



Appeal Decision

Hearing held on 12 August 2025

Site visit made on 12 August 2025

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2025

Appeal Ref: APP/P3420/W/25/3363903

Lands at New Farm, Cross Lane, Audley, Newcastle-under-Lyme, Staffordshire ST7 8JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Grant Emery of Manor View Care Home Ltd against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref is 23/00522/FUL.
 - The development proposed is full planning application for 39no. dwellings including recreation areas and associated works (Enabling Development).
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Decision

1. The appeal is allowed and planning permission is granted for 39no. dwellings including recreation areas and associated works (Enabling Development) on Lands at New Farm, Audley, Newcastle-under-Lyme, Staffordshire ST7 8JQ in accordance with the terms of the application, Ref 23/00522/FUL, subject to the conditions in the attached Schedule.

Background and Preliminary Matters

2. The site lies within the Stoke-on-Trent Green Belt. Having regard to the National Planning Policy Framework (the Framework), it is common ground between the Borough Council (the Council) and the appellant that the proposal would constitute inappropriate development in the Green Belt.
3. However, the new dwellings which are the subject of this appeal are part of a wider proposal for enabling development, to secure the repair and long-term use of Madeley Manor, a Grade II listed building, in Madeley village, approximately four miles from the site.
4. At the Hearing, a draft planning obligation under s106 of the Town and Country Planning Act 1990 (the planning obligation) was submitted by the appellant. Amongst other things, this makes provision for works and repairs to Madeley Manor, a health care contribution and for public open space. With my agreement, after the close of the Hearing, an executed version of the planning obligation was submitted, dated 28 August 2025. The Council are a signatory. I will consider the obligation and the matters it deals with below.
5. Since the date of the Council's decision, a revised Framework has been published. Furthermore, the emerging Audley Rural Neighbourhood Plan (NP) has since been subject to Examination, and is awaiting a referendum. The parties have had the

opportunity to comment on these changes, and I have determined the appeal on the basis of the current planning policy position.

Main Issues

6. The main issues are:

- the effect of the proposal on the Green Belt, including in respect of its openness,
- whether the proposal would provide an appropriate mix of house types,
- the effect of the proposal on the character and appearance of the area, and whether it would comply with the Council's strategy for housing distribution,
- whether the proposal would make appropriate provision for affordable housing,
- Other Considerations, including the benefits of the proposal as enabling development, and
- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

7. The Framework states that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
8. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land open. At the Hearing, the Council stated that its concerns related to both the visual and spatial dimensions of openness. The site currently consists largely of fields and has little development. The proposal would introduce a large number of dwellings to the site, together with the associated gardens, access roads, movements and residential paraphernalia.
9. Spatially, the development would give the site a much more built-up and urban form. The visual impacts of the proposal would be most prominent from the Right of Way (Audley 24) that crosses the site, and from the adjacent Cross Lane, where it would result in a moderate or high magnitude of change, resulting in moderate or major adverse visual effects for footpath and road users. There would also be minor adverse effects from Audley footpaths 23, 86 and 92; from Alsager Road and Hullocks Pool Road.
10. Much of the site is identified in the Council's Green Belt Site Review, July 2024. This describes the relevant parcel of land as being undulating, with low levels of vegetation, less-durable boundaries and significant long-line views. As such, it finds that the site makes a strong contribution to openness and to safeguarding the

countryside, one of the purposes of the Green Belt. On this basis, the proposal would clearly result in significant loss of Green Belt openness hereabouts.

11. In accordance with Framework paragraph 153, I give substantial negative weight to the totality of the harm caused to the Green Belt, including to its openness. The Council accepted at the Hearing that, in accordance with *Sefton*¹, the harm to openness should not attract additional weight, and I see no reason to disagree.
12. The parties dispute whether the benefits of the proposal would amount to the very special circumstances required to justify it, including in respect of the Green Belt. I shall consider this below.

Housing Mix

13. NP Policy ANP1 makes clear that the mix of accommodation in new residential development shall include 1, 3 and 4 bed housing, as part of its mix. This is because of a need for different sizes of home within the parish, identified by the Audley Rural Housing Needs Assessment, updated October 2023. The Policy is still emerging. However, it is consistent with Framework paragraph 61, which requires development to have an appropriate mix of housing. Given its advanced stage, and having regard to Framework paragraph 49, I give NP Policy ANP1 significant weight.
14. The proposed dwellings on the appeal site would all be large, five-bedroom units. The units at Madeley Manor, which would be developed as part of the overall proposal, would be more mixed and include some one- and two-bed units. Nevertheless, these would represent only a small proportion of the whole, and would be outside of the area covered by Policy ANP1.
15. The 39 dwellings would be relatively close to a sub-regional business park envisioned at Junction 16 of the M6 motorway, with the housing assisting in its growth. That said, I have little substantive information about the business park, or its accommodation needs. There is no dispute that the mix of development proposed at Audley is necessary to provide enough capital to ensure that the enabling needs of Madeley Manor are met. Even so, the conflict with the housing mix sought by emerging Policy ANP1 counts to the negative side of the balance. I give it significant negative weight.

Character, Appearance and Strategy

16. The site consists of an undulating field, bounded by Cross Lane and Alsager Road, as part of a rolling lowland plain. It is separated from the settlements of Audley and Bignall End by countryside, with only disbursed housing hereabouts. As a result, it has a rural, pastoral feel. It is part of an Area of Landscape Enhancement, but has no other landscape designations.
17. The proposal would result in the addition of extensive and permanent built form, of large height, mass and scale, on land much of which is undeveloped countryside. Although the density of the proposal has been calculated as only 15 dwellings per hectare, this is taken across the whole site, including large parts of undeveloped land. I have already identified the adverse visual effects of the proposal above.

¹ Sefton Metropolitan Borough Council v SSHCLG & Jerry Doherty [2021] EWHC 1082 (Admin).

18. Consequently, the proposal would result in something of a contained enclave of dense suburban housing, set apart from Audley, which would urbanise the countryside here and cause a degree of conflict with the established pattern of development. However, this harm would be tempered by the relatively localised effects of the proposal, the additional extensive landscaping, and the existence of the former builder's yard adjacent to the site. This has planning permission for seven dwellings and an access road approved in 2019², which if further built out would cause some suburbanisation to the surroundings of the site in any case.
19. I conclude that the proposal would cause harm to the character and appearance of the area. It would conflict with the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010), which requires rural development to reflect local character and patterns. Policy CSP1 of the Newcastle-under-Lyme and Stoke-On-Trent Core Spatial Strategy (CSS), adopted October 2009, makes similar requirements and so the proposal also conflicts with this policy. However, for the reasons given above, I give this moderate negative weight.
20. Policy H1 of the Newcastle Under Lyme Local Plan, adopted October 2003, and CSS policies SP1 and ASP6, were referred to at the Hearing. They only permit new housing in types of location that do not include the appeal site. Nevertheless, this did not form a reason for refusal, and was not pursued by the Council. I therefore give this conflict little additional negative weight.

Affordable Housing

21. CSS Policy CSP6 requires the provision of 25% affordable housing on sites of five dwellings or more. However, the policy does not allow for circumstances where viability might prevent such provision, referred to in Framework paragraph 59, and in the Planning Practice Guidance (PPG). Having regard to paragraph 232 of the Framework, CSS Policy CSP6 is not fully consistent with the Framework and so does not carry full weight. Emerging NP policy ANP1 provides tenure and mix specifications for affordable housing within its area, but does not change the circumstances where such housing is required.
22. The proposal would provide no affordable housing. Up-to-date information on the likely costs of refurbishing the listed building has been provided, together with the market value of the asset in its current state and when completed. The Council accepts that the conversion of Madeley Manor in accordance with the approved development scheme would result in a loss of approximately £3.18 million. This figure is referred to as the conservation deficit.
23. The Council does not dispute that the proposal would not be viable if affordable housing were required. The absence of affordable housing is a negative to be weighed in the balance, as part of the proposal as a whole. Nevertheless, for the reasons given above, I give the conflict with CSS Policy CSP6 and the absence of affordable housing only moderate negative weight.

² LPA reference 18/00122/FUL

Other Considerations

Enabling Development

24. Framework paragraph 221 makes clear that decision-makers should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweighs the disbenefits of departing from those policies. Guidance on matters relating to enabling development is provided in the Historic England publication 'Enabling Development and Heritage Assets'.
25. Despite urgent works undertaken, and Madeley Manor being secure, the Council does not dispute that the building is in significant disrepair, is 'at risk', and would continue to deteriorate without a new use. I understand that the Care Quality Commission report into Madeley Manor as a care home recorded poor maintenance. However, structural matters were not its focus, and the report was undertaken some years ago. I have no substantive evidence that the state of the building results from wilful or deliberate neglect, as suggested by third parties.
26. Planning permission and listed building consent³ have been granted for the conversion of Madeley Manor into 12 apartments, and for the erection of two houses. Different proposals for the site were submitted previously. Although not considered by the Council's planning committee, they were ultimately unsuccessful, and the approved conversion scheme is the preferred option of the Council.
27. The Council does not dispute that there are no other avenues of funding from public sources which would adequately cover the conservation deficit, and accept that the only real solution is from private commercial intervention, as proposed. Madeley Manor has been marketed since 2020 with little interest. The property continues to be marketed but I have no substantive evidence of any realistic alternative scheme. The Council's own independent valuer was satisfied that the price paid was not excessive.
28. As such, it is common ground between the Council and the appellant that the provision of the development before me at Audley is the minimum required for the implementation of the approved scheme for providing funds to meet the conservation deficit, to allow the restoration and conversion of Madeley Manor.
29. Whilst Madeley Manor would remain private property, this would result in a heritage-related public benefit of the conversion and preservation of the listed building, and a viable use for the foreseeable future. Framework paragraph 212 makes clear that great weight should be given to the conservation of a designated heritage asset. In this case, I give the enabling benefits of the proposal very substantial positive weight in the planning balance.

Other Benefits

30. The Council accepts that it is unable to demonstrate an adequate supply of housing land, at around 3.08 years. The proposal would deliver both the 39 dwellings at the appeal site and the 14 dwellings at Madeley Manor. It would therefore support the Government's objective of significantly boosting the supply of

³ LPA references 21/01175/FUL and 21/01176/LBC

homes. The Council and the appellant agree that this represents a benefit of substantial positive weight in the planning balance, a view that I share.

31. The proposal would generate social and economic benefits, for example through the provision of construction jobs, more children for local schools, and expenditure within local shops and services by the occupiers of the additional houses. At the Hearing, the Council acknowledged that these would represent an additional benefit of modest weight, with which I concur.
32. The proposal is not subject to Biodiversity Net Gain requirements. Concerns have been raised about the deterioration of existing hedgerow. That said, on the evidence before me, the proposal would result in an appreciable increase in habitat and hedgerow units. It would also bring forward increased connectivity for all terrestrial-based wildlife in the wider landscaping, as well as enhancement to habitats for bats, birds, herpetofauna and invertebrates. I share the view of the Council, given at the Hearing, that these benefits attract additional moderate weight.

Other Matters

33. The first reason for refusal referred to the effect of additional population on health and public open space facilities. The planning obligation makes provision for on-site open space maintenance, and a financial contribution towards the improvement of Audley Health Centre and Talke Pits Clinic. This overcomes these aspects of the refusal reason. The Council has not identified any other services or utilities that would necessitate financial contributions flowing from the proposal and its effects.
34. The development would require the relocation of great crested newts found within the site. Such relocation would require a licence. Natural England is the licensing authority and has granted a general newt District Licence (DL) to the Council. The appellant has entered into an agreement for the proposal to be authorised under the DL. Subject to conditions, and having regard to the statutory tests under the Habitats Regulations, I am satisfied that a licence would be granted. The Council has not objected to the proposal on this basis.
35. Audley provides a range of services and facilities that would meet the day-to-day requirements of future occupiers of the dwellings. The site is separated from the village by countryside. Rights of Way link the site to the village, including to bus stops providing public transport to onward destinations. As rural footpaths, they are unlit, waterlogged in places, and have slopes and steps. They would not therefore be suitable for all people, for instance those with limited mobility, or in bad weather.
36. Nevertheless, these links would provide a genuine choice of transport mode for some. A condition could secure the provision of a new footway from the site, removing the need for future occupiers of the proposal to cross Alsager Road to access the footpath. Furthermore, although parking spaces in the village may sometimes be limited, journeys by private vehicle to the village would only be short in distance. I am therefore satisfied that the site would provide reasonably sustainable access to services and facilities.
37. Cross Lane is a single-track road used by agricultural vehicles, walkers and horse riders from a neighbouring riding school. I am mindful of local concerns about the

effects of additional traffic from the development on the safety of horses and riders, and on the riding school as a whole.

38. Cross Lane would be widened as part of the proposal and would have a footway. Suitable visibility splays would be provided onto Cross Lane and Alsager Road, and the 40mph speed limit would be extended beyond the site access. The Transport Assessment finds that traffic generated from the proposal would not materially affect safety or traffic delay on surrounding roads. This is not disputed by the Highway Authority. On this basis, the proposal would not result in undue adverse effects on highway safety.
39. Photographs of flooding in the area were provided to me, and I understand concerns that the appeal development would exacerbate this. However, the Flood Risk Assessment finds only a negligible risk of flooding as a result of the proposal. The ponding of water within the site is attributed to a blocked land drain. The Local Lead Flood Authority did not object to the planning application. As a result, subject to conditions regarding further drainage information, I am satisfied that the proposal would not result in additional risks from flooding.
40. The evidence I have is that most of the site is of agricultural land classification Grade 3b. As such, there would be no significant loss of best and most versatile agricultural land. The Council's Environmental Health department has not identified unacceptable levels of air or light pollution from the proposal.
41. Concerns have been raised that the adverse effects of the proposal would be felt by Audley, whilst its principal benefits would be to another village. However, there is no planning policy requirement for enabling development to be located close to the asset it would serve, and I have found that some of the adverse effects of the proposal can be mitigated by the planning obligation or conditions.

Conditions

42. The Council has provided a list of conditions, which were discussed at the Hearing. I have assessed and where necessary amended these, having regard to the advice in the PPG. A condition requiring adherence to the approved plans is required for certainty.
43. Details of foul and surface water drainage flows are necessary in the interests of the living conditions of occupiers of nearby properties. To ensure that the proposal deals acceptably with newts, a condition is necessary requiring confirmation of compliance with the compensatory measures. These must be pre-commencement conditions, because they will affect how works take place at an early stage of construction. Details of finished floor levels are necessary for certainty.
44. In the interests of highway safety, details of the site and pumping station accesses are required, as is the ongoing provision of the visibility splays for these accesses and for each new access point within the estate. For similar reasons, and for occupiers living conditions, details of surfacing materials within the site are also required, as is the final detailed surface water drainage design. Details of footway linking the site access to the existing footway on Alsager Road, carriageway widening, the speed limit reduction, and implementation of the pedestrian access and crossing, are similarly necessary in the interests of highway safety.

45. A Construction Environmental Management Plan, including hours of work for construction are needed in the interests of the living conditions of nearby properties. Measures to identify contamination, its remediation, monitoring and the validation these measures are necessary to ensure public health, including that of construction workers.
46. In the interests of the character and appearance of the area, details of tree protection, landscaping and the replacement of trees and shrubs if required is needed. For the same reason, details and samples of external materials are necessary. Details of boundary treatments are also required for this reason, and to protect the privacy of occupiers.
47. In the interests of biodiversity, details of external lighting are necessary, and the development shall accord with the recommendations of the Preliminary Ecological Appraisal, and with the terms and conditions of the Council's Organisational Licence for great crested newt District Licensing. Details of the proposed open space and children's play area are necessary to ensure adequate suitable provision and its future management.

Planning Balance and Conclusion

48. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
49. As identified above, I have found conflict with the Development Plan, read as a whole, as well as emerging NP Policy ANP1. I have found harm in respect of the Green Belt, housing mix, the character and appearance of the area, and affordable housing. However, against this conflict and harm, the proposal would result in enabling benefits to Madeley Manor, an increase in the supply of housing, economic and social benefits, and biodiversity advantages.
50. In assessing the proposal in the round, the harm by reason of Green Belt inappropriateness, and the other harms, would be clearly outweighed by the other considerations so as to amount to the very special circumstances required to justify the proposal. Therefore, despite the conflict with the Development Plan, the balance of material considerations indicate that planning permission should be granted, and the appeal should be allowed.

O Marigold

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Sarah Reid KC	King's Counsel, instructed by the appellant
Carl Copestake BA (Hons), Dip UPI, MRTPI	Knights
Rob Pattinson LLB (Hons), solicitor	Knights
Dr Jonathan Edis BA MA, PhD, MCIfA, IHBC	HCUK Group
Jon Berry BA (Hons), IEMA	Tyler Grange
Iain Miller BSC Hons, MSc	Cameron Rose Associates
Grant Emery	Appellant
Sean Emery	

FOR THE LOCAL PLANNING AUTHORITY

Rachel Killeen	Development Manager
Louise Wallace	Conservation Officer

INTERESTED PARTIES

Nick Hayes	Audley Rural Parish Council
Tina Barratt	
Carol Whitehouse	
Terry Harvey	

DOCUMENTS HANDED IN DURING THE HEARING

1. List of the appellant's attendees.
2. Copy of judgement in *Sefton Metropolitan Borough Council v SSHCLG & Jerry Doherty* [2021] EWHC 1082 (Admin).
3. Copies of plans 1190-103 H, 1190-104 E, 1190-105 E, 1190-106 E.
4. Copy of post-examination Neighbourhood Plan policy ANP1.
5. Updated List of Proposed Conditions

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1190-101, 1190-103 rev H, 1190-104 rev F, 1190-105 rev E, 1190-106 rev E, 1190-107 rev C, 1190-108 rev B, 1190-109 rev B, 1190-110 rev A, 1190-111 rev A, 1190-112 rev A, 1190-113 rev A, 1190-114 rev A, 1190-115, 1190-116, 1190-117, 1190-118, 1190-121.
- 3) No development shall take place until drainage plans for on-site foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 4) No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR148, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the Local Planning Authority. The delivery partner certificate must be submitted to the Local Planning Authority for approval prior to the commencement of the development hereby approved.
- 5) No built development shall take place until a measured survey of the site has been undertaken, and plans showing details of existing and final ground levels and finished floor levels in relation to a nearby datum point (outside of the application site) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) No dwelling hereby approved shall be occupied until full details of the development site access on Cross Lane as broadly outlined within Proposed Site Plan, Drawing no. 1190_38-107 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. The approved access works shall thereafter be provided and constructed to base course level and fully completed in accordance with the approved details prior to first occupation of the development.
- 7) The development hereby permitted shall not be occupied until junction and pedestrian visibility splays at the site access and pumping station access shown on Drawing no: 466-01/GA-03 rev C and 466-01/GA-04 Rev A have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
- 8) The proposed pumping station access, turning and parking areas as shown on the approved access plan, Drawing no. 466-01/GA-04 Rev A, shall be sustainably drained, hard surfaced in a bound material and fully implemented prior to first use of the pumping station hereby permitted and shall thereafter be retained for the life of the development.

- 9) Except for the construction of the junction and pedestrian visibility splays at the site access and pumping station access, the development hereby permitted shall not be brought into use until details of the surfacing materials and means of surface water drainage for the private individual and shared drives, parking and turning areas, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation of the associated plots and shall thereafter be retained as such for the lifetime of the development.
- 10) Pedestrian visibility splays of 1.5m x 1.5m shall be provided at each new single/shared driveway access point onto the residential estate road prior to occupation of the associated dwelling and shall be kept free of all obstructions to visibility over a height of 600 mm above the adjacent ground level in perpetuity.
- 11) No dwelling hereby approved shall be occupied until a full package of detailed design information for the following highway works has been submitted to and approved in writing by the Local Planning Authority:
 - (i) the provision of a two metre footway linking the site access to the existing footway on Alsager Road
 - (ii) carriageway widening to a minimum of 6 metres on cross lane between Alsager Road/Cross Lane junction and the site access
 - (iii) implementation of a speed limit reduction scheme from 60mph to 30mph on Cross Lane along the development site frontage
 - (iv) implementation of the pedestrian access and crossing on cross lane and the permanent closure of the existing informal pedestrian access points as outlined on site plan drawing no. 119-107 rev C.

The highway works shall thereafter be constructed in accordance with the approved details prior to the first occupation of the development.

- 12) Except for the construction of the junction and pedestrian visibility splays at the site access and pumping station access, no development shall begin until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority. The final design must conform to the design detail summarised in the Drainage Strategy (210714-C2C-P-00-M2-D-500 Revision P03).
- 13) Prior to the commencement of any construction/engineering works, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGVs, delivery times, construction programme and the location of the contractors' compounds, cabins, loading and unloading areas, plant/material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.
- 14) Except for the construction of the junction and pedestrian visibility splays at the site access and pumping station access, no development shall

commence until a scheme to deal with contamination of land/ground gas has been submitted to and approved in writing by the Local Planning Authority:

- A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 - A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 - If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority.
 - A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 15) Except for the construction of the junction and pedestrian visibility splays at the site access and pumping station access, no development shall take place until a scheme for the protection of the retained trees in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, has been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 16) Except for the construction of the junction and pedestrian visibility splays at the site access and pumping station access, no development shall commence until detailed proposals for the construction of the proposed footpath within the root protection areas of T1-10 and H1-3 have been submitted to and approved in writing by the Local Planning Authority. The footpath shall thereafter be constructed in accordance with the approved details.
- 17) Prior to the occupation of any dwelling, full details of a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season after completion of the development, or within 18 months of the commencement of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 18) Prior to their installation, details and samples of all facing materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
- 19) Prior to the occupation of the development hereby permitted, full details (height, location and appearance) of all boundary treatments to be erected in the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.
- 20) Prior to the occupation of the development hereby permitted, full details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.
- 21) The development shall be carried out in accordance with the recommendations of the Charnia Ecology Preliminary Ecological Appraisal dated July 2025.
- 22) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR148, or a 'Further Licence') and with the proposals detailed on plan New Farm, Audley: Impact plan for great crested newt District Licensing (Version 1), dated 14th August 2025.
- 23) No dwelling hereby approved shall be occupied until details of the proposed open space and children's play area to be provided shall be submitted to and approved in writing by the Local Planning Authority. The open space and play area shall be provided and thereafter maintained and managed in accordance with the approved details.

End of Conditions