

Full planning permission is sought for the erection of 39 dwellings including recreation areas and associated works.

The site lies outside of the Audley Village Envelope within the Green Belt and an Area of Landscape Enhancement as set out on the Local Development Framework Proposals Map.

The 13-week period for the determination of this application expired on 20 September 2023 but an extension of time has been agreed to 11 October 2024.

RECOMMENDATION

(A) Subject to the applicant entering into a Section 106 obligation by 15th November 2024 to ensure the following:

- **Link the scheme to the timely restoration and re-use of Madeley Manor**
- **Details of on-site open space maintenance**

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

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatments**
- 5. Details of the site access**
- 6. Provision of junction and pedestrian visibility splays**
- 7. Surfacing of pumping station access, turning and parking areas**
- 8. Details of surfacing and surface water drainage for drives, parking and turning areas**
- 9. Retention of garages for parking**
- 10. Construction Environmental Management Plan**
- 11. Tree protection plan**
- 12. Detailed proposals for construction of footpath within RPAs**
- 13. Implementation of the principles of the landscaping scheme**
- 14. Detailed surface water drainage and foul water drainage scheme**
- 15. Contaminated land**
- 16. Waste collection and storage arrangements**
- 17. Electric vehicle charging provision**
- 18. External lighting**
- 19. Ecology mitigation**

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

Reason for Recommendation

The development comprises inappropriate development in the Green Belt but the applicant has robustly demonstrated that the proposal comprises 'enabling development' to secure the long-term future of Madeley Manor, a Grade II Listed Building. It is considered that the benefits of this enabling development outweigh the disbenefits and therefore the proposal is considered to accord with Paragraph 214 of the NPPF. On this basis, the very special circumstances exist to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

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

The LPA has 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

Full planning permission is sought for the erection of 39 dwellings including recreation areas and associated works.

The site lies outside of the Audley Village Envelope within the Green Belt and an Area of Landscape Enhancement as set out on the Local Development Framework Proposals Map.

This proposal is submitted as 'enabling development' which is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset.

The applicants own Madeley Manor, a Grade II Listed Building located in Madeley. Madeley Manor is falling into disrepair and it is intended that an element of the profit from this proposal would cross-finance the works to Madeley Manor. This matter will be considered in detail later in this report.

In the circumstances and given the policy context, it is considered that the main issues for consideration in the determination of this application are:

- Appropriate or inappropriate development in Green Belt terms
- Suitability of the location for residential development
- Character and appearance of the area
- Highway safety
- Agricultural land
- Residential amenity
- Flood risk and drainage
- Ecology
- What, if any, planning obligations are necessary to make the development policy compliant?
- Are there the required Very Special Circumstances to warrant setting aside Green Belt policies?

Is the proposal appropriate or inappropriate development in Green Belt terms?

The Government attaches great importance to Green Belts. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

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 the construction of new buildings within the Green Belt is inappropriate unless it is for one of a number of exceptions and paragraph 155 states that other forms of development are also not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land within the Green Belt.

The proposed development does not meet any of the exceptions set out in the NPPF and it is therefore concluded that the proposal represents inappropriate development in Green Belt terms. Whether there would be any additional harm to the Green Belt other than the harm by definition, will be considered below.

Suitability of the location for residential development

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

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

The application site comprises greenfield land that is located beyond the defined village envelope for Audley.

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.

In July of this year, the Council approved the Regulation 19 Final Draft Local Plan for a period of consultation before aiming to submit the Local Plan, consultation responses received and its evidence base for examination to the secretary of state for public examination by the end of 2024. The final draft Local Plan includes a proposed overall level of development and how that development is distributed through draft allocations across the Borough. The Plan also includes a number of draft policies for the purposes of decision taking.

Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: -

- a) The stage of preparation of the emerging Plan.
- b) The extent to which there are unresolved objections to relevant policies.
- c) The degree of consistency of the relevant policies in the emerging plan to the National Planning Policy Framework.

As the Plan is still emerging in status and is currently being consulted on and subject to a future examination, then the weight afforded to the Plan is generally limited at this stage. However, the weight accorded to different policies is a matter for the decision maker, and in the case of the draft local plan this weight should be determined in line with NPPF paragraph 48 as set out above. Policies will generally gain weight as they progress through the process of consultation and examination, particularly where they do not attract objections.

CSS Policies SP1 and ASP6, and Local Plan Policy H1 which are concerned with meeting housing requirements, have been found by Inspectors in a number of previous appeal decisions, to 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.

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-date⁸, 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 proposed⁷; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

Footnote 7 lists that the policies referred to include those relating to Green Belt.

On the basis that this site is within the Green Belt, the “tilted balance” presumption in favour of granting planning permission does not apply.

In sustainability terms, although the site is outside the village envelope of Audley, the village is considered to represent a relatively sustainable location with a range of shops, services and facilities. The site is located 1.2 kilometres from the nearest bus stop. The site is located adjacent to a former builder’s yard which was granted planning permission at appeal in 2019 for 7 detached dwellinghouses (Ref. 18/00122/FUL). In allowing that appeal, the Inspector stated as follows:

The appeal site is approximately 600m from the edge of Audley which offers a range of services and facilities that could meet the day-to-day requirements of future occupants of the dwellings. I accept that facilities and services are located further in the village, approximately 1400m from the appeal site. However, there is a public footpath which runs along much of Alsager Road between the appeal site and Audley...which would enable future occupants to walk into the village. Whilst there is likely to be some dependence upon private car, given the proximity of the site to Audley, future occupants would be able to make sustainable transport choices.

This appeal decision must be afforded significant weight in the consideration of this application and therefore, it is considered that it must be concluded that the site is in a relatively sustainable location.

Character and appearance of the area

Paragraph 131 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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, will function well and add to the overall quality of the area; 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.

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.

Access to the site would be from Cross Lane, a narrow country road which forms the north-eastern and north-western boundaries. The south-easterly aspect is open farmland. There is an existing driveway access to New Farm off Cross Lane. A separate access has been formed just to the north of this, to serve 7 dwellings granted planning consent to the south-west on the site of a former builder's yard.

A pronounced ridge runs north to south across the site, descending to a small valley to the east and a shallow basin to the west. In terms of vertical scale, the highest point of the site is approximately six metres above its lowest point.

The proposal is for 39 new dwellings comprising several house types. All of the dwellings are to be five bedroom, two-storey detached houses, each with a large single or double garage.

The Design and Access Statement (DAS) states that the dwellings are arranged in an informal layout to avoid a regimented urban layout which is amplified by the positioning of domestic garaging and the arrangement of the nine different house types across the site. The sloping topography of the site has also been considered and this also facilitates a rural and organic arrangement of housing which would displace a range of ridge heights throughout the site.

The materials would primarily comprise orange-red bricks and grey plain clay tile roofs. Timber clad elements have been introduced to emulate some of the local rural detailing adjacent to the site. The DAS sets out that clay tiled roofs will ensure that the development is recessive and low key when viewed from an elevated position and oak porches, timber doors, timber facias and soffits will provide a further level of detail and a lighter contrast to the brickwork.

Prior to the submission of this application, the proposed development was assessed by an independent Design Review Panel where the following comments and recommendations were made:

- The proposals represent over-development within a contained area. This means there are not enough opportunities for open green spaces within the site, internal linkages, and variety in built form.
- Containing the development within the hedgerow has its benefits but there is a need to look at alternative strategies that respond to the landscape within the site itself.
- It would be helpful if the contours were shown on the layout plan. The design needs to respond to the topography on site. The current scheme does not appear to respond to the landscape – of the site and beyond.
- The character of development is suburban. There is a lack of variety. A range of house types and house sizes could work better commercially. More informality in the housing layout, the grouping of houses and the street design should be explored.
- Context is all important for a scheme of this nature. General views from afar of the site and views out of the site into the surrounding countryside should be considered. At present, the layout is claustrophobic – future residents will not get the exposure of being on a rural site. There is not enough in the drawings to show how the proposals respond to the context of the site itself, nor how the site relates to the landscape within which it sits.
- Environmental concerns need to be addressed. These proposals extend way beyond the deemed sustainable limits of the former builder's yard and this needs to be justified in design terms.

The applicant took on board some of the comments and has made a number of revisions. For example, the green spaces to the north and east of the site are to be better connected and viewed from within the proposed development, and the layout has been revised to enable the housing to respond better to the existing topography. However, the applicant highlights that the proposed

quantum of development is the minimum amount needed to enable the restoration of Madeley Manor. If the proposed houses were smaller, they would be worth less and therefore the scheme would require more houses to offset the loss.

The proposed development provides a housing density of 15 houses per hectare across the developable area of the site.

While a limited range of house types are proposed, the reasoning behind this is acknowledged. It is accepted that the sloping topography of the site would enable the buildings to step up and down in response to the existing levels of the site. The proposed dwellings have been articulated via a series of gable and eaves frontages with single storey porches and garages to give variety of heights along road frontages which would further break up the scale of the development. The simple palette of traditional materials is considered appropriate.

The proposal involves significant planting of new trees and hedges, as well as the retention and improvement of the majority of the existing hedges. Landscaped areas are proposed to the north-east and south-east portions of the site which seek to provide screening to the development.

Policy N17 of the Local Plan states that development should be informed by and be sympathetic to landscape character and quality and should contribute as appropriate to the regeneration, restoration, enhancement, maintenance or active conservation of the landscape.

The site is within an Area of Landscape Enhancement and Policy N20 of the Local Plan states that within such areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

A Landscape and Visual Assessment which accompanies the application sets out that views in from Alsager Road are limited and that the greatest impact would be to users of Cross Lane and the public footpath to the east of the site. Mitigation is recommended in the form of landscape, wildlife conservation measures and landscape buffer zones. The Assessment concludes that an effective long term screening strategy would be provided which would ensure that the proposed development would assimilate well within the wider area.

Although the proposed landscaping would provide some screening of the development, and it is accepted that wider public views are limited, it has to be acknowledged that the development of what is currently an open agricultural field would change the rural character of the immediate area. However, on balance and subject to conditions, your Officer's view is that the impact on the character and appearance of the area would be acceptable.

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.

Paragraph 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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.

Access to the site would be via the access from Cross Lane that serves the residential development of 7 dwellings allowed on appeal (Ref. 18/00122/FUL). A Transport Assessment that accompanies the application concludes that the level of traffic generation that would be associated with the proposals compared with the existing use of the site would not have a material impact on safety or traffic delay on the surrounding road network. Suitable visibility splays would be provided onto Cross Lane and beyond on to Alsager Road. It is proposed that Cross Lane would be widened to 6 metres, plus a 2-metre-wide footway. The 40-mph speed limit is also proposed to be extended beyond the site access.

The Highway Authority initially had a number of concerns and queries regarding the proposals but further to the submission of amended/additional plans, they raise no objections subject to the imposition of conditions.

On this basis, it is not considered that any objections could be sustained on the grounds of impact on highway safety.

Loss of agricultural land

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 NPPF identifies that best and most versatile agricultural land in grades 1, 2 and 3a of the Agricultural Land Classification.

An Agricultural Land Classification Report submitted with the application sets out that the Agricultural Land Classification Map designates the site as ranging from Grade 3a ('Good Quality Agricultural Land') and Grade 3b ('Moderate Quality Agricultural Land'). However, a detailed site investigation has concluded that the majority of the site is Grade 3b on account of the poor drainage and limitations in the depth of soil.

As such, it is considered that this proposal would not result in a loss of best and most versatile agricultural land.

Residential amenity

The NPPF states at paragraph 135 that planning decisions 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.

The internal separation distances between the dwellings proposed would all accord with the recommendations of the Space Around Dwellings SPG. The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG and therefore the level of private amenity space would be sufficient for the family dwellings proposed.

The Environmental Health Division (EHD) is satisfied that appropriate noise levels would be achieved for occupiers of the dwellings. Although the proposed development is within 300 metres of a sewage treatment works, the EHD is satisfied that no assessment of odour or flies is required.

Concerns have been raised by the owner and users of Poole House Stables and Livery. The facility has a floodlit manege and there are significant health and safety concerns regarding the impact that construction traffic and residential traffic could have on the operation of the business. The EHD has commented that the topography, and screening provided by existing hedgerows and trees, should minimise any impact upon the business but comments that the applicant should consider this in their landscaping scheme.

It is considered that given the above, the development would not raise any adverse implications for residential amenity and would accord with the principles of the NPPF.

Flood risk and drainage

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

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

The application is accompanied by a Flood Risk Assessment which concludes that the risk of flooding from fluvial sources and artificial sources are 'negligible' across the site.

Both United Utilities and Staffs County Council as the Lead Local Flood Authority raise no objections subject to the imposition of conditions and on this basis, it is not considered that the proposed development would create any additional risk of flooding.

Ecology

Paragraph 180 of the NPPF states that planning policies and decisions 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.

A Preliminary Ecological Appraisal Report has been submitted alongside the application proposals. The report identifies that the site comprises species-poor semi-improved grassland paddock which is surrounded by a species-poor Hawthorn hedgerow with a small scattering of trees around the north, east and west boundaries. The Report recommended that further ecology reports be undertaken which has resulted in the submission of information regarding breeding birds, bats, Great Crested Newts (GCNs) and badgers. A number of mitigation measures have been recommended.

NatureSpace UK are not satisfied that the applicant has adequately demonstrated that there will no impact on GCNs and/or their habitat and therefore a NatureSpace Report or Certificate would be required to demonstrate that the impacts of the proposed development can be addressed, of the developer would be required to apply to Natural England for a great crested newt mitigation licence.

Although not a mandatory requirement due to the submission date of the application, a Biodiversity Impact Assessment has been submitted. The Report notes that with the proposed habitat enhancement areas, the scheme would include improved grassland, a traditional orchard, a species-rich lowland meadow, mixed native woodland tree planting and hedgerow enhancement and creation, which would result in a biodiversity net gain of 16.22%.

Subject to the imposition of appropriate conditions, it is considered that the impact on ecology would be acceptable.

What, if any, planning obligations are necessary to make the development policy compliant?

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

Policy CSP6 of the CSS states that affordable housing is required for urban sites which would accommodate 15 or more residential dwellings and for rural sites that would accommodate 5 or more residential developments and that in these instances a target of 25% of the total housing should be affordable. Therefore, to comply with adopted policy, 25% of the dwellings on the site should be affordable units.

The Landscape Development Section requests a financial contribution of £217,581.00 towards off-site open space.

Staffordshire and Stoke-on-Trent Integrated Care Board (ICB) states that the application site is located within the influence of both Audley Health Centre and Talke Pits Clinic. Further to capacity studies, it is known that these practices have a shortage in clinical rooms to serve the patient population now and into the future. Targeted investment is required to mitigate for additional patient population pressures and therefore the ICB requests a financial contribution of £34,966.

It is considered that affordable housing and the above financial contributions are required to make the development policy compliant.

Are there the required 'Very Special Circumstances' to warrant setting aside Green Belt policies?

As set out above, the proposed development does not meet any of the exceptions referred to in the NPPF for allowing development in the Green Belt and therefore, it has been concluded that the proposal represents inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In addition to harm to the Green Belt by reason of inappropriateness, it has to be concluded that the proposal would result in a loss of openness by way of the introduction of substantial built development onto a site where there is currently an absence of any development.

This proposal is submitted as 'enabling development' which is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset. The applicants own Madeley Manor, a Grade II Listed Building located in Madeley. Madeley Manor has been vacant since 2018, when it was last in use as a nursing home, and it is falling into disrepair.

Planning permission and listed building consent were granted in 2022 to convert Madeley Manor to 14 dwellings (12 apartments and 2 mews houses). It is not financially viable to undertake the approved conversion works and as such, the works would not be undertaken without funding from another source.

This proposal to construct 39 dwellings is intended to comprise off-site enabling development which means that an element of the profit from the proposal would cross-finance the works to Madeley Manor.

The Historic England publication 'Enabling Development and Heritage Assets' provides advice on enabling development. It states that heritage assets are an irreplaceable resource and great weight should be given to the asset's conservation. The document states that the case for enabling development rests on there being a conservation deficit. This is the amount by which the cost of repair (and conversion to optimum viable use of appropriate) of a heritage asset exceeds its market value on completion of repair or conversion, allowing for appropriate development costs.

Enabling development is a planning mechanism which permits departure from planning policies in appropriate cases and so enables conservation of a relevant heritage asset in cases where otherwise the future of the asset would not be secured. It is important to note that the harm done by enabling development contrary to other planning policies is likely to be permanent and irreversible. After consideration of all reasonable alternative means to secure the future of the asset, enabling development is therefore likely to be a last resort. The sums of money generated through enabling development are to directly solve the conservation needs of the place, not to solve the financial needs of the present owner, to support/finance a business or to compensate for the purchase price paid for the site. The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets.

The Historic England document provides guidance on the matters to be considered where enabling development, which would not normally be granted planning permission, is being considered. Each step is set out and considered below.

A condition survey is needed in order to understand the current and future conservation needs of the heritage asset.

A Building Condition Survey accompanied the planning application for Madeley Manor in 2021 and that set out a comprehensive picture of the state of the building which is poor. As the building is vacant, this puts the whole complex within a category of 'at risk'. As the condition survey was undertaken in 2021, the building can only have deteriorated further. The survey refers to rapid mould growth and water ingress and penetration in the cellar and from the roof.

The building owner carries out any urgent works, keeps the building secure and regularly monitors the condition of the Manor but it remains in significant disrepair. Without a new use the building will continue to deteriorate.

Alternative solutions should be fully explored.

The guidance sets out that the applicant will need to detail the evidence of attempts that have been made to find alternative uses or owners through appropriate marketing and the efforts made to find alternative sources of funding.

No funding would be available from Historic England because Madeley Manor is a Grade II rather than a Grade II* Listed Building. It is unlikely that any public sector funding would be available and even if it were, it is very likely to be inadequate. The applicant's conservation expert has stated that with a significant conservation deficit, and with the considerable needs of the designated heritage asset to consider, the only real solution is by way of private sector commercial intervention, as is proposed in this case.

A Marketing Report has been submitted which demonstrates that Madeley Manor has been marketed in an appropriate manner since 2020 with very limited interest. It continues to be marketed and when any interest has been shown, parties have been pointed to the Council's website where they are able to view the approved plans for the conversion of the Manor to residential.

Officers are satisfied that the owners of Madeley Manor have fully explored all alternative solutions.

An assessment of the cost of repairs should be carried out.

Based on a sound understanding of the condition of Madeley Manor, up-to-date information on the likely costs of refurbishing the listed building has been provided. The information has been verified by an independent valuer.

An assessment of the market value of the heritage asset in both its current and repaired condition is required to enable calculation of the conservation deficit.

It is important to ensure that financial assessments underpinning the proposals are accurate and robust. In order to understand how much money the enabling development will be required to raise,

an applicant will need to assess the market value of the asset in its current state and when completed. That information has been submitted and verified by an independent valuer who concludes that the conversion of Madeley Manor in accordance with the approved development scheme would result in a loss of approximately £3.18 million. This figure is referred to as the conservation deficit.

A detailed scheme design is required for the preferred option.

As stated previously, planning permission and listed building consent have been granted for conversion of Madeley Manor into 12 apartments and 2 houses. Alternative schemes for that site were fully explored and a proposal for conversion of the nursing home along with the construction of 52 new apartments within the grounds of Madeley Manor was withdrawn due to significant concerns from Officers regarding the adverse impact of that proposal on the setting of the listed building. It is accepted that the approved conversion scheme is the preferred option.

A development appraisal is required to demonstrate the financial contribution the development will make to the conservation of the heritage asset.

As set out above, the applicant has submitted appraisals to demonstrate what the conservation deficit is for Madeley Manor and what the minimum amount of enabling development is needed to meet the identified deficit. The information has been independently verified.

A delivery plan is required to demonstrate how the heritage benefits will be secured in a timely manner.

The applicant has confirmed their agreement to enter into a Section 106 agreement which would set out phasing for the housing development to ensure that works to Madeley Manor are carried out in a timely manner.

On the basis of the above, it is considered that it has been robustly demonstrated that the proposal would provide the minimum quantum of development necessary to address the conservation deficit and to secure Madeley Manor's long-term future. It has been demonstrated that the provision of 39 dwellings is the minimum amount of development required to enable the implementation of the planning consent for the restoration and conversion of Madeley Manor.

As such, the conservation deficit related to Madeley Manor would be bridged by a viable off-site enabling development proposal, and the net result is a significant heritage-related public benefit arising from the conversion and preservation of Madeley Manor, and its provision with a viable beneficial use for the foreseeable future.

The concept of enabling development is well-established; it is a planning mechanism which permits departure from planning policies in appropriate cases, and so enables the conservation of a heritage asset in circumstances where, otherwise, the future of the asset would not be secured.

Objections have been received on the grounds that the money raised by this development would be used to fund a project in another village. There is concern that the development would adversely affect the village and would not directly benefit Audley.

The guidance on enabling development includes a reference to case law which determined that the land benefiting from enabling development need not be in close proximity to it. The guidance goes on to say that it may be preferable to site the enabling development away from the heritage asset in order to avoid or minimise harm to it or its setting. As set out above, alternative schemes for Madeley Manor have been dismissed due to the harm to its setting.

Paragraph 214 of the NPPF recognises that conflict with planning policies may be justified if the development proposed would secure the future conservation of the asset and the wider benefits outweigh the disbenefits of not adhering to those policies.

In addition to the significant heritage-related public benefit, the applicant asserts that the scheme would bring with it a number of other benefits as follows:

- Economic benefits, namely the provision of construction jobs, additional housing, increase of children for the local schools, and through expenditure by the additional households.
- Environmental benefits associated with the site's proximity to nearby services, facilities and public transport modes, thereby relieving the pressure to develop houses in less sustainable locations.
- Social benefits associated with the delivery of high-quality housing that would contribute towards the supply and range of housing in the Borough.

While it is acknowledged that some of these factors could be attributed some weight, namely the provision of construction jobs and the contribution towards the Borough's housing supply, the other factors referred to are not considered to comprise benefits of the scheme.

In terms of disbenefits, the harm to the Green Belt by reason of inappropriateness and loss of openness has to be given significant weight. Other disbenefits are the impact on the rural character of the area and the fact that the development would not provide a mix of housing types. In addition, the development would fail to provide the required level of affordable housing or make the necessary contributions to health provision and public open space.

It is acknowledged that the provision of affordable housing and policy compliant financial contributions would jeopardise the viability of the scheme and therefore the ability of the enabling development, necessitating additional development to cover the shortfall. Heritage assets are an irreplaceable resource and great weight should be given to the future conservation of Madeley Manor. It is considered that the benefits of this enabling development outweigh the disbenefits and therefore the proposal is considered to accord with paragraph 214 of the NPPF.

Overall, it is considered that the public benefit of securing the future of Madeley Manor comprises the 'Very Special Circumstances' to outweigh the harm to the Green Belt that would arise by reason of inappropriateness and loss of openness.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

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

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Considerations
Policy N20: Area of Landscape Enhancement
Policy C4: Open Space in new housing areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

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

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

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

[Newcastle-under-Lyme Open Space and Green Infrastructure Strategy \(2022\)](#)

[Relevant Planning History](#)

18/00122/FUL Demolition of existing builders' yard and the erection of 7 dwelling houses with associated access road and landscaping – Refused and allowed at appeal

[Views of Consultees](#)

The **Highway Authority** has no objections subject to conditions regarding details of the site access, provision of junction and pedestrian visibility splays, surfacing of pumping station access, turning and parking areas, detailed design information, details of surfacing and surface water drainage for drives, parking and turning areas, retention of garages for parking, boundary treatments and Construction Environmental Management Plan.

The **Landscape Development Section** has no objections subject to a tree protection plan, detailed proposals for construction of footpath within RPAs and implementation of the principles of the landscaping scheme. There should be provision of a LAP and LEAP on site or a S106 contribution towards off-site provision and a maintenance agreement is required for the long-term management of the open space on the site. A S106 contribution of £5,579 per dwelling is required to off-site open space.

Staffordshire and Stoke-on-Trent Integrated Care Board requests a financial contribution of £34,966 to be targeted towards supporting the future development/adaptation/expansion of the estate within the Newcastle North PCN in alignment with strategic estates planning.

Staffordshire County Council as **Lead Local Flood Authority** has no objections subject to a condition requiring the submission and approval of a detailed surface water drainage design.

Audley Rural Parish Council does not support the application for the following reasons:

- Loss of Green Belt to support a scheme in a different parish
- Madeley Manor is surrounded by land so it is unclear why its restoration could not be enabled through sensitive development within the confines of that site
- Impact on nearby residents and businesses
- The proposed housing mix would not provide any smaller family homes for local people
- Impact on local facilities such as schools, doctors and green spaces
- The scheme of 7 houses on the former builders' yard was approved due to it being brownfield
- The guidance for enabling developments must be clear on the benefits of allowing one development and the disbenefits of the damage caused elsewhere
- While the Parish Council would not support the loss of Green Belt for a scheme to solely benefit another Parish, if the scheme is recommended for approval, Officers should take all of the above concerns into consideration and the scheme should be independently re-assessed financially to provide a Section 106 contribution to mitigate against the impact on the Parish in terms of education, health and open spaces.

Severn Trent Water makes no comment on the application.

United Utilities recommends the imposition of a condition requiring details of a sustainable water drainage scheme and a foul water drainage scheme.

Staffordshire County Council as **Education Authority** state that the development would not result in an education contribution and is therefore acceptable from an education perspective.

The **Environmental Health Division** has no objections subject to conditions regarding land contamination and submission of a Construction Environmental Management Plan.

NatureSpace UK are not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved. They are required to submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed or apply to Natural England for a great crested newt mitigation licence, in line with Natural England's Standing Advice.

Staffordshire County Council as **Minerals and Waste Planning Authority** have no objections.

Staffordshire Police **Designing Out Crime Officer** has no objections in principle and states that the proposals appear generally well-conceived to address issues of security. A number of security recommendations are made.

No comments have been received from the **Housing Strategy Officer**, the **Public Rights of Way Authority**, **Cadent** and **Staffordshire Wildlife Trust** and given that the period for comment has passed, it must be assumed that they have no comments to make.

Representations

84 letters of representation have been received. A summary of the objections raised is as follows:

- Object to money raised by this development being used to fund projects in another village that will not directly benefit Audley
- Green Belt land should be protected
- Impact on services i.e. schools, doctors, dentist, pharmacist
- Area is already prone to flooding and the development would exacerbate the situation
- Traffic impact given that Cross Lane is a single-track lane currently used frequently by agricultural vehicles, walkers and horse riders
- Impact on wildlife
- Concerns that Madeley Manor has been wilfully neglected in that the applicant has allowed the building to fall into serious disrepair. Deliberate neglect is a major consideration in deciding whether an enabling development is justified.
- Need to consider whether the proposed development would provide the minimum amount necessary in order to address the conservation deficit.
- Unlike many projects that use enabling development, there will be no public access to the building as it will be private residences.
- As recognised by the Borough Council in its Local Plan Site Assessment, the site is “a Green Belt site...isolated and disconnected from the development boundary of Audley and Bignall End settlement...”
- The site has limited access to services and facilities
- Executive housing is inappropriate. The dwellings should be affordable homes because otherwise, they won't be for local residents.
- Adverse impact on neighbouring riding school, Poole House Farm, with risks to the safety of horses and riders
- The Highways report on this proposed application states that the site is unsustainable.
- Would set a precedent if approved
- Loss of agricultural land
- Increased pollution
- Impact on public right of way
- No space on car parks in Audley village
- Impact on character of countryside
- Additional demand on utilities
- Not on a bus route
- Air and light pollution

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/23/00522/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

30 September 2024