

LAND TO THE NORTH WEST OF BAR HILL, MADELEY
LONE STAR LAND LTD AND GRAHAM WARD FARMS LTD

23/00979/OUT

The application seeks outline planning permission for a residential development of up to 155 dwellings with access to be considered but all other matters reserved for subsequent approval.

The application site lies to the northwest of Bar Hill (A525), outside the village envelope of Madeley within the open countryside and on land designated as an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map.

The statutory 13-week determination period for this application expired on 19th March 2023 but the applicant has agreed an extension to the statutory determination period to the 15th December 2024.

RECOMMENDATIONS

(A) Subject to the applicant first entering into a Section 106 agreement by 31st January 2025 to secure the following:

- £1,205,288.00 towards school spaces
- £138,968 towards primary care facilities
- £6,000 towards Travel Plan Monitoring
- 30% onsite affordable housing
- Long-term maintenance of the open space on the site

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

1. Standard time limits for submission of reserved matters and commencement of development
2. Approved plans and supporting documents
3. Reserved matters submission to comply with the principles of the Design and Access Statement
4. Drainage design
5. Visibility splays
6. Offsite highway works
7. Travel Plan
8. Construction Environment Management Plan
9. Unexpected land contamination
10. Noise mitigation measures
11. Tree and hedgerow protection measures
12. Arboricultural Method Statement
13. Archaeological investigation
14. Biodiversity and ecology enhancement measures
15. Detailed Biodiversity Net Gain Assessment and Plan
16. Approval of details of play facilities and timing of provision of open space and these facilities
17. Mineral Recovery Plan

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

Reason for recommendations

While the site is located beyond the village envelope of Madeley it is considered that it represents a sustainable rural location. The adverse impacts of the development, principally arising from the extension of the village into the countryside, do not significantly and demonstrably outweigh the benefits of the development. Accordingly, permission should be granted, provided the financial contributions and affordable housing indicated in the recommendation are secured. Conditions to minimise the harm are also considered appropriate.

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

The Authority has requested additional information during the consideration of the planning application to address specific concerns. Following the submission of amended and additional information, the proposal is considered to represent a sustainable form of development that would comply with the aims and objectives of the NPPF.

KEY ISSUES

The application seeks outline planning permission for a residential development of up to 155 dwellings, with access to be considered as part of the proposal but all other matters reserved for subsequent approval.

The application site lies to the north of the A525, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site does not lie within the Green Belt.

The main issues for consideration in the determination of this full planning application are:-

- Principle of residential development,
- Landscape and visual impacts,
- Highway safety,
- Landscape and open space,
- Ecology and biodiversity,
- Affordable housing,
- Residential amenity,
- Flood risk and drainage,
- Agricultural land,
- Planning obligations,
- Planning balance.

Is the principle of residential development on the site acceptable?

The application site comprises greenfield 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.

Policy HOU1 of the Madeley Neighbourhood Plan (MNP) states that new housing development will be supported within the village envelope of Madeley Village and Madeley Heath, as defined in the Neighbourhood Plan.

The Final Draft Local Plan (Regulation 19) has now finished its consultation period and the LPA are now considering the representation received before submitting the final draft plan. The Local Plan sets the vision and framework for how the Borough will grow up to 2040. The Local Plan, once adopted, will set out targets for the number of jobs and homes to be delivered in the Borough and an overarching spatial strategy to guide development to sustainable locations. The final draft Local Plan includes a number of draft allocations, which includes this site for 150 dwellings. Given that the Local Plan is not yet adopted and that there are objections to housing allocations within it, then the Plan should be afforded limited to moderate weight in decision taking (in line with paragraph 48 of the National Planning Policy Framework).

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's five-year housing land supply position is that it is able to demonstrate a housing land supply of 5.26 years. Therefore, the Council is currently able to 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).

While the Neighbourhood Plan conforms with criteria a) of paragraph 14, it does not contain any policies for housing allocations to meet its identified housing requirement. Although NP Policy HOU1 is relevant to housing, it in itself does not allocate housing to any particular site, rather it is a restrictive condition to ensure that development isn't built outside of the village envelope of the settlement. Given the above, paragraph 14 cannot be applied here.

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 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 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, although the site is outside the village envelope of Madeley, the village is considered to represent a relatively sustainable location. It has a two primary schools, a secondary school, and a selection of retail and food outlets. There are also two churches within the village, and a football club on the outskirts of the village.

There is a bus service that runs through the village linking to the towns of Newcastle and Crewe. The timetable, correct as of the August 2024 shows that there is hourly service to both Newcastle and Crewe which runs on Monday to Saturday however there are no services running on Sundays.

It is the case that the occupiers of the proposed dwellings will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. Top-up shopping for example, would be obtainable from within the village and accessible from the application site by foot or cycle. It is acknowledged that the bus service does not operate in the evenings or on Sundays but it is considered that the bus service would provide an alternative for those without access to a car for certain trips. There are bus stops within walking distance of the application site.

The majority of representations received in objecting to the proposal refer to the lack of appropriate supporting infrastructure and services to serve the existing population. Issues relating to healthcare and education provision will be dealt with later in this report.

Although this site is outside the village envelope, it would still be close to existing facilities. It is located approximately 560m from the village centre. 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. This, in addition to the level of services provided within the existing village centre means that there is a good level of facilities available for the day to day needs of prospective residents of the development site.

A Travel Plan has been prepared to reinforce the alternative modes of transport available. It sets out a package of measures which are designed to increase the use of sustainable modes of transport and minimise single-occupancy car journeys. This includes making residents

aware of cycle, bus and walking routes, providing electric charging points and secure cycle parking.

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

Paragraph 8 of the NPPF states that there are three overarching objectives to achieving sustainable development: economic, social and environmental. The applicant considers that this scheme would deliver these objectives. It is agreed that the economic, social and environmental factors referred to by the applicant are valid. In particular it is the case that the development would fulfil a social role by delivering a mix of market housing and affordable housing.

It is acknowledged that both local and national planning policy seeks to provide new housing development within existing development boundaries on previously developed land where available. It is accepted that residential development on this greenfield site outside the settlement boundary would be contrary to this preferred approach. Nevertheless, this site would contribute to meeting the housing need for the borough 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 allocation of the site in the draft Local Plan also affords some weight in favour of the scheme.

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

The design and the impact on the character and appearance of the area

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 Neighbourhood Plan states that new development should complement the local context and should avoid the appearance of overdevelopment and over urbanization, taking account of the rural character of the area.

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.

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

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

NLP Policy N20 states that within an Area of Landscape Enhancement the Council will support, subject to other plan policies, proposals that will enhance the character and quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The application site covers 8.65ha of arable farmland. The site's eastern and western boundary are made up of an established tree line and the northern boundary is a mature hedgerow with some small trees. The southern boundary is made up of a mixture of trees, hedges and boundary treatments which make up the rear gardens of properties that are located on Bar Hill. Agricultural fields make up the surrounding land uses to the west and north whilst a railway line is located to the east.

Although residential properties of varying scales and character are located to the south of the site and to the east beyond the railway line, the nature and character of the land is open agricultural land which clearly goes beyond the existing the settlement boundary of Madeley.

A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application. The LVIA states that the existing green infrastructure, particularly the linear vegetation along the railway line and the pronounced landform of Bar Hill, provides an effective screen to views from the wider landscape. In respect of nearer distances, it is acknowledged that there is a Public Right of Way which runs close to the site however there is variation in the extent of views available due to the site being screened by localised topography and vegetation.

In terms of landscape impacts, the LVIA summarises that overall, the proposed development would result in only limited effects on local visual amenity, with notable effects limited to locations on or immediately adjacent to the site, and some very limited visual effects from locations further from the site.

Objections from local residents have raised a number of concerns about the harm of the proposed development to the landscape, and the loss of open countryside which adds to the character of the settlement.

Although an indicative layout has been submitted to show how the site may be developed, layout, scale and appearance arrangements are matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail or consider the layout submitted. Notwithstanding this, the layout shows that the proposed dwellings can sit comfortably within the site with an acceptable level of off-street car parking, turning areas and private rear garden areas without appearing as overdevelopment.

The proposed development was presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF, and the applicants have shown on the indicative layout an approach in line with the comments received from the DRP, which is a positive and well-received approach to design and place making.

Officers accept the conclusions that harm from the proposed development would be localised, however, even though the harm would be at the lower end of the scale, there will ultimately still be some harm to the character and appearance of the landscape. The proposed development would result in the introduction of new built form into an area of currently undeveloped agricultural land on the edge of Madeley.

In order to ensure that the development would not appear overly urban within the edge of village location, the applicant has incorporated a good proportion of green infrastructure into the indicative layout. Features of this include a strong green buffer around the perimeter of the site; the retention of the majority of the existing natural landscape features; tree lined focal streets and the use of green lanes to create attractive pedestrian routes throughout the development. All of these factors will help to provide a development that respects the surrounding landscape and ultimately provide a scheme that takes a strong, landscape led approach that will greatly assist in allowing development to assimilate with the character and appearance of this part of the landscape. Whilst it is accepted that this masterplan is indicative, development can be permitted that is subject to any reserved matters scheme following the broad principles presented within the masterplan and the design and access statement.

The density of the overall site when including the open space would be 18 dwellings per hectare. Your Officer's view is that given the location of the site, the density of the proposed scheme is appropriate. There is a mix of dwelling sizes and styles in the area and the lower density of development being pursued here is considered to be the most appropriate given the edge of village location of the site and characteristics of the wider landscape. The proposed houses would be set back from the highway of Bar Hill ensuring that the new built development would not be intrusive or overbearing when viewed in context with the existing street scene.

The provision of strong green infrastructure throughout the site ensures that the development scheme would provide a strong transition between the rural landscape and the built development at the edge of the village. In addition, the development would not be seen in total isolation from other existing built development within the area due to the row of existing properties which are located on the northern edge of Bar Hill.

However, the development would undoubtedly introduce a suburban form of built development into a parcel of the landscape that is currently comprised of open, arable land that makes a positive contribution to the landscape and visual amenities of the immediate area. Therefore, the proposed development would result in harm to the landscape at a localised level and so this must be taken into consideration within the tilted balance which will be considered later in this report.

The impact of the development on highway safety

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The NPPF, at paragraph 115, 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.

A number of objections have been raised by local residents regarding highway safety matters, particularly in relation to on street parking and potential vehicle conflict along Bar Hill.

The main vehicular access to the site would be from Bar Hill and would comprise of a simple priority T-junction with a carriageway width of 5.5m. Additionally, 2m footways would be provided on both sides. Details submitted with the application demonstrate that appropriate visibility splays can be achieved. The site would also be connected to the main part of Madeley via a pedestrian level crossing in the northeast corner of the site which leads onto Moss Lane.

At the request of the Highway Authority (HA) an updated capacity assessment has been undertaken at the site access which forecasts that the majority of vehicle movements would be directed towards the east in the direction of the main part of Madeley.

The Transport Statement submitted with the application concludes that the critical junctions will not be adversely affected in terms of capacity and therefore would not warrant mitigation.

The HA has confirmed that they agree with the findings of the Statement in that the proposed priority junction arrangement is adequate to support the scale of development in capacity terms. It should also be noted that a speed reduction scheme with enhanced village gateway features has been proposed to support the proposed access arrangement design to address highway safety concerns which is welcomed by the HA.

The proposal has also demonstrated that safe and suitable pedestrian/cycle/wheeling routes via Bower End Lane, Moss Lane and the public right of way network are available (subject to improvement works) between the site and amenities and facilities in Madeley village to accommodate and encourage sustainable journeys in accordance with the NPPF. Promotion of sustainable travel will also be encouraged via the submitted Residential Travel Plan.

Following the submission of additional details, the HA has confirmed that they have no objections to the proposal subject to a number of conditions and subject to a section 106 agreement to secure travel plan monitoring. Therefore, whilst the concerns of residents are noted, in the absence of any objections from the HA, it is not considered that a refusal on highways grounds could be sustained.

Landscape and Open Space

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

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

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

Within the development there would be the provision of 3.5ha of open space which is comprised of a mix of areas of amenity green space, a local area of play (LAP), a Locally Equipped Area of Play (LEAP), and landscape strips along the boundaries of the site.

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

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

The development would make a successful contribution in the creation of healthy lifestyles for occupants of the proposed development as well as existing residents within the village. For the reasons outlined above, the proposals are considered to accord with development plan policy the guidance set out within the NPPF.

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

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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 area's 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.

The site is largely comprised of an open agricultural field that is of limited ecological value and is not subject to any ecological designations, however a number of mature trees and hedgerows make up the sites boundaries which are of ecological importance.

A number of objections have been received from residents regarding the impact of the proposal on ecology and habitats.

An Ecological Assessment (EA) has been submitted alongside the application proposals.

The LPA consulted with Natural England, the County Ecologist and Staffordshire Wildlife Trust as part of the application process but received no comments.

The Appraisal notes that the presence of bat roosts has not been identified as a constraint to the development, and the removal of the minor length of a hedgerow in order to facilitate a PRoW linkage within the north-eastern corner of the site is unlikely to impact the habits of commuting and foraging bats along this part of the site.

In relation to protected birds, the EA states that given the low numbers of species utilising this habitat and the abundance of similar habitat in the immediate surrounding, it is considered that the effects of habitat loss will have a minor adverse impact on the species associated with this habitat.

The EA has also considered the suitability of the site and adjacent land for amphibians, including Great Crested Newts and reptiles but concludes that the scheme would have negligible impacts on these species.

The Ecological Appraisal sets out a number of mitigation and enhancement measures such as a sensitive lighting scheme, tree protection measures, bat box provision and planting. The conclusions of the EA are that subject to the enhancement measures suggested, the development would lead to negligible impact on local species and habitats and would provide minor beneficial impact on the common and widespread generalist species that are tolerant of a high level of anthropogenic disturbance.

With regards to Biodiversity Net Gain, as this application was made prior to the legislation being made mandatory on the 12th February 2024, the Local Planning Authority cannot impose a mandatory requirement for BNG on the site. However, the applicant has submitted with the application a feasibility stage BNG assessment. This has concluded that based on the indicative masterplan layout and the features of the site it will be possible to provide a 31% net gain on site. Any reserved matters application shall include a detailed BNG Design Stage Assessment which will include detailed landscaping proposals and a 30-year habitat management plan.

Subject to the imposition of conditions requiring appropriate mitigation and enhancement, it is not considered that an objection could be sustained on the grounds of ecological impact. For

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

Affordable Housing

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

The proposed scheme would provide 30% affordable housing on site which is above the level required by policy. This would equate to 47 units which would then be split into affordable rent and intermediate housing (shared ownership). The supporting documentation also indicates that the affordable housing would be 'pepper-potted' around the site.

As the proposed development would exceed the policy compliant provision of 25%, the proposed development is considered to be acceptable and would accord with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Policy CSP6 of the CSS states that residential development within the urban areas will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. This application proposes 30% affordable housing and therefore meets the requirements of policy CSP6.

It is generally accepted that affordable housing can be either secured by planning condition or by a S106 agreement, in this case the council would control the affordable housing element of the scheme through a S106 agreement.

Residential Amenity

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.

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.

The application is supported by an Air Quality Assessment which concludes that the impact of the development on local air quality is predicted to be 'negligible'.

Objections received have referred to a loss of quality of life from the drawn out construction process, noise and disruption that would go hand in hand with a largescale development site.

A Noise and Vibration Assessment has also been submitted which indicates that acceptable external and internal sound levels would be achieved.

Further to the above, the Environmental Health Division note that there are shooting events in the area which are not considered in the acoustic report, however officers consider that it would be difficult to resist the proposal on this reason alone. The EH team also note that if acoustic screening is positioned to mitigate the noise from the rail line then this will need to be carefully considered to ensure that reflection of the noise does not result in an adverse impact to other properties within the area/on the opposite side of the railway tracks and that any permission should be subject to a Construction Environmental Management Plan.

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

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

Flood Risk and Drainage

NPPF Paragraph 173 outlines that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The site lies in Flood Zone 1 which is land/property with the lowest risk of flooding, however the adjacent railway line which falls outside of the site boundary lies within flood zone 2.

The application is accompanied by a Flood Risk Assessment and Drainage Strategy (FRADS) which has been updated in line with the requirements of the Lead Local Flood Authority and Network Rail.

The proposed drainage strategy for the site demonstrates a surface water outfall to the Bar Hill Wildlife Haven to the south-east of the development site. This Haven outfalls to existing land drainage that conveys surface water north towards a Network Rail culvert flowing beneath the main railway line on the site's eastern boundary. The applicant has stated that this arrangement is acceptable to the owner of the Wildlife Haven and Network Rail have agreed to the discharge of surface water through the culvert asset under their ownership subject to drainage conditions.

The site would rely on the conveyance of surface water into a piped, gravity-based drainage system, however, a central swale system is also shown in the drainage layout for the conveyance of surface water generated by areas of the proposed development. In addition to the above a dry swale is proposed along the south-western and western development boundaries to convey surface water around the boundary of the development and a land drain/filter drain is specified along the northern boundary to capture surface water generated by the land upstream of the development and to intercept any runoff during heavy rainfall.

Infiltration testing at the site suggests that partial discharges of surface water may be feasible to ground and the opportunity to discharge via infiltration SuDS and source control shall be explored in the detailed design stage, particularly for the upper catchments which are furthest away from NR Infrastructure. The detailed design shall include the use of features to recycle and re-use surface water (water butts and rainfall gardens) and to promote source control and initial treatment (permeable paving, tree pits and/or bio retention areas).

In considering this proposed arrangement, the Lead Local Flood Authority and National Rail have no objections to the application subject to pre-commencement conditions being attached

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to any permission granted, to ensure that the full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk occurs during the construction phase.

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

Agricultural Land Quality

Paragraph 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.

The Agricultural Land Classification Assessment (ALCA) submitted with the application identifies that the site contains 2.6ha of Grade 3a, 'Good' quality agricultural land. Consequently, the development results in a loss of approximately 2.6ha of the Best and Most Versatile Agricultural Land (BMVAL).

The ALCA identifies that the land climate of the land is not a limitation to production in this instance. The ALCA goes on to detail that the wetness associated with the site is the main limitation associated with the site.

Objections received have noted the loss of versatile agricultural land which would limit the self-sufficiency of crop production within the locality and lead to further environmental harm.

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.

The site forms part of Netherset Hey Farm and the land associated with the agricultural holding has another 750 acres of associated agricultural land which is located approximately three quarters of a mile away from the application site. The separation between the two areas of land is not ideal in terms of practicality as the farming of the land required tractors and cattle to be moved through central Madeley. Originally, the application site was part of a 45-acre block part of which was compulsorily purchased by HS2.

Although it is acknowledged that the site is only a very small part of the wider landholding, the site comprises best and most versatile land and therefore your Officer considers that it must be concluded that the loss of this land is a material consideration which weighs against the proposal. Whether this and any other adverse impacts would significantly and demonstrably outweigh the benefits will be considered at the end of this report.

Planning Obligations

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

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- 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

Financial contributions have been requested from the following consultees;

- The integrated Care Board have requested a financial contribution of £138,968 towards primary care facilities.
- The Education Authority have requested a financial contribution of £1,205,288.00 towards the provision of additional school spaces.
- The Highway Authority have requested a contribution of £6,000 toward travel plan monitoring which will be secured by a S106 agreement.

It is acknowledged that the objections from residents raise a number of concerns regarding the capacity of the school and health infrastructure in the area. From consulting the relative statutory bodies, these parties consider that the additional impact from the development in terms of school places and doctors' surgeries can be appropriately mitigated against through appropriate financial contributions.

The application site also provides the requisite levels of on-site open space. The appropriate provision and managements of these spaces can be secured through a S106 agreement.

Planning Balance

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

The provision of 155 houses on the site would make a substantial contribution towards the Borough's housing land supply, particularly in the context of a development plan that is not up to date in terms of housing need. In addition, the application would provide 30% affordable housing on site, a provision that is above the policy compliant level of 25%. This would again make a significant contribution towards the provision of affordable housing within the Borough.

The indicative masterplan and layout of the site also proposes that above policy compliant levels of Public Open Space would be provided on the site, something that would enhance the lifestyle and health of future occupants of the scheme and existing residents.

The allocation of the site in the draft Local Plan can also be afforded limited to moderate weight in favour of the proposal.

Now turning to the harms of the development. It is accepted that the proposal would erode part of the open countryside and would have some localised visual harm. There is also the loss of BMVAL as a result of the proposals, however, it is clear from the evidence provided that the loss of the land subject to this application would not make the land within the reimagining holding unviable and unproductive. Therefore, only limited weight is attached to the loss on this occasion.

The aforementioned harms are acknowledged, however it is considered that the benefits of the scheme, most notably the contribution to local market and affordable housing needs are substantial benefits and these harms, on this occasion, are not sufficient to significantly and demonstrably outweigh the identified benefits of the scheme. On this basis planning

permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are imposed, as recommended.

Reducing Inequalities

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

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

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

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

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

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

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 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 T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy N20: Areas of Landscape Enhancement
Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential supporting Infrastructure

Madeley Neighbourhood 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 (2023)

Planning Practice Guidance (March 2019, 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)

Relevant Planning History

None

Views of Consultees

Active Travel England states that its standing advice should be applied in the assessment of the application.

Staffordshire And Stoke-on-Trent Integrated Care Board request a payment of £138,968 which would be targeted towards supporting the future development/adaptation/expansion of primary care facilities.

Staffordshire Flood Team raise no objections to the proposal, subject to a condition requiring the submission of a final detailed surface water drainage design.

Network Rail have confirmed that they raise no objections to the proposal in principle but would require the developer to comply with drainage conditions.

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

- Technical details of all alignment of all roads, footpaths, and cycleways as well as lighting, signage and road markings, and boundary treatments.
- Visibility splays to be completed in accordance with submitted details
- Highways improvements plan relating to footway and cycle routes
- Works to be completed in accordance with the submitted Travel Plan
- Submission of a CEMP

A financial contribution of £6000 is requested towards residential travel plan monitoring.

Madeley Parish Council object to the proposal on the grounds that it conflicts with policies HOU1, DES1, NE1 and TRA1 of the Neighbourhood Plan.

The **Landscape Development Section** raise no objections to the proposal subject to conditions which relate to the submission of a finalised tree protection plan and arboricultural impact assessment. A LAP/LEAP is required on site to the Fields in Trust minimum requirements for the two facilities, open space is required to a minimum of 0.62ha and a management agreement should be provided for the ongoing management / maintenance of the open spaces on the site.

The **Environmental Health Division** note that there are shooting events in the area which are not considered in the acoustic report. If acoustic screening is positioned to mitigate the noise from the rail line then this will need to be carefully considered to ensure that reflection of the noise does not result in an adverse impact to other properties within the area/on the opposite side of the railway tracks. Any permission should be subject to a Construction Environmental Management Plan.

The **Education Authority** states that the proposed development falls within the catchments of Sir John Offley CE (VC) Primary School/The Meadows Primary School and Madeley High School. The development is expected to generate 33 primary school pupils and 23 secondary school pupils. An education contribution of £1,205,288.00 (index linked from the date of this response) to be sought from the developer to mitigate the impact on education from the development.

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The **County Minerals Officer** raises no objections to the proposal subject to a condition requiring that a Mineral Recovery Plan is secured via a condition.

The **County Archaeologist** raises no objections to the proposal subject to a written scheme of archaeological investigation being secured via a condition.

Staffordshire Police Designing Out Crime Officer has no issues in principle with the scheme but provides advice on a number of safety and security measures.

The **Public Rights of Way Officer** notes that if any public right of way needs diverting as part of these proposals the developer must apply to divert the public rights of way to allow the development to commence.

United Utilities raise no objections to the proposal subject to a condition requiring the submission of a surface water drainage strategy.

Comments were also invited from **Staffordshire Wildlife Trust, Cadent, the County Ecologist, the Environment Agency, Staffordshire Badger Conservation Group, Severn Trent Water, Woodland Trust** and the **Waste Services** Team. In the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

Fifty two (52) letters of representation have been received raising objections on the following grounds;

- Loss of greenfield land,
- Lack of facilities and infrastructure within the village,
- The proposal would detract from the village environment,
- Safety of access and egress,
- Increased volume of traffic on surrounding road network,
- Flooding and drainage concerns,
- Loss of natural habitats
- Precedent for future development
- Conflict with housing policies set out in the Neighbourhood Plan
- Loss of trees
- Lack of public notices
- Loss of Green Belt land
- Noise impact
- Impact on air quality
- Swift boxes should be controlled via a condition

Applicant/agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00979/FOUT>

Background Papers

Planning File
Development Plan

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Date report prepared

15th November 2024

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