
- The bus stop on Clayton Road needs to be clearly marked;
- Limited amenity space for the occupiers of the dwellings;
- Not all residents of Brookfields House have been consulted on the application.

Applicant's/Agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link: -

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00485/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

26 August 2025

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th September 2025

Agenda Item 10

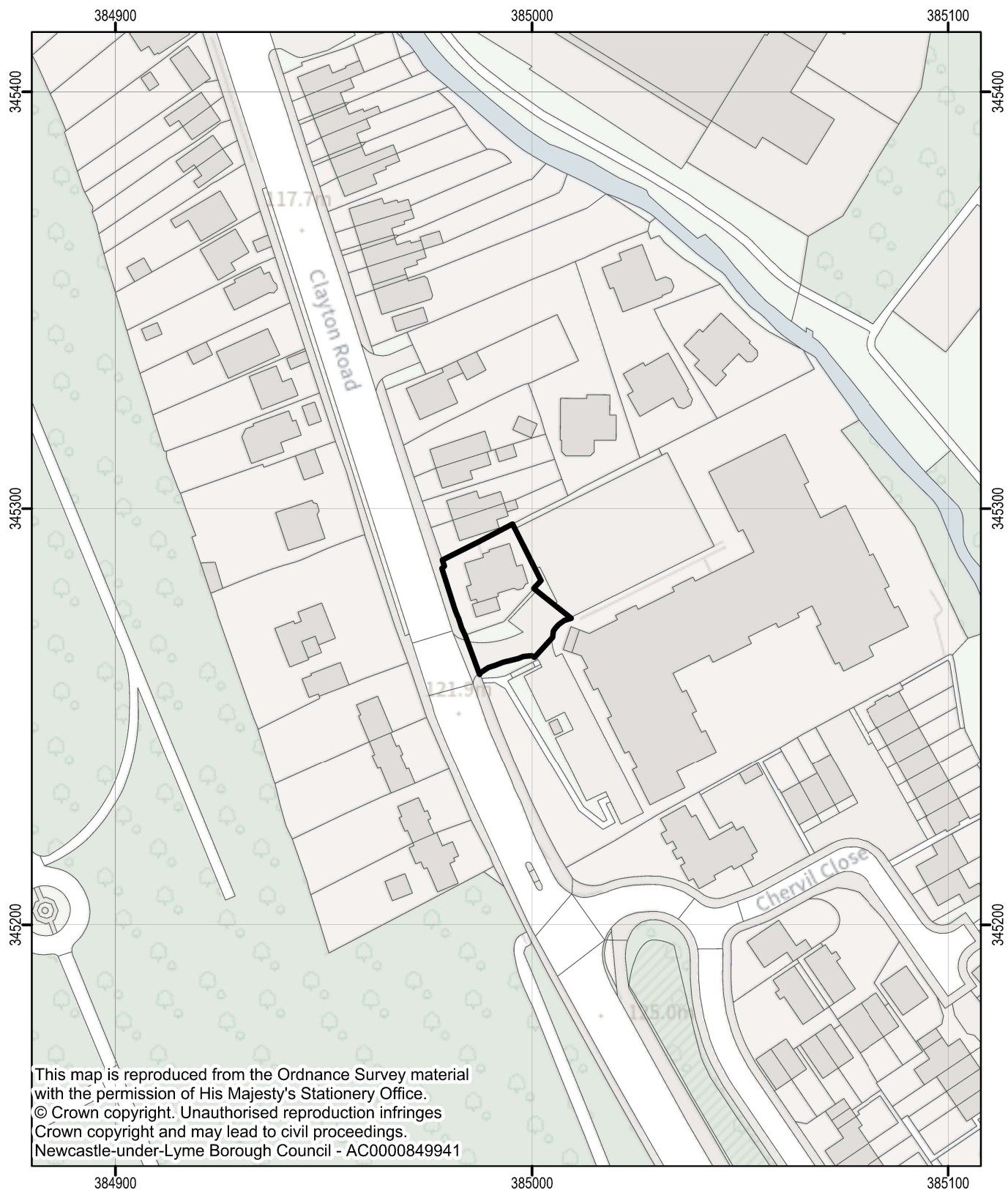
Application Ref. 25/00485/FUL

35 Clayton Road, Newcastle.

The agent has confirmed that the applicant's name specified on the application form and therefore referenced in the main agenda report is incorrect. The applicant is Gladman Retirement Living.

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25/00485/FUL
35 Clayton Road
Newcastle Under Lyme
Staffordshire
ST5 3AF



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Newcastle-under-Lyme Borough Council - AC0000849941

Newcastle Borough Council



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Page 103

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LAND WEST OF HAZELEY PADDOCKS, KEELE ROAD, KEELE
S. GIBSON / G. BENSON-LEES

25/00574/PIP

This is an application for permission in principle for residential development for between 2 and 6 dwellings on land west of Hazeley Paddocks, Keele Road, Keele. A second 'permission in principle' application is also before Committee for residential development of 1 to 2 dwellings on land east of Hazeley Paddocks (Ref: 25/00575/PIP).

The site lies outside a defined settlement boundary and is situated in the North Staffordshire Green Belt

The application has been called in to Committee on the grounds that it comprises inappropriate development in the green belt, there is no policy in the emerging Local Plan on grey belt, there is no need for further green belt releases as Madeley is on track to meet its indicative housing targets, and due to concerns regarding highway safety and loss of viable agricultural amenity.

The 5-week period for the determination of this application expires on 9th September 2025 but an extension of time has been agreed to 11th September 2025.

RECOMMENDATION

Permit, subject to conditions relating to the following matters: -

- 1. Technical Details Consent required from the LPA**
- 2. Technical Details Consent submitted within 3 years of this permission**
- 3. Approved Plans**
- 4. Consent restricted to up to 6 dwellings**

Reason for Recommendation

It is considered that the location, type and amount of development proposed is acceptable in principle and these are the only matters which can be assessed in applications for permission in principle. If permission is granted, then an application referred to as a 'technical details consent' would need to be submitted which would consider site specific details.

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

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

Key Issues

The application seeks permission in principle for a residential development for between 2 and 6 dwellings on land west of Hazeley Paddocks, Keele Road, Keele. A second 'permission in principle' application is also before Committee for a residential development of 1 to 2 dwellings on land east of Hazeley Paddocks (Ref: 25/00575/PIP).

The wider land holding comprises a dwelling, stable blocks, riding menage and two paddocks of land to the east and west of the main dwelling. The paddocks have been in use for horse grazing.

The site lies outside a defined settlement boundary and is situated in the North Staffordshire Green Belt.

Outline planning permission was refused and an appeal dismissed in 2018 (Ref: 18/00488/OUT) for the erection of a new dwelling on land which is currently subject to application 25/00575/PIP. The appeal was dismissed on the basis that the proposal represented inappropriate development in the Green Belt.

With regard to applications for permission in principle, only the matter of the location of the development and the principle of development can be considered by the Local Planning Authority. If permission is granted, then a second application referred to as a 'technical details consent' would be required to address site specific details. In addition, applications for permission in principle are exempt from providing a biodiversity net gain assessment, with such assessments to be submitted at technical details consent stage.

Therefore, the only matters for consideration are as follows: -

- Is the site a sustainable location for housing development?
- Is the development an appropriate form of development within the Green Belt?

Is the site a sustainable location for housing development?

The application site comprises greenfield agricultural land that is located beyond, but adjacent to, the defined village envelope for Madeley.

Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

Policy SP3 of the CSS seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

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

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

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

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

(Para 11(d))

The Council submitted its emerging Local Plan for examination on the 20 December 2024. The Council is now preparing a response to a number of action points raised during the examination hearing sessions before the Inspector issues her interim views on next steps on the Local Plan. There are outstanding objections to the Local Plan and as such, the weight to be afforded to the Plan is limited to moderate weight, in the terms of paragraph 49 of the NPPF (2024).

The Council cannot currently demonstrate an appropriate supply of specific, deliverable housing sites.

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 the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

Although the MNP was made less than five years ago, it does not contain policies and allocations to meet its identified housing requirement. As a result, it does not comply with the relevant measures outlined within Paragraph 14 and so it cannot be concluded that the adverse impact of allowing development that conflicts with the neighbourhood plan is, in itself, likely to significantly and demonstrably outweigh the benefits.

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

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

The basket of policies from the development plan most important for determining this application are considered to be LP Policy H1, CSS Policies SP1 and ASP6 and Policy HOU1 of the MNP. As stated above, it has been accepted that the LP and CSS policies are out of date. The MNP was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6. This change in the local planning context has a bearing on the weight to be applied to the MNP policies and therefore it is considered reasonable to conclude that the ‘basket of policies’ overall, is out of date.

In the absence of a required housing land supply, and lack of up to date policies in relation to the provision of housing, the tilted balance outlined within Paragraph 11(d) of the framework is considered to be engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

In sustainability terms, the site is situated in the countryside, outside the settlement envelope of both Madeley and Madeley Heath. The latter, which is around 500m from the site, has a primary school and public house which can be accessed via a footway with street lighting. The centre of Madeley with its variety of services and facilities including shops, doctor’s surgery and secondary school is around 1 mile away. As such, many of these facilities and services are within a reasonable walking/cycling distance of the site. Moreover, there is a bus stop to the west of the site which provides a regular service between Newcastle and Nantwich, enabling potential future occupiers of the development to access employment opportunities, hospitals and a range of services in these larger centres by other means than the private motor vehicle. For these reasons and notwithstanding the concerns raised by the Parish Council and local residents, officers consider that the site lies in a sustainable location for a housing development of between 2 to 6 dwellings.

It is also important to note that in dismissing the appeal for a new dwelling on the wider site in 2018, the Inspector concluded that the site represented a sustainable location for residential development, concluding that:

Although the appeal site is located outside the settlement of Madeley Heath, it is sufficiently close, with a footpath which runs along the A525 with street lighting, that future occupants of the proposed

dwelling could choose to walk into the village to use services and facilities, including access to public transport links.

The Framework (2019) encourages homes with accessible services which limit the need to travel, especially by car, although it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Whilst I acknowledge that public transport is unlikely to meet all of the needs of the future occupants, sustainable transport options would be a realistic option for some journeys.

It is acknowledged that both local and national planning policy seeks to provide new housing development within existing development boundaries on previously developed land where available. It is accepted that residential development on this greenfield site outside the settlement boundary would be contrary to this preferred approach and concerns have been raised by the Parish Council in relation to the release of a further greenfield site for housing. Nevertheless, this site would contribute to meeting the housing need for the borough over the emerging plan period in a sustainable and accessible location which would help to boost the supply of homes in the borough.

Is the development an appropriate form of development within the Green Belt?

Paragraph 143 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

Paragraph 153 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.

Paragraph 154 of the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt.

Since the previous appeal decision for this site, there has been a material change in planning policy, with the National Planning Policy Framework (NPPF) revised to include the potential for 'grey belt' land to not represent inappropriate development in the Green Belt. Paragraph 155 sets out that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where:

- (a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- (b) There is a demonstrable unmet need for the type of development proposed ;*
- (c) The development would be in a sustainable location, with particular reference to [paragraphs 110 and 115 of this Framework; and*
- (d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-15.*

The applicant's agent has submitted supporting information to demonstrate that the proposal complies with criteria (a) above, which relates to the utilisation of 'Grey Belt' land and an assessment as to whether the proposal meets the above criteria is set out below.

'Grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

The three criteria in paragraph 143 are as follows:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (d) to preserve the setting and special character of historic towns.

The application site falls outside of any recognised settlement boundary. National Guidance notes that villages should not be classed as 'large built-up areas' and this definition should only be applied

to towns or larger settlements. Furthermore, the application site is bounded by an existing dwelling to the east, Keele Road to the north and sporadic residential development to the west, would therefore would not be at risk of creating 'unrestricted sprawl'. For these reasons, the proposal meets the definition of grey belt when assessed against the first of the criterion set out above.

With regards to criterion (b), there are no nearby towns within close proximity to the site which would be at risk of merging with the settlement. Due to its location to the east of both the nearby villages of Madeley Heath and Madeley, it would not result in the merger of these two settlements. Concerns have also been raised by the Parish Council that the proposal would lead to development merging with Keele village further to the east. However, given its distance from Keele and the limited scale of the proposed development, it is not considered that this would be possible. As such, the second criterion is also met.

Regarding criterion (c), given its location, the proposal would not impact on the setting and special character of historic towns.

The site does not fall within any of the criteria set out in footnote 7 of paragraph 143 of the NPPF.

To conclude, the site comprises Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan as it does not make a significant contribution to purposes a), b) and d) of paragraph 143 of the Framework, nor are there any policies listed at footnote 7 of the Framework that suggest that development of the application site should be refused or restricted. There is a demonstrable need for the development given the absence of a 5-year housing land supply and the site is otherwise located in a sustainable location.

In light of these conclusions, the proposal comprises appropriate development in the Green Belt and the principle of development is considered to be acceptable.

Other issues

Local residents have raised concerns regarding the impact of the development on highway safety, residential amenity, potential loss of agricultural/equestrian land, impact on the character and appearance of the area, and that the site may have historically been used for landfill. These are technical matters which would be assessed under a separate application for 'technical details consent' if Members were minded to approve the current application.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside.
Policy C4: Open Space in New Housing Areas.
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures.
Policy N4: Development and Nature Conservation – Use of Local Species.
Policy N8: Protection of Key Habitats.
Policy N10: New Woodland Considerations
Policy N12: Development and the Protection of Trees.
Policy N13: Felling and Pruning of Trees.
Policy N14: Protection of Landscape Features of Major Importance to Flora and Fauna.
Policy N17: Landscape Character - General Considerations.
Policy N20: Areas of Landscape Enhancement

Madley Neighbourhood Development Plan

Policy HOU1: Housing Development
Policy HOU2: Housing Mix
Policy DES1: Design
Policy NE1: Natural Environment
Policy TRA1: Critical Road Junctions

Other Material Considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (as updated)

Relevant Planning History

24/00756/FUL - Conversion of existing horse box into a bedroom and the re-use of the existing welfare facilities to create a residential annexe - Approved

18/00488/OUT - Outline application for infill site for a single dwelling with detailed approval sought for access and siting/layout – Refused, appeal dismissed

17/00434/FUL - Replacement Stable Block and New ménage – Approved

17/00073/FUL - Conversion of Barn to Create Single Family Dwelling - Approved

Views of Consultees

The **Highway Authority** confirms that full details of access/highway arrangements should be submitted at technical details stage.

NatureSpace recommend that at the Technical Details Consent stage, that suitable assessment of potential impacts to great crested newts and their habitat is provided. A Preliminary Ecological Appraisal is recommended.

Staffordshire CC Archaeology – No archaeological concerns.

United Utilities – It is strongly recommended that the applicant or any subsequent developer contacts United Utilities to discuss their proposals.

No comments have been received from the **Landscape Development Section, Madeley Parish Council** or the **Environmental Health Division**.

Representations

5 letters of objection have been received, raising the following concerns:

- Inappropriate development in the Green Belt
- Out of keeping with established settlement pattern
- Overdevelopment of the site
- Additional traffic movements adversely impact on highway safety
- Potential historic landfill on the site
- Loss of viable agricultural/equestrian land
- Loss of light, privacy, view and noise and disruption to neighbouring dwelling.

Applicant's/Agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link: -

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00574/PIP>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

27 August 2025

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th September 2025

Agenda Item 11

Application Ref. 25/00574/PIP

Land West Of Hazeley Paddocks, Keele Road, Keele

Since the publication of the main agenda report, United Utilities have provided comments on the application, confirming that the applicant should contact them at technical approval stage if this application is permitted.

In addition to the above, 2 letters of representation have also been received from local residents, raising the following objections to the proposal:

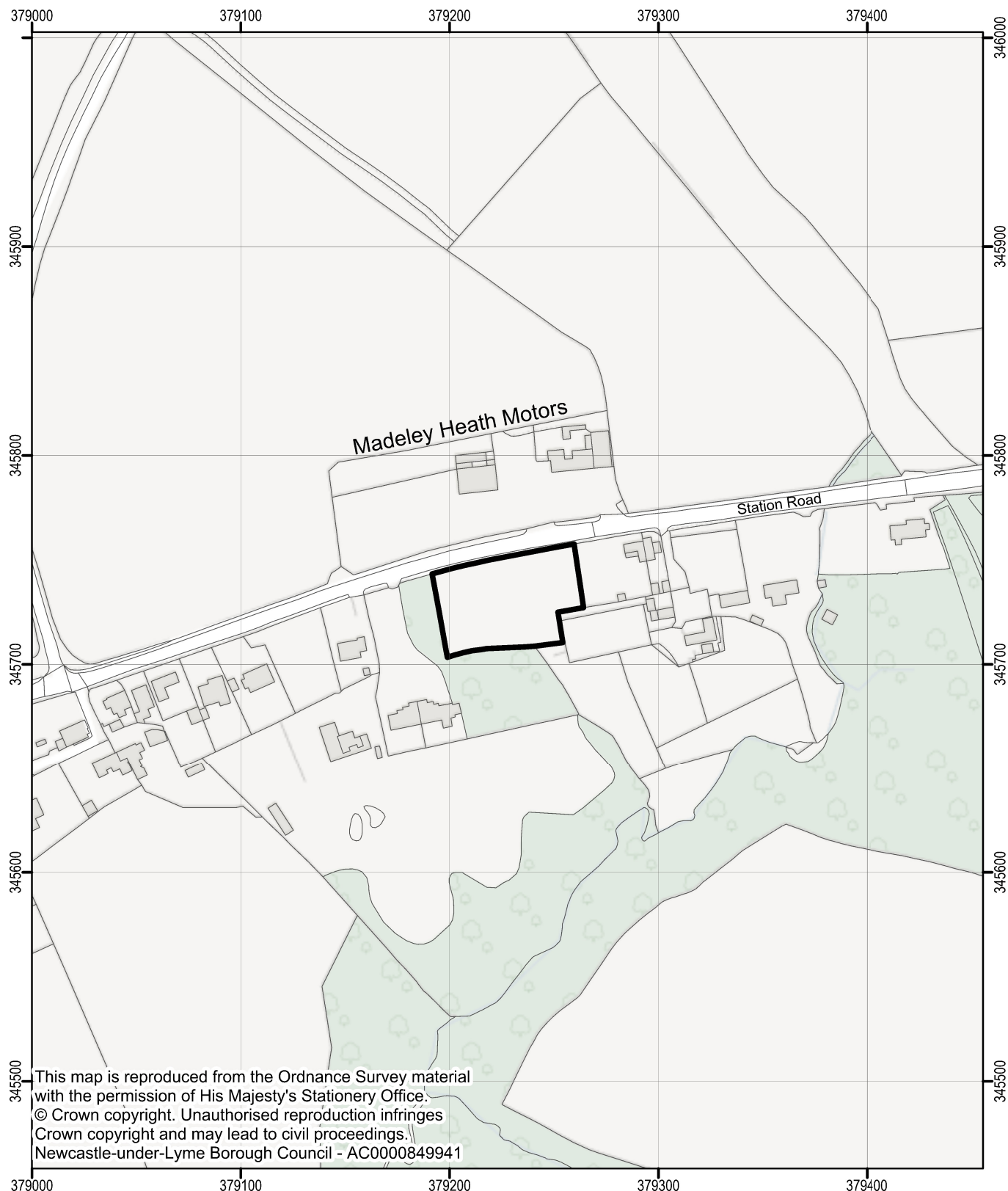
- Inappropriate development in the Green Belt;
- Highway safety concerns;
- Increased congestion;
- Overdevelopment of the site;
- Development would be out of keeping with the character of the area;
- Lead to merger of settlements with Meadley Heath expanding towards Keele;
- Loss of equine/equestrian use;
- Overlooking;
- Permission already refused for a dwelling on the site;
- Set precedent for development.

Officer's comments

The above concerns have been addressed in the main agenda report, and therefore the recommendation remains unchanged.

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25/00574/PIP
Land West Of Hazeley Paddocks
Keele Road, Keele
Newcastle Under Lyme
Staffordshire
ST5 5AL



Newcastle Borough Council



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Page 115

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LAND EAST OF HAZELEY PADDOCKS, KEELE ROAD, KEELE
S. GIBSON / G. BENSON-LEES

25/00575/PIP

This is an application for permission in principle for residential development for 1 to 2 dwellings on land east of Hazeley Paddocks, Keele Road, Keele. A second 'permission in principle' application is also before Committee for residential development of 2 to 6 dwellings on land west of Hazeley Paddocks (Ref: 25/00574/PIP).

The site lies outside a defined settlement boundary and is situated in the North Staffordshire Green Belt

The application has been called in to Committee on the grounds that it comprises inappropriate development in the green belt, there is no policy in the emerging Local Plan on grey belt, there is no need for further green belt releases as Madeley is on track to meet its indicative housing targets, and due to concerns regarding highway safety and loss of viable agricultural amenity.

The 5-week period for the determination of this application expired on 9th September 2025 but an extension of time has been agreed to 11th September 2025.

RECOMMENDATION

Permit, subject to conditions relating to the following matters: -

- 1. Technical Details Consent required from the LPA**
- 2. Technical Details Consent submitted within 3 years of this permission**
- 3. Approved Plans**
- 4. Consent restricted to up to 2 dwellings**

Reason for Recommendation

It is considered that the location, type and amount of development proposed is acceptable in principle and these are the only matters which can be assessed in applications for permission in principle. If permission is granted, then an application referred to as a 'technical details consent' would need to be submitted which would consider site specific details.

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

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

Key Issues

The application seeks permission in principle for a residential development for between 1 and 2 dwellings on land east of Hazeley Paddocks, Keele Road, Keele. A second 'permission in principle' application is also before Committee for a residential development of 2 to 6 dwellings on land west of Hazeley Paddocks (Ref: 25/00574/PIP).

The wider land holding comprises a dwelling, stable blocks, riding menage and two paddocks of land to the east and west of the main dwelling. The paddocks have been in use for horse grazing.

The site lies outside a defined settlement boundary and is situated in the North Staffordshire Green Belt.

Outline planning permission was refused and an appeal dismissed in 2018 (Ref: 18/00488/OUT) for the erection of a new dwelling on this site. The appeal was dismissed on the basis that the proposal represented inappropriate development in the Green Belt.

With regard to applications for permission in principle, only the matter of the location of the development and the principle of development can be considered by the Local Planning Authority. If permission is

granted, then a second application referred to as a 'technical details consent' would be required to address site specific details. In addition, applications for permission in principle are exempt from providing a biodiversity net gain assessment, with such assessments to be submitted at technical details consent stage.

Therefore, the only matters for consideration are as follows: -

- Is the site a sustainable location for housing development?
- Is the development an appropriate form of development within the Green Belt?

Is the site a sustainable location for housing development?

The application site comprises greenfield agricultural land that is located beyond, but adjacent to, the defined village envelope for Madeley.

Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

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

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

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

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

(Para 11(d))

The Council submitted its emerging Local Plan for examination on the 20 December 2024. The Council is now preparing a response to a number of action points raised during the examination hearing sessions before the Inspector issues her interim views on next steps on the Local Plan. There are outstanding objections to the Local Plan and as such, the weight to be afforded to the Plan is limited to moderate weight, in the terms of paragraph 49 of the NPPF (2024).

The Council cannot currently demonstrate an appropriate supply of specific, deliverable housing sites.

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 the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

Although the MNP was made less than five years ago, it does not contain policies and allocations to meet its identified housing requirement. As a result, it does not comply with the relevant measures outlined within Paragraph 14 and so it cannot be concluded that the adverse impact of allowing development that conflicts with the neighbourhood plan is, in itself, likely to significantly and demonstrably outweigh the benefits.

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

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

The basket of policies from the development plan most important for determining this application are considered to be LP Policy H1, CSS Policies SP1 and ASP6 and Policy HOU1 of the MNP. As stated above, it has been accepted that the LP and CSS policies are out of date. The MNP was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6. This change in the local planning context has a bearing on the weight to be applied to the MNP policies and therefore it is considered reasonable to conclude that the ‘basket of policies’ overall, is out of date.

In the absence of a required housing land supply, and lack of up to date policies in relation to the provision of housing, the tilted balance outlined within Paragraph 11(d) of the framework is considered to be engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

In sustainability terms, the site is situated in the countryside, outside the settlement envelope of both Madeley and Madeley Heath. The latter, which is around 500m from the site, has a primary school and public house which can be accessed via a footway with street lighting. The centre of Madeley with its variety of services and facilities including shops, doctor’s surgery and secondary school is around 1 mile away. As such, many of these facilities and services are within a reasonable walking/cycling distance of the site. Moreover, there is a bus stop to the west of the site which provides a regular service between Newcastle and Nantwich, enabling potential future occupiers of the development to access employment opportunities, hospitals and a range of services in these larger centres by other means than the private motor vehicle. For these reasons and notwithstanding the concerns raised by the Parish Council and local residents, officers consider that the site lies in a sustainable location for a housing development of between 1 and 2 dwellings.

It is also important to note that in dismissing the appeal for a new dwelling on the site in 2018, the Inspector concluded that the site represented a sustainable location for residential development, concluding that:

Although the appeal site is located outside the settlement of Madeley Heath, it is sufficiently close, with a footpath which runs along the A525 with street lighting, that future occupants of the proposed dwelling could choose to walk into the village to use services and facilities, including access to public transport links.

The Framework (2019) encourages homes with accessible services which limit the need to travel, especially by car, although it also recognises that opportunities to maximise sustainable transport

solutions will vary between urban and rural areas. Whilst I acknowledge that public transport is unlikely to meet all of the needs of the future occupants, sustainable transport options would be a realistic option for some journeys.

It is acknowledged that both local and national planning policy seeks to provide new housing development within existing development boundaries on previously developed land where available. It is accepted that residential development on this greenfield site outside the settlement boundary would be contrary to this preferred approach and concerns have been raised by the Parish Council in relation to the release of a further greenfield site for housing. Nevertheless, this site would contribute to meeting the housing need for the borough over the emerging plan period in a sustainable and accessible location which would help to boost the supply of homes in the borough.

Is the development an appropriate form of development within the Green Belt?

Paragraph 143 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

Paragraph 153 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.

Paragraph 154 of the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt.

Since the previous appeal decision for this site, there has been a material change in planning policy, with the National Planning Policy Framework (NPPF) revised to include the potential for 'grey belt' land to not represent inappropriate development in the Green Belt. Paragraph 155 sets out that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where:

- (a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- (b) There is a demonstrable unmet need for the type of development proposed ;*
- (c) The development would be in a sustainable location, with particular reference to [paragraphs 110 and 115 of this Framework; and*
- (d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-15.*

The applicant's agent has submitted supporting information to demonstrate that the proposal complies with criteria (a) above, which relates to the utilisation of 'Grey Belt' land and an assessment as to whether the proposal meets the above criteria is set out below.

'Grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

The three criteria in paragraph 143 are as follows:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (d) to preserve the setting and special character of historic towns.

The application site falls outside of any recognised settlement boundary. National Guidance notes that villages should not be classed as 'large built-up areas' and this definition should only be applied to towns or larger settlements. Furthermore, the application site is bounded by an existing dwelling to the west, Keele Road to the north and sporadic residential development to the east, and would therefore would not be at risk of creating 'unrestricted sprawl'. For these reasons, the proposal meets the definition of grey belt when assessed against the first of the criterion set out above.

With regards to criterion (b), there are no nearby towns within close proximity to the site which would be at risk of merging with the settlement. Due to its location to the east of both the nearby villages of Madeley Heath and Madeley, it would not result in the merger of these two settlements. Concerns have also been raised by the Parish Council that the proposal would lead to development merging with Keele village further to the east. However, given its distance from Keele and the limited scale of the proposed development, it is not considered that this would be possible. As such, the second criterion is also met.

Regarding criterion (c), given its location, the proposal would not impact on the setting and special character of historic towns.

The site does not fall within any of the criteria set out in footnote 7 of paragraph 143 of the NPPF.

To conclude, the site comprises Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan as it does not make a significant contribution to purposes a), b) and d) of paragraph 143 of the Framework, nor are there any policies listed at footnote 7 of the Framework that suggest that development of the application site should be refused or restricted. There is a demonstrable need for the development given the absence of a 5-year housing land supply and the site is otherwise located in a sustainable location.

In light of these conclusions, the proposal comprises appropriate development in the Green Belt and the principle of development is considered to be acceptable.

Other issues

Concerns have been raised regarding the impact of the development on highway safety and residential amenity but these are technical matters which would be assessed under a separate application for 'technical details consent' if Members were minded to approve the current application.

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.

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

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

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

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside.
Policy C4: Open Space in New Housing Areas.
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures.
Policy N4: Development and Nature Conservation – Use of Local Species.
Policy N8: Protection of Key Habitats.
Policy N10: New Woodland Considerations
Policy N12: Development and the Protection of Trees.
Policy N13: Felling and Pruning of Trees.
Policy N14: Protection of Landscape Features of Major Importance to Flora and Fauna.
Policy N17: Landscape Character - General Considerations.
Policy N20: Areas of Landscape Enhancement

Madley Neighbourhood Development Plan

Policy HOU1: Housing Development
Policy HOU2: Housing Mix
Policy DES1: Design
Policy NE1: Natural Environment
Policy TRA1: Critical Road Junctions

Other Material Considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (as updated)

Relevant Planning History

24/00756/FUL - Conversion of existing horse box into a bedroom and the re-use of the existing welfare facilities to create a residential annexe – Approved

20/00649/FUL – Rear single-storey extension – Approved

20/00649/NMA - Application for a non-material amendment relating to alterations to planning permission 20/00649/FUL - Rear single-storey extension – Approved

19/00021/FUL - Variation of condition 2 (amendment to the approved plans to allow for some rebuilding/structural works) of planning permission 17/00073/FUL - Conversion of Barn to Create Single Family Dwelling - Refused

18/00488/OUT - Outline application for infill site for a single dwelling with detailed approval sought for access and siting/layout – Refused, appeal dismissed

17/00434/FUL - Replacement Stable Block and New ménage – Approved

17/00073/FUL - Conversion of Barn to Create Single Family Dwelling - Approved

Views of Consultees

The **Highway Authority** confirms that full details of access/highway arrangements should be submitted at technical details stage.

NatureSpace recommend that at the Technical Details Consent stage, that suitable assessment of potential impacts to great crested newts and their habitat is provided. A Preliminary Ecological Appraisal is recommended.

Staffordshire CC Archaeology – No archaeological concerns.

United Utilities – It is strongly recommended that the applicant or any subsequent developer contacts United Utilities to discuss their proposals.

No comments have been received from the **Landscape Development Section, Madeley Parish Council** or the **Environmental Health Division**.

Representations

1 letter of objection has been received, raising the following concerns:

- Additional traffic movements adversely impact on highway safety
- Loss of light, view and noise and disruption to neighbouring dwelling.

Applicant's/Agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link: -

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00575/PIP>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

27 August 2025

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th September 2025

Agenda Item 12

Application Ref. 25/00575/PIP

Land East Of Hazeley Paddocks, Keele Road, Keele

Since the publication of the main agenda report, United Utilities have provided comments on the application, confirming that the applicant should contact them at technical approval stage if this application is permitted.

In addition to the above, 1 letter of representation has also been received from a local resident, raising the following objections to the proposal:

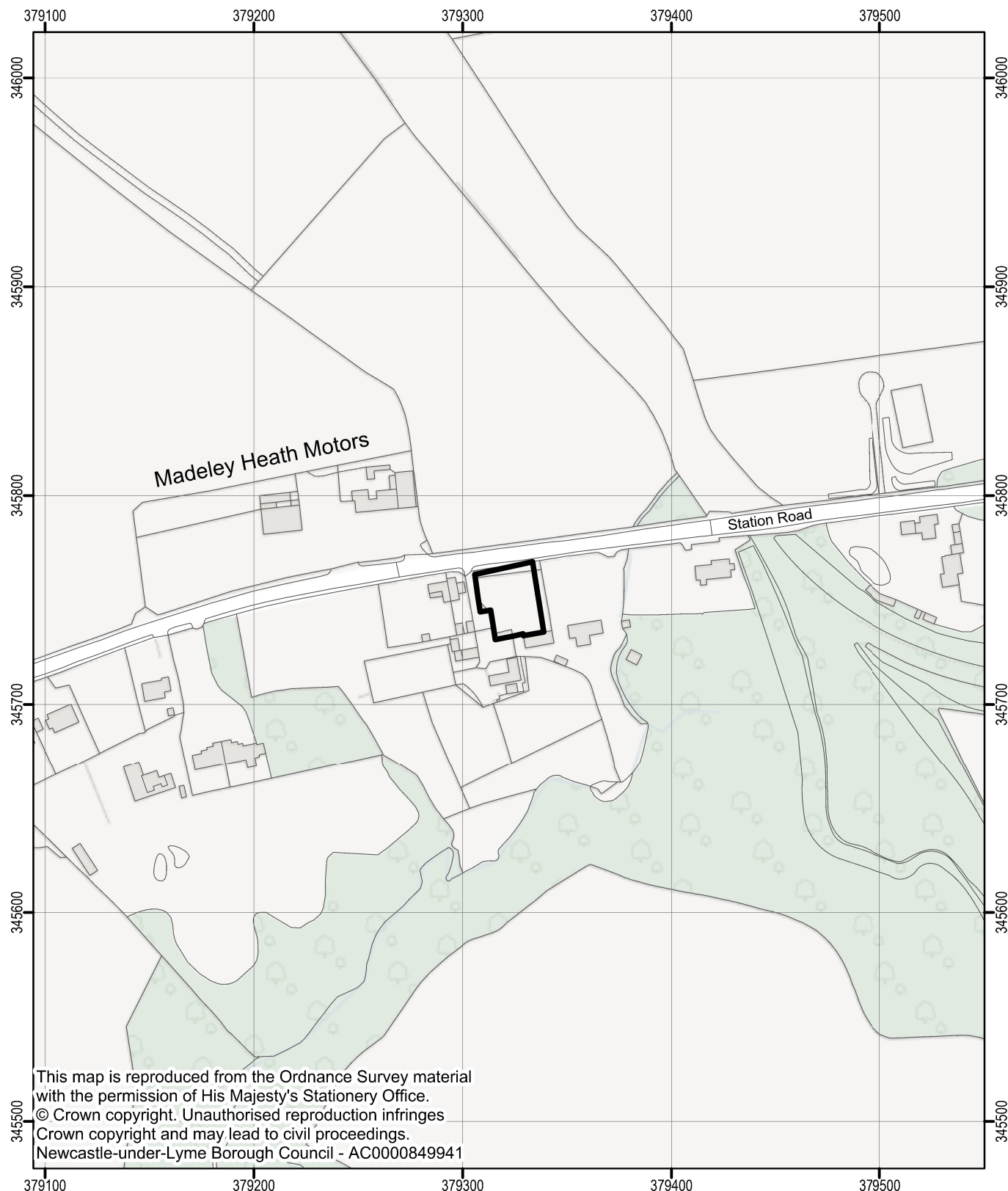
- Inappropriate development in the Green Belt;
- Highway safety concerns;
- Increased congestion;
- Overdevelopment of the site;
- Development would be out of keeping with the character of the area;
- Lead to merger of settlements with Meadley Heath expanding towards Keele;
- Loss of equine/equestrian use;
- Overlooking;
- Permission already refused for a dwelling on the site;
- Set precedent for development.

Officer's comments

The above concerns have been addressed in the main agenda report, and therefore the recommendation remains unchanged.

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25/00575/PIP
Land East Of Hazeley Paddocks
Keele Road, Keele
Newcastle Under Lyme
Staffordshire
ST5 5AL



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Newcastle-under-Lyme Borough Council - AC0000849941

Newcastle Borough Council



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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.

Your officers are progressing the appropriate enforcement action against the landowner to ensure that the landscaping works, as required by condition 4 of planning permission 21/00286/FUL, are carried out in accordance with the approved plans at the earliest opportunity.

Date Report Prepared – 29 August 2025

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