

LAND AT MOSS LANE, MADELEY
KEEPMOAT HOMES

24/00619/FUL

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

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

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

RECOMMENDATION

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

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

Reason for Recommendation

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

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

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

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

Key Issues

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

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

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

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

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

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

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

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

Principle of the proposed residential development and viability

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

CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village

envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Policy HOU1 of the Madeley Neighbourhood Plan (MNP) states that new housing development will be supported within the Madeley village envelope providing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Housing mix

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

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

Landscape and Open Space

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

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

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

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

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

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

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

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

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

Highway Safety

NPPF Paragraph 114 notes that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 115 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 116 states that applications for development should;

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

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

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

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

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

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

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

Overall, it is considered that a safe and suitable access to the site for all users would be achieved and that any impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety would be mitigated to an acceptable degree.

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

Trees and Hedgerows

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets. Policy NE1 of the MNP requires that development preserve or enhances the rural character of the area, including veteran trees and mature hedgerows.

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

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

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

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

Ecology and Biodiversity

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

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets including enhancing the areas natural habitats and biodiversity to achieve the outcomes and targets set out within the UK and Staffordshire Biodiversity Action Plans and Staffordshire Geodiversity Action Plan. Development should avoid and/or mitigate adverse impacts, and wherever possible, enhance the area's natural assets, landscape character, waterways, green corridors and priority species and habitats.

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

Ecology and Biodiversity Net Gain

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

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

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

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

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

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

Residential Amenities

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

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

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

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

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

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

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

Flood Risk and Drainage

NPPF Paragraph 173 outlines that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

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

- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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

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

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

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

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

Agricultural Land Quality

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

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

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

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

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

Planning obligations and financial viability

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

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

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

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

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

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

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

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

Planning Balance

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

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

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

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

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Madley Neighbourhood Development Plan

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

Other Material Considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (as updated)

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

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

Relevant Planning History

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

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

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

Views of Consultees

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

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

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

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

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

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

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

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

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

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

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

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

Madeley Parish Council objects on the following grounds:

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

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

Representations

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

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

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00619/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

25th August 2025