

Full planning permission is sought for the erection of 18 dwellings on land previously shown as Public Open Space within a development for 200 dwellings at this site granted under application 24/00313/REM. The reserved matters consent followed the granting at appeal of outline planning permission (Ref. 21/01041/OUT).

The site lies within the open countryside on the Local Plan Policies Map.

The 13-week period for the determination of this application expires on 23rd April 2026 but an extension of time has been agreed to 24th July.

RECOMMENDATION

Subject to the applicant entering into a Section 106 Agreement by the 1st September 2026 to secure on-site affordable housing provision and an appropriate financial contribution towards education provision as required by Staffs County Council,

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

- **Time limit**
- **Approved plans**
- **Facing materials**
- **Boundary treatments**
- **Hard surfacing materials**
- **Revised details of visibility splays**
- **Bin collection points**
- **Surfacing, lighting and demarcation of parking areas**
- **Provision of cycle storage**
- **Landscaping scheme**
- **Construction Environmental Management Plan**
- **Noise levels**
- **Contamination**
- **Importation of soils.**
- **Provision of drainage details**

Reason for Recommendation

The development would be within the village envelope, and the wider site has been accepted as in a sustainable location. The design and layout of the proposal is considered acceptable and in accordance with the aims and objectives of the National Planning Policy Framework. There would be no material adverse impact upon highway safety or residential amenity as a consequence of the internal layout and the proposed landscaping and open space within the wider site is considered acceptable. There are no other material considerations which would justify a refusal of this application.

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

The proposal is a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the erection of 18 dwellings on land previously shown as Public Open Space within a development for 200 dwellings on the wider site granted under application

24/00313/REM. The reserved matters consent followed the granting at appeal of outline planning permission (Ref. 21/01041/OUT).

An application to vary a condition of the original outline consent which stipulated the amount of open space to be provided across the wider site (Ref. 26/00447/FUL) is considered elsewhere on this agenda in addition to an application for minor changes to layout and house types to enable the development of additional dwellings (Ref. 25/00931/FUL).

The application site comprises an area to the north of the wider site that was previously allocated as Public Open Space.

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

- Principle of development,
- Character and appearance of the development,
- Residential amenity,
- Highway safety and parking implications,
- Landscaping and open space,
- Flood risk and drainage,
- Affordable housing

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Borough Council's Local Plan 2020-2040 was formally adopted on 08 July 2026. The Plan forms part of the statutory Development Plan for the Borough and its policies carry full weight in the determination of planning applications in the Borough.

Following the adoption of the Borough Local Plan, the Council is able to demonstrate a five-year supply of deliverable housing sites and therefore, the adopted housing policies are considered up to date for the purposes of decision taking. The presumption in favour of sustainable development does not apply, and the application falls to be assessed in accordance with the policies of the adopted Development Plan and any other wider material considerations.

Policy PSD1 of the Local Plan states that the Council will encourage the efficient use of land through windfall development, where the development: -

- a. Considers the landscape / townscape character of the existing surroundings when determining the character and density of development;
- b. Supports the creation of high quality: beautiful and sustainable buildings and places;
- c. Is physically well-related to existing settlements, infrastructure and sustainable transport modes; and
- d. Is effectively served by existing infrastructure or the infrastructure needs of the development are effectively addressed by the scheme. Where new infrastructure is required the delivery of development should be co-ordinated (including the use of phasing) to coincide with new infrastructure provision.

Policy HG1 of the 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 the circumstances set out in paragraph 79 of the NPPF apply.

To be in a sustainable location, development must:

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

Given that the wider site is allocated in the Local Plan for 200 homes (as local plan reference LW74), this site now sits within the village envelope of Baldwin's Gate. The development would not encroach into the open countryside and would not involve the loss of best and most versatile agricultural land. It is physically well-related to the existing settlement and has been accepted as in a sustainable location. The design of the dwellings and the impact on the landscape character will be considered below but subject to no objections being raised, the principle of the development is considered to be acceptable.

Character and appearance of the development

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.

Policy PSD7 (Design) of the Local Plan states that, amongst other points, developments should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness and sense of place in terms of:

- a) Height, scale, form and grouping;
- b) Choice of materials;
- c) External design features
- d) Massing of development
- e) Green infrastructure; and
- f) Relationship to neighbouring properties, street scene, and the wider neighbourhood

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.

The dwellings would all be 2 storey in height and would be constructed from brick and tile. The layout, scale and design of the dwellings would complement those approved under the current reserved matters layout and the scheme would sit comfortably within both the local area and the scheme currently under construction.

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.

Impact on residential amenity

Criterion f) within Paragraph 135 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

Policy SE12 of the Local Plan states at criterion 1 that “development proposals should demonstrate they will not result in unacceptable harm to the amenities of existing or future residents, businesses, or sensitive uses in the vicinity. Development that would have an unacceptable adverse impact on existing amenity will not be permitted. This includes the consideration of:

- Preventing unacceptable overlooking and loss of privacy.
- Avoiding unacceptable loss of sunlight and daylight.
- Mitigating the overbearing and dominating effect of new buildings. Minimising environmental disturbance or pollution.
- Addressing traffic generation, access, and parking.
- Protecting existing trees and landscaping that contribute to amenity value, and ensuring appropriate replacement or enhancement where necessary

Separation distances between dwellings and proposed garden sizes comply with relevant guidelines as per the original consent for the wider site.

The Environmental Health Division has no objections subject to conditions.

Therefore, the proposed development is not considered to raise any issues of impact on residential amenity.

Impact on highway safety

The NPPF, at paragraph 116, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy IN2 of the Local Plan states that “new development should make appropriate provision for access by sustainable modes of transport to protect the integrity of the highway network. All development should meet a number of criteria which includes to not cause unacceptable highway safety problems in relation to local traffic circulation and existing parking and servicing arrangements (1e) and not cause severe residual impacts on the road network, either individually direct and / or cumulatively (1f).

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

Sufficient off-street parking has been demonstrated for the dwellings proposed. Parking would be provided to the side or front of dwellings, with some having garages.

The Highway Authority raises no objections subject to conditions and on this basis, the proposal is considered acceptable in terms of impact on highway safety.

Open space

Policy SE6 of the Local Plan states that the provision of open space will be sought on a site-by-site basis, taking account of the location, type, and scale of the development. It states that for major developments, provision of open space should be to a standard of at least 4ha per 1,000 population.

Neighbourhood Plan Policy HG3 expects new residential development to provide for accessible, high quality, local play, sports and recreational facilities.

This development would sit within the wider approved scheme giving a total of 218 dwellings. The policy requirement for the wider site is for the provision of a minimum of 0.87ha of open space. The provision would be significantly in excess of that amount and it is considered that the amount and type of open space facilities would be acceptable.

Flood Risk and Drainage

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

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

The outline application for the wider site was accompanied by a Flood Risk and Drainage Assessment which concluded that with appropriate mitigation, the development of the site would not create any flood risk issues for the wider area. The site lies in Flood Zone 1 which is land/property with the lowest risk of flooding.

Staffordshire County Council as the Lead Local Flood Authority, raises no objections to this application subject to a condition requiring the submission and approval of updated private drainage drawings for the additional housing area. Subject to such a condition, it is not considered that the proposed development would create any additional risk of flooding.

Affordable Housing

Policy HOU1 of the Local Plan states that on-site affordable housing provision will be required on sites of 10 dwellings or more, at a level of 30% of all units on greenfield sites, which equates to a provision of 5 units for this development.

The applicant has confirmed that such provision is acceptable and the units are shown on the proposed plan. The affordable housing provision should be secured through a Section 106 Agreement.

Reducing Inequalities

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

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

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

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

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

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

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

APPENDIX

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

Newcastle-under-Lyme Local Plan 2020-2040

Policy PSD1:	Overall Development Strategy
Policy PSD2:	Settlement Hierarchy
Policy PSD3:	Distribution of Development
Policy PSD7:	Design
Policy HOU1:	Affordable Housing
Policy HOU2:	Housing Mix and Density
Policy HOU10:	Extensions, Alterations and Relationships between Dwellings
Policy IN3:	Access and Parking
Policy SE6:	Open Space, Sports and Leisure Provision
Policy SE10:	Landscape
Policy SE12:	Amenity

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

Policy HG2:	Housing Mix
Policy HG3:	Local Play, Sports and Recreational Facilities
Policy NE1:	Natural Environment
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 (2014 as updated)

Relevant Planning History

21/01041/OUT Construction of up to 200 dwellings set within a community parkland – Refused but allowed at appeal

24/00270/DEM - Demolition of buildings identified as pink as shown within the demolition layout – Approved

24/00313/REM - Erection of 200 dwellings, with associated car parking, public open space, attenuation basins, landscaping and associated works pursuant to outline permission 21/01041/OUT – Approved

25/00661/FUL - Variation of condition 6 of planning permission 21/01041/OUT for the construction of up to 200 dwellings set within a community parkland at Baldwin's Gate Farm, to amend the trigger for the provision of off-site highways works – Approved

26/00068/FUL - Application to vary condition 3 of planning permission 25/00661/FUL to amend the trigger for the provision of offsite highways works – Approved

25/00931/FUL - Variation of conditions 2, 3, and 13 of planning permission 24/00313/REM to seek approval for amendments to revised planning proposals (condition 2), materials (condition 3), and the planting, seeding and turfing as shown on revised drawings (condition 13) – Pending consideration

26/00447/FUL - Variation of condition 17 of planning permission 26/00068/FUL to amend the reference to the amount of green open space being provided on site from a minimum of 5.08ha of green open space to a minimum of 3.90ha of green open space – Pending consideration

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding submission of revised details of visibility splays, boundary treatments and bin collection points, the surfacing, lighting and demarcation of the parking areas and provision of cycle storage.

The **Landscape Development Section** has no objections to the proposal subject to confirmation of the amount of open space that is being provided on site and that this excluding any suds areas is sufficient to meet the needs of the development and the proposed replan area.

The **Environmental Health Division** has no objections subject to conditions regarding a Construction Environmental Management Plan, noise levels, contamination and importation of soils.

The **Lead Local Flood Authority** has no objections subject to approval of application 25/00931/FUL, and subject to a condition requiring the submission and approval of updated private drainage drawings for the additional housing area.

Staffordshire County Council's Historic Environment Team has no objections on the basis that the site has previously been suitably archaeologically evaluated and therefore, no further archaeological works are required.

Staffordshire County Council as the Minerals and Waste Planning Authority makes no comment on the application.

Staffordshire Police Early Intervention & Prevention Unit objects due to the proposed boundary treatments for the semi-detached and terraced properties, stating that it is important that a high level of physical security is incorporated. Security recommendations are made.

Whitmore Parish Council states that while the Parish Council continues to object to the addition of further dwellings given the increased pressure they will place on local infrastructure, including traffic volumes, GP capacity, and school places, they recognise that this is unlikely to carry significant weight given the parameters established by the appeal. This situation highlights a wider concern: the current planning framework often leaves local residents, parish councils, and even adopted Neighbourhood Plans at a disadvantage when set against appeal decisions and national policy. The community's needs and long-term vision for the area risk being overshadowed by a process that affords limited opportunity for meaningful local influence.

Maer & Aston Parish Council is appalled that this application has been submitted using open/green space for further housing development. This is the third amendment in the last few months to the scheme passed by the Planning Inspectorate, and it is considered that these piecemeal applications together have a massive impact on what was previously a small village. Current sales on the site are low which demonstrates that these houses are not needed or wanted. The application is not sustainable and is putting further strain on resources. The application should be refused on grounds that it is unsustainable and further destroys the rural aspect of the village.

Representations

6 representations have been received. Objections are raised on the following grounds:

- The developer has misled the LPA and the local community
- Open space that was the only redeeming factor in the original application, is being lost
- Houses are not selling due to lack of requirement as the housing target for the area is already exceeded
- Additional houses are unsustainable for the village and the area adding more cars, pressure on the doctor's surgery, schools and sewage system
- Cumulative erosion of rural character
- Conflict with key planning policy principles

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/26/00052/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

14 July 2026