

The application is for full planning permission for residential development for 40 dwellings with associated landscaping, car parking, drainage and other necessary supporting infrastructure.

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

The 13-week period for the determination of this application expired on 7th June 2023 but an extension of time has been agreed to 23 May 2025.

RECOMMENDATION

(A) Subject to the applicant entering into a Section 106 obligation by 1 July 2025 to secure the following:

- **The provision of 25% on-site affordable housing**
- **A contribution of £223,160.00 towards off-site Public Open Space**
- **A contribution of £303,072.00 for both primary and secondary school places**
- **A contribution of £35,863 towards local health infrastructure**

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

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatments**
- 5. Provision of visibility splays**
- 6. Provision of parking areas**
- 7. Completion of access to each individual plot**
- 8. Details of surfacing and surface water drainage for drives, parking and turning areas**
- 9. Retention of garages for parking**
- 10. Secure cycle parking**
- 11. Construction Environmental Management Plan**
- 12. Detailed surface water drainage design**
- 13. Noise attenuation scheme**
- 14. Contaminated land**
- 15. Tree protection**
- 16. Level changes within RPAs of retained trees**
- 17. Travel Plan**
- 18. Waste collection and storage arrangements**
- 19. External lighting**
- 20. Ecological mitigation**

(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 Recommendation

While there would be some local impact on the character and appearance of the area and some loss of best and most versatile agricultural land, the residential development of the site would make a

significant contribution to the Council's housing supply and would provide affordable housing within the rural area.

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

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

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

Key Issues

The application is for full planning permission for residential development for 40 dwellings with associated landscaping, car parking, drainage and other necessary supporting infrastructure.

The site comprises a parcel of greenfield land, currently used for grazing horses, that sits adjacent to the junction of Woodside with the A53. The site lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. It is located outside of, but immediately adjacent to, the village settlement boundary for Baldwin's Gate.

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

- The principle of residential development in this location
- Design of the development and impact on character and appearance
- Highway safety
- Agricultural land
- Trees and hedgerows
- Ecology and biodiversity
- Residential amenity
- Flood risk and drainage
- Affordable housing
- Planning obligations
- Planning balance

The principle of residential development in this location

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

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

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

- Within the village envelope of Baldwin's Gate

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

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

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

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

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

(Para 11(d))

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

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

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

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

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

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

The basket of policies from the development plan most important for determining this application are considered to be LP Policy H1, CSS Policies SP1 and ASP6 and Policy HG1 of the NP. As stated above, it has been accepted that the LP and CSS policies are out of date. The NP was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6. This change in the local planning context has a bearing on the weight to be applied to the Neighbourhood Plan policies and therefore it is considered reasonable to conclude that the 'basket of policies' overall, is out of date.

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.

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

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

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

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

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

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

Design of the development and impact on character and appearance

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.

Policy NE1 of the CHCMAW Neighbourhood Plan states that new development will be supported that complements the landscape setting and character of the area, preserves or enhances and does not cause significant harm or degradation to the intrinsic rural character and ecological and environmental features of the area. Policy DC2 details a number of criteria that new development should meet if it is to be supported. This includes, amongst other things, that the development reflects local character, maintains and enhances the character and appearance of the landscape and responds sensitively to local topography.

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.

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

The site is designated as being within an Area of Landscape Restoration and Policy N21 of the Local Plan states that within such areas, the Council will support, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape.

The application site comprises 2.46 hectares of grazing land bounded by the existing fringe of Baldwin's Gate to the north-east and the ribbon of development along Sandy Lane to the south. There is an established area of woodland to the north-east. The site is bounded to the north and east by a hedgerow, with a combination of hedgerow, tree planting and fencing along the remaining boundaries.

Access to the site would be taken from Sandy Lane with pedestrian access also provided to the north of the site to join the existing footway adjacent to the A53 into the village.

The density of the development would be 16.3 dwellings per hectare. The layout of the scheme has been developed to provide dwellings with active frontages onto both Sandy Lane and the A53. The dwellings fronting onto Sandy Lane would be set back from the existing site boundary with the provision of a grassed area of amenity space and private drives sitting forward of the proposed dwellings. The separation distances between the dwellings in this part of the site would also be more generous than elsewhere which would help to provide an open, lower density appearance to assist in the transition from open countryside to the edge of village setting. Higher densities would be provided along the main street within mews developments.

The proposed housing mix would comprise 3, 4 and 5-bed dwellings with a mix of townhouses, semi-detached and detached homes. The dwellings would be predominantly 2-storeys in height with some 2.5 storey dwellings to provide feature buildings at key nodes within the layout. Given the variety of dwelling size, density and style currently in the village, it is considered that the layout proposed would respect local character.

The designs of the house types proposed would include projecting gable detailing, porches and canopies and attractive stone detailing surrounding windows and doors. Full and partial render is also proposed in whites and creams with bricks to match the local bricks using a mix of red and brindle multi's with blue/red engineering brick detailing in terms of banded courses and quoins.

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

A Landscape and Visual Appraisal (LVA) has been submitted with the application. The LVA indicates that the site is already influenced by the built edge of Baldwin's Gate but is of value in terms of the openness it provides to the south-west of the village. It states that the site may be considered to be tolerant to change subject to the retention of important landscape features. The LVA goes on to state that those that will receive the greatest impacts will be those using the Public Rights of Way network near the site or on higher ground, with some impact on the private residences that immediately surround the site.

It is accepted that the development would clearly have an impact on the character of the site and its immediate locality through the introduction of new built form into an area of undeveloped land that is sited at the edge of Baldwin's Gate. However, the development would be sited against a backdrop of existing residential development to both the north, east and south of the application site which would assist in ensuring that the scheme would not appear as an alien or incongruous addition to the wider landscape. In addition, the presence of the A53 and Sandy Lane on the boundaries of the site provide a natural barrier to the edge of built development along this area of the village and so assists the development in appearing as a natural extension of the existing village rather than an intrusion into wide open agricultural landscapes.

Given the provision of more spacious plots along the frontage and subject to the completion of an appropriate landscaping scheme, which can be secured by a condition, it is considered that over time the development would assimilate well with the wider landscape and so it is not considered that the development would have such an adverse impact on the character or quality of either the village or the wider landscape to justify a refusal.

The layout and density of the proposed scheme and the proposed house types reflect local character and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

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 highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

Vehicular access to the site would be via a new residential standard access road connection direct to Woodside, to the site's western frontage. Woodside is an unlit classified rural road subject to a 60mph speed limit with no footways. The primary footway access to/from the site would be provided by a dedicated internal footpath link connecting to the A53 and directly linking the site to the village.

A Transport Assessment (TA) and Technical Note that accompany the application state that the layout and position of the proposed access to Woodside can deliver appropriate visibility splays and forward sightlines for approaching traffic speeds on Woodside. The scheme would not result in a material impact on future operation of the immediate local highway network, with key immediate junctions and sections of the A53 corridor capable of accommodating future development traffic volumes without operational concerns. The location of the site offers practical opportunities to encourage the use of alternative travel modes to the private car for some 'everyday' journeys.

The Highway Authority has no objections to the scheme subject to the imposition of conditions. They comment that it has been demonstrated that the proposed vehicular access and footway works can appropriately tie into the committed roundabout scheme for the Baldwin's Gate Farm development. They are satisfied that the road layout accords with technical standards and that adequate levels of parking have been provided. Secure and weatherproof cycle parking is also proposed for each plot without a garage to encourage sustainable modes of travel.

Overall, it is considered that a safe and suitable access to the site for all users would be achieved and that the proposals accord with development plan policy and the guidance set out within the NPPF.

Agricultural Land Quality

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

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

Best and most versatile agricultural land (BMVAL) is defined as that which lies within Grades 1, 2 and 3a. An Agricultural Land Classification Report that accompanies the application identifies that 0.54 hectares (22%) of the site would represent Grade 3a land. The remaining land comprises either Grade 3b land or woodland.

The BMVAL consists of two isolated areas of the site - one to the west adjacent to Sandy Lane and a smaller area to the south. The Report identifies that in practical agricultural terms, the land could not be farmed separately and so the entire unit would have to be farmed as 3b land. While this is acknowledged that the loss of BMVAL is a material consideration which weighs against the proposal.

Trees and Hedgerows

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets.

NLP Policy N12 seeks to resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

The application site is bounded by mature hedgerows to the northern boundary adjacent to the A53 and on the western boundary adjacent to Sandy Lane. There is also currently a hedgerow that bisects two of the paddock areas and trees sporadically on boundaries across the site. There is also a heavily wooded area in the far eastern corner of the site.

A small number of trees (7 Category B trees and 1 Category C tree) would be removed to facilitate the development, but the majority would be retained. It is proposed to remove 83m of hedgerow from the Sandy Lane frontage in order to provide the requisite visibility splays for the proposed access. Under normal circumstances the applicant would be required to replant a new, native hedgerow rear of the visibility lines to compensate for this loss. However, on this occasion, there is an easement within the site that restricts any development, including planting, within a 3m buffer either side of below ground infrastructure.

To compensate for tree and hedgerow loss on the site, a landscaping scheme has been proposed which includes the planting of 60 new trees across the site in addition to areas of new hedgerow, ornamental shrub planting, wildflower seed planting, and aquatic planting. While it would not be possible to plant a replacement hedge to connect to the remaining boundary hedge along Sandy Lane, a length of hedgerow would be planted along the private driveway behind the extent of the easement.

Green spaces would be incorporated into the development, namely a gateway green onto Woodside and the A53 and an area which incorporates the main SuDs detention pond which will be designed with naturalistic contours, rolling banks and retained water to create a wetland reflective of the adjacent pond at Heron's Pool Drive.

The Council's Landscape Development Team has no objections to the scheme and subject to the imposition of appropriately worded conditions, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Ecology and Biodiversity

Paragraph 187 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 193 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.

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

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

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

A Preliminary Ecological Appraisal (PEA) that accompanies the application identifies that the trees on site and within the onsite woodland are deemed to offer suitability for roosting bats, with several mature trees having bat roost potential during the survey. It recommends that trees identified as having high or moderate roosting potential should be subject to an aerial bat survey. In addition, it recommends that all trees to be removed should be subject to a ground level preliminary bat roost assessment prior to their removal. The applicant has subsequently provided an Aerial Bat Survey which concludes that the proposed development would not result in any harm or loss to bats that cannot be suitably mitigated through appropriate working methods.

The PEA states that the habitats on site are suitable to support nesting birds with several bird species and one bird nest recorded during the survey. As a result, breeding bird surveys are recommended prior to the commencement of works. The applicant has subsequently submitted a Breeding Bird Survey (BBS) which recommends several mitigation measures.

With regards to newts, the PEA advises that the site contains no ponds, but three ditches have been identified bounding the site that may provide suitable aquatic habitat for Great Crested Newts (GCN).

The applicant has subsequently been in correspondence with NatureSpace through the District Licensing Scheme which would ensure that suitable protection and mitigation is provided.

With regard to habitats, the PEA identifies that the eastern portion of the site comprises an area of plantation wet woodland. Much of this area is waterlogged with a network of ditches bounding the woodland area. Mitigation measures are recommended to ensure that the area is adequately protected throughout construction and the operational phase of development.

Chorlton Moss Local Wildlife Site (LWS) is sited approximately 195m to the east to the application site and is described as a "Raised peat bog that is rapidly drying out, which now contains coniferous and broad-leaved woodland". Staffordshire Wildlife Trust (SWT) has requested additional information, namely Hydrology Surveys, to enable the impacts on the Chorlton Moss LWS to be fully determined.

The scheme has been revised to omit development from areas of peat to the eastern portion of the site thus minimising any impact of the development on peat. The drainage scheme for the site has also been amended and a Catchment Assessment has been provided. The further comments of SWT are awaited and will be provided to Members in an update but further to informal discussions, it is anticipated that their comments will be positive.

While the requirement to provide 10% BNG does not apply to this application as it was submitted prior to the relevant regulations coming into effect, the scheme would provide 10% gain.

Residential Amenity

Criterion f) of Paragraph 131 of the NPPF states that development should create places that are safe, with a high standard of amenity for existing and future users.

Paragraph 187 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 198 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 199 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

An Air Quality Assessment submitted with the application concludes that the development would not have a significant impact upon local air quality either during the construction phase or operational phase of the development.

A Noise Assessment that accompanies the application acknowledges that the dominant noise source would be road traffic noise from the A53 and recommends mitigation including recommendations for glazing and ventilation to ensure that internal noise levels to habitable rooms directly overlooking the A53 can be achieved. Such measures can be appropriately secured by condition.

The Environmental Health Officer agrees with the comments of the accompanying reports and raises no objections to the application subject to conditions.

Space around Dwellings Supplementary Planning Guidance provides guidance on privacy, daylight standards and environmental considerations.

With respect to the interrelationship of the proposed dwellings with the existing neighbouring properties, sufficient separation distances between properties would be provided in accordance with the Council's guidance. All of the new properties would have acceptable levels of outlook and garden area.

Bin servicing to properties located on the shared private driveways would be supported by use of shared bin collection point areas along these driveway routes which would minimise bin drag distances for both residents and operatives.

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

Flood Risk and Drainage

NPPF Paragraph 181 outlines that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

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

The site is located within an area of Flood Zone 1. The application is accompanied by a Flood Risk Assessment (FRA) which has been updated on several occasions further to discussions with the County Council as the Lead Local Flood Authority (LLFA) during the course of the application.

The proposed development seeks to resolve on-site drainage conditions (including improving off-site drainage conditions) and provide an on-site attenuation area to the east of the site. In turn, development at the eastern part of the site has been moved away from those wetter areas.

Potential sources of flooding from water bodies, the watercourse network and groundwater have been considered, and have been addressed within the development layout and by appropriate setting of levels with the introduction of the development drainage system providing additional mitigation. The surface water flood risk from the west has been assessed and addressed by incorporating a flow route around then through the development down to the watercourse network. The FRA has therefore concluded that built development within the site boundary can be delivered so as not to be at risk of flooding from any source having regard to reasonably foreseeable potential changes in flood risk.

The LLFA is now satisfied that the development can be delivered so as not to be at risk of flooding from external sources or from within the development and therefore raises no objections subject to a condition requiring the submission and approval of the final detailed surface water drainage design. Severn Trent Water raises no objections to the proposed development.

On the basis of the above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Affordable Housing

Policy CSP6 of the Core Spatial Strategy states that new residential development within the urban area capable of accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate of 25% of the total dwellings to be approved.

LNP Policy HG2 requires any affordable housing to be provided within the development or nearby within the neighbourhood area, and not through contributions to affordable provision elsewhere. Development must be tenure-blind, with affordable housing mixed in with the standard market housing.

The applicant proposes the policy compliant provision of 25% on site affordable housing. This would be in the form of 10 3-bed semi-detached dwellings, split between 6 social rent and 4 intermediate ownership.

The Council's Housing Strategy Officer is satisfied with the proposed house types and tenures.

Overall therefore, it is considered that the proposal would comply with the recommendations of the Council's Affordable Housing SPD both in terms of location, tenure and type of housing.

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:

- 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

CSP10 'Planning Obligations' requires developers to have regard to the consequences that may arise from development. The policy sets out a number of areas which should be considered including transport, infrastructure, affordable housing, education and community facilities, open spaces, sports and recreation facilities and environmental improvements and mitigation.

The following financial contributions have been requested:

- Staffordshire County Council as the Education Authority has requested a sum of £303,072.00 for school places
- Staffordshire and Stoke-on-Trent Clinical Commissioning Group has requested a sum of £35,863 towards local health infrastructure
- The Council's Landscape Development Section has requested a contribution of £223,160.00 towards off-site Public Open Space

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

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 40 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 and where a suitable supply of housing cannot be demonstrated. This benefit must therefore be attributed significant weight.

The site would also contribute towards the provision of affordable housing within the Borough which again, must be afforded significant weight.

On the basis that the development would provide 10% BNG notwithstanding that it is not a mandatory requirement of this application, the biodiversity gains are considered to be a further benefit of the scheme.

Turning to the harms of the development. It is accepted that occupants of the proposed development would still be reliant on the use of the private car to access higher order services and facilities, and this must be afforded moderate weight. There is also the loss of BMVAL, however, given the limited amount of land involved, only limited weight is attached to the loss on this occasion. There would also be some local impact to the character and appearance of the area.

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 of the scheme and these harms, are not sufficient to significantly and demonstrably outweigh the identified harms 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

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

APPENDIX

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside.
Policy C4:	Open Space in New Housing Areas.
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures.
Policy N4:	Development and Nature Conservation – Use of Local Species.
Policy N8:	Protection of Key Habitats.
Policy N10:	New Woodland Considerations
Policy N12:	Development and the Protection of Trees.
Policy N13:	Felling and Pruning of Trees.
Policy N14:	Protection of Landscape Features of Major Importance to Flora and Fauna.
Policy N17:	Landscape Character - General Considerations.
Policy N21:	Areas of Landscape Restoration
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities.

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

Policy HG1:	New Housing
Policy HG2:	Housing Mix
Policy HG3:	Local Play, Sports and Recreational Facilities
Policy NE1:	Natural Environment
Policy N2:	Sustainable Drainage
Policy COM1:	New Community Facilities
Policy COM3:	Developer Contributions
Policy DC1:	Local Heritage
Policy DC2:	Sustainable Design
Policy DC3:	Public Realm and Car Parking
Policy DC4:	Connectivity and Spaces
Policy DC6:	Housing Standards

Other Material Considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (as updated)

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

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

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

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

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

Relevant Planning History

There is no relevant planning history for the site.

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding provision of visibility splays, parking areas, secure cycle parking, completion of access to each individual plot, retention of garages for parking and submission of drainage details for driveways.

Staffordshire County Council as **Lead Local Flood Authority (LLFA)** has no objections subject to the approval of the final detailed surface water drainage design.

Cadent Gas has no objections.

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

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

The **Landscape Development Section** has no objections in principle to the development. A Section 106 contribution of £5,579.00 per dwelling would be required at a total cost of £223,160.00.

Staffordshire and Stoke-on-Trent Integrated Care Board have no objections subject to a financial contribution of £35,863 towards supporting the future adaptation/expansion of either the Madeley Practice (including branch) and/or Ashley Surgery in alignment with strategic estates planning for the PCN as appropriate.

Severn Trent Water raises no objections to the drainage proposals.

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

Staffordshire Wildlife Trust request the submission of hydrology surveys, evidence and justification of why the development is exceptional to the loss of irreplaceable habitat, a Biodiversity Net Gain Assessment and further information on Great Crested Newt surveys.

Natural England has no objections stating that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

The **Housing Strategy Officer** confirms that the number of affordable units is acceptable but requests that the tenure mix is changed to reflect the policy position of 6 social rented and 4 shared ownership.

Maer and Aston Parish Council objects on the following grounds:

- It is very disappointing that the Chapel & Hill Chorlton, Maer & Aston and Whitmore Neighbourhood Development Plan has been stated as being out of date.

- This application is speculative, unsustainable, unwanted, contravenes the NDP and lies outside the village envelope.
- Concerned about the additional strain on already pressured resources such as the part-time GP surgery, schools and reduced bus service.
- Traffic impact on the A53, Woodside and Sandy Lane.
- The provision of basic services such as water, sewerage etc are also at capacity.

Whitmore Parish Council objects on the following grounds:

- It is contrary to the NDP, as well as to the Baldwins Gate Design Statement prepared by AECOM consultants for the Neighbourhood Development Plan.
- It would create an unsustainable development in an unsustainable location. Baldwin's Gate is not a key rural service centre and lacks the infrastructure and community facilities to support the level of housing and population growth that the development would entail.
- It would cause considerable and significant environmental harm.
- It is contrary to national policy and the policies of the statutory development plan.

Chapel and Hill Chorlton Parish Council objects on the following grounds:

- It is contrary to the NDP, as well as to the Baldwins Gate Design Statement prepared by AECOM consultants for the Neighbourhood Development Plan.
- It would create an unsustainable development in an unsustainable location. Baldwin's Gate is not a key rural service centre and lacks the infrastructure and community facilities to support the level of housing and population growth that the development would entail.
- It would cause considerable and significant environmental harm.
- It is contrary to national policy and the policies of the statutory development plan.
- The proposal conflicts with policies of the Draft Local Plan 2020-2040.

No comments have been received from **Waste Services**, **NatureSpace** or **United Utilities** by the given deadline and as such it is assumed that they have no comments to make.

Representations

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

- Does not accord with the policies of the Neighbourhood Plan
- Infrastructure including doctor's surgery and school unable to cope with additional dwellings
- Highway safety concerns given that access to the site would be situated on a narrow country lane which has no pedestrian access
- Loss of trees and hedgerows
- Impact on habitats and wildlife
- The development would exacerbate the existing problem in the area with surface water drainage
- The development would exacerbate current issues with the sewage system which is outdated and unreliable
- Loss of valuable grazing land
- Impact on character of the landscape
- Impact on amenity during construction
- Impact on privacy
- No need for further houses

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/22/01105/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

12 May 2025