

LAND REAR OF 5 MORNINGSIDE & 16 LAVEROCK GROVE, MADELEY
HEWITT&CARR ARCHITECTS

24/00421/OUT

The application seeks outline planning permission for 2 dwellings with all matters reserved for subsequent approval at land to the rear of 5 Morningside and 16 Laverock Grove, Madeley.

The application site lies within the village envelope of Madeley as indicated on the Local Development Framework Proposals Map. Most of the site lies adjacent to the Madeley Conservation Area although a small part to its north-east lies within it.

The application has been called in to Committee on the grounds of highway safety, inadequate access, drainage and not in accordance with policies and community interests.

The statutory determination period for this application expired on 30 November 2024, however an extension of time has been agreed to 25 April.

RECOMMENDATION

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

- 1. Standard time limits for submission of reserved matters and commencement of development**
- 2. Approved plans**
- 3. Contaminated land**
- 4. Construction hours**
- 5. Habitat management plan for biodiversity net gain**
- 6. Tree protection plan, arboricultural impact assessment, existing and proposed levels and hard and soft landscape design to be submitted with any reserved matters application,**
- 7. Scheme of improvements to the vehicular and pedestrian access**
- 8. Details of future management, maintenance and access plan for the private driveways**
- 9. Driveways to be surfaced prior to first occupation**
- 10. Construction Environmental Management Plan**

Reason for recommendation

The proposal would utilise a brownfield site within a central part of Madeley and is therefore considered to be in a sustainable location for new residential development. The development would have no impact on the character and appearance of the Conservation Area and it is concluded that the proposal could be appropriately designed without resulting in any adverse impact on highway safety or on the residential amenity of neighbouring properties.

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

The Local Planning Authority has requested additional information during the consideration of the planning application to address specific concerns. Following the submission of these details, 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 2 dwellings, with all matters reserved for subsequent approval.

The application site lies within the village envelope of Madeley as indicated on the Local Development Framework Proposals Map. Most of the site lies adjacent to the Madeley Conservation Area although a small part lies within it.

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

- Principle of proposed residential development,
- Impact on Conservation Area,
- The design and the impact on the character and appearance of the area,
- Highway safety,
- Ecology and biodiversity,
- Residential amenity,
- Planning balance.

Is the principle of residential development on the site acceptable?

The application site lies within 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.

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 is currently unable to demonstrate an appropriate supply of specific, deliverable housing sites.

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

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

The site is located within a central part of Madeley and would utilise a brownfield site within an established residential area. It is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities. The site has good access to regular bus services to destinations around the borough and beyond.

Subject to any adverse impacts not outweighing the benefits it is considered that the proposal is acceptable in principle.

Impact on Conservation Area

Most of the site lies adjacent to the Madeley Conservation Area although a small part lies within it.

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions. The NPPF states that in determining planning applications, local planning authorities should take account of:

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

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

Saved policies B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan all require that development should not result in harm to the character and appearance of conservation areas.

A Heritage Statement that accompanies the application details that the key elements which make up the significance of the Conservation Area (CA) are the extensive greenery and foliage on both banks of the River Lea, the Pool to the north and the historic buildings located to the east of the main road which runs parallel with the River Lea's green corridor for the length of the CA. It states that due to the presence of

the green corridor along the River Lea, views of the application site are precluded. It concludes that the proposed new dwellings would not constitute a visually incongruous addition to the setting of the CA. On this basis it is judged that the proposal will not harm the significance of the Madeley CA and nor will the proposal result in harm to the significance of the CA through development within its setting.

The Conservation Officer raises no objections to the application. For the reasons set out above, it is not considered that there would be any harm to the character and appearance of the Conservation Area. Therefore, the proposal accords with the policies of the development plan and the aims and objectives of the NPPF.

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 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.

The proposed development is for outline planning permission with all matters reserved however an indicative layout plan has been submitted to demonstrate how the proposal could be arranged on site. The site forms part of a rear parking courtyard which is surrounded by existing residential development that follows a suburban arrangement. The site is open in nature and is largely made up of existing hardstanding.

Surrounding properties in this part of Madeley tend to be laid out in a standard manner fronting streets, along a more-or-less consistent building line, with spacious front and rear gardens, with the density of housing being typical for a suburban location. Although the positioning of the proposed dwellings to the rear of existing properties would not be consistent with the surrounding built form, there are examples of properties set behind other in the surrounding area, such as those to the rear of Bramble Lea, and so this type of development is not an isolated type of arrangement within this part of Madeley.

The site is physically large enough to accommodate 2 properties with associated driveways and gardens and it is important to note that appearance and landscaping are reserved for subsequent approval. The proposed properties would be clearly visible from the rear windows of nearby dwellings, however the impact on the wider area would be limited due to the self-contained nature of the site. In addition to the above, recent changes to national policy have placed a strong emphasis on providing new homes within the country, and that a priority should be given to brownfield sites. The fact that the Council cannot currently demonstrate an up-to-date housing supply must also given substantial weight in the planning balance.

It is accepted that a design can be achieved that would provide a suitable level of landscaping within the site. As landscaping is reserved for subsequent approval conditions which seek to secure landscaping matters are not necessary at this stage.

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

Highway Safety

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

Several objections have been raised by local residents regarding the potential increase in traffic and the impact on highway safety.

The Highway Authority initially raised objections to the proposal due to concerns regarding the geometry of the driveway from Morningside and Birch Dale which was considered substandard in respect of its width, poor visibility, lack of pavements and it being poorly lit.

An amended block plan was subsequently submitted in support of the proposal to address the concerns which demonstrated that the houses could be positioned within the site without causing any adverse impact to highway safety. The Highway Authority have reviewed these amended details and have now confirmed that they raise no objections to the proposal subject to a number of conditions.

With respect to parking provision, the exact number of bedrooms the properties will have is not yet know but the indicative layout plan demonstrates that each house could benefit from at least 2 parking spaces each, which would be in line with the Council's parking requirements for a 3 bedroomed house. The proposed dwellings would also be able to provide sufficient space for bin storage to the rear of the plots.

Whilst the concerns of residents are noted, in the absence of any objections from the Highway Authority and given the fact that access and layout details would be considered with any reserved matters application, it is not considered that a refusal on highways grounds could be sustained.

Therefore, subject to the conditions requested by the Highway Authority, the proposed development is considered acceptable in terms of its impact on highway safety.

Ecology and Biodiversity

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

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

An on-site baseline biodiversity value has been provided within the submitted biodiversity Net Gain Assessment and the applicant has then made a post-development biodiversity value calculation by using the Statutory Biodiversity Metric Tool provided by DEFRA.

The site is comprised of a parking and garage courtyard and does not contain any important natural features and overall the site is considered to be of low ecological value.

A planting scheme of new grassland and landscaping is proposed which demonstrates that a 10% gain in biodiversity units when compared with the current baseline can be achieved.

In order to monitor the long-term biodiversity net gain for the site, a condition will be applied to any permission granted requiring the submission of a Biodiversity Net Gain Plan and Monitoring Plan prior to any development on site occurring. Subject to the use of these conditions, it is considered that the proposal has adequately demonstrated that the site will result in an on-site biodiversity net gain.

Whilst a request has been received by a resident of the Borough for swift brick/boxes to be installed, this requirement would be relevant to a reserved matters application and therefore is not recommended now.

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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans

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

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

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.

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 2 houses on the site would make a small contribution towards the Borough's housing land supply, particularly where a suitable supply of housing cannot be demonstrated. This benefit must therefore be attributed with substantial weight. It has also been demonstrated through the submission of technical details that the proposal would raise no issues with respect of residential amenity, significant visual harm, highway safety or ecology.

On this basis planning permission should be granted subject to the use of appropriate conditions, as recommended.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (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 CSP2: Historic Environment

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 B9: Prevention of harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

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 (2024)

Planning Practice Guidance (March 2024, as updated)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (SAD) (July 2004)

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

Relevant Planning History

None.

Views of Consultees

The **Highway Authority** raises no objections to the proposal subject to conditions which relate to the submission of a scheme of improvements to the vehicle and pedestrian connections into the site, details of future management for the access plan of the site, a limitation to 2 dwellings only, the submission of a Construction Environment Management Plan and the surfacing of driveways.

The **Conservation Officer** raises no objections to the proposal.

The **Conservation Advisory Working Party** raised no objections to the proposal with respect of its impact on the Conservation Area, however they felt the development was inappropriate for the location and that outlook from nearby properties would be affected.

The **Environmental Health Division** raise no objections to the proposal subject to conditions relating to construction hours and contamination.

The **Landscape Development Section** raises no objections in principle to the proposals, subject to conditions regarding retained trees, Arboricultural Impact Assessment, tree protection plan, details of any special engineering within the RPA and other relevant construction details, existing and proposed levels and hard and soft landscape design.

Madeley Parish Council object to the proposal on the grounds that the development conflicts with policies set out in the Neighbourhood Plan with respect to impact on amenity, the overdevelopment of the site and on highway safety grounds.

Naturespace raises no objections to the proposal.

Representations

Twelve (12) letters of representation have been received raising objections on the following grounds;

- Safety of access and egress,
- Increased volume of traffic on surrounding road network,
- Flooding and drainage concerns,
- 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/24/00421/OUT>

Background Papers

Planning File
Development Plan

Date report prepared

9 April 2025