

# TOWN AND COUNTRY PLANNING ACT 1990

## REFUSAL OF PLANNING PERMISSION



Application number: **13/00426/OUT**

To:- Richborough Estates Ltd  
c/o Richard Lomas - Hourigan Connolly  
7 Swan Square  
15 Swan Street  
Manchester  
M4 5JJ

The Council of the Borough of Newcastle-under-Lyme in pursuance of powers under the above-mentioned Act hereby refuse to permit

### **Description of development**

Erection of up to 113 dwellings and associated works

### **Location of development**

Land At End Of Gateway Avenue Baldwins Gate

for the reasons specified overleaf. The applicant's attention is drawn to the notes set out at the end of this decision letter

Date 10 March 2014

A handwritten signature in black ink that reads 'Guy R. Benson'.

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1. The proposal does not accord with the strategy of targeted regeneration and spatial principles which are set out within the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and that of regeneration as set out within the Newcastle-under-Lyme Local Plan 2011, and it is contrary to Paragraph 17 of the National Planning Policy Framework (2012).
2. This greenfield site is outside of the village envelope of Baldwin's Gate, in the open countryside, and outside of the Rural Service Centres as identified on the Newcastle-under-Lyme Local Development Framework Proposals Map. The proposed development would not meet any identified local requirement. The proposal is thereby contrary to Policy H1 of the Newcastle-under-Lyme Local Plan 2011, Policies SP1 and ASP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, and the guidance of the National Planning Policy Framework (2012).
3. Having regard to guidance within the National Planning Policy Framework (2012), Baldwin's Gate is not a sustainable location for further residential development by virtue of the limited services available within the settlement, the limited public transport available, and its location in relation to the conurbation and other settlements. The fact that Baldwin's Gate is not identified as a Rural Service Centre in the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 is demonstrative of its limited services which are inadequate to support the needs of the expanded population of Baldwin's Gate that would be a consequence of the proposed development.
4. The proposed development would result in the permanent loss of best and most versatile agricultural land and in the absence of any evidence to show that areas of poorer quality land cannot be developed in preference to that of a higher quality, the proposal is contrary to paragraph 112 of the National Planning Policy Framework (2012).
5. The proposed development would materially affect highway safety in the following ways:-
  - a. Gateway Avenue is of insufficient width to allow vehicles to pass each other safely, including construction traffic associated with the development, and the development would cause increased danger to pedestrians arising from vehicles having to be parked on or driving on the footway.

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- b. The junction of Gateway Avenue with the A53 is incapable of safely accommodating the additional traffic generated by the development and the development would lead to an increase in queuing at that junction which would be likely to result in drivers making unsafe movements on the A53.
- c. Having regard to the speed of traffic on the A53, the proximity of various junctions, and the proximity to a bend, the construction access would result in unsafe movements of vehicles accessing and egressing via its junction with the A53. There is no reasonable prospect of the applicant being able to bring forward a construction access solution that would not be harmful to the interests of highway safety.

The development would therefore be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 which requires development to be safe and accessible, and the aims and objectives of the National Planning Policy Framework (2012).

6. By virtue of the number of dwellings, the density of the proposed development would be unsympathetic to the character of the existing village. As such, the development would be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the aims and objectives of the National Planning Policy Framework (2012) and to the provisions of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document.

7. The development would be likely to result in additional flood risk to the occupiers of existing nearby dwellings and to the occupiers of the new dwellings, by virtue of additional surface water runoff. As such, the development would be contrary to the aims and objectives of the National Planning Policy Framework (2012).

8. The development fails to provide 25% of the total number of proposed dwellings as affordable dwellings on site which is required to provide a balanced and well functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document (2009) and the Supplementary Planning Document on Developer Contributions (2007). The proposal would thus be contrary to Policies CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2012).

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9. The proposed development would by virtue of its scale and its encroachment into the open countryside, have an adverse impact upon the character of the countryside, would fail to protect rural vistas, and would have an adverse impact upon the distinctive character and appearance of the landscape in this location. As such, the proposal would be contrary to Policies CSP1 and CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy N21 of the Newcastle-under-Lyme Local Plan 2011, the aims and objectives of the National Planning Policy Framework (2012), the provisions of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document and guidance within the Planning for Landscape Change, Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.

10. The adverse impacts of the development significantly and demonstrably outweigh any benefits of the development. The proposal therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2012).

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

Officers have had appropriate meetings/conversations with the applicant's representatives where necessary to progress the determination of the application, and the Council entered into a Planning Performance Agreement with respect to the application. Notwithstanding this however, it has not proved possible to overcome the fundamental concerns of the Council regarding the scheme given that for the above reasons, the proposal comprises unsustainable development contrary to the guidance of the National Planning Policy Framework (2012).

### **Informative**

For the avoidance of any doubt the following plan, drawings and documents have been considered by the Planning Authority in reaching its decision:

- Site location plan - Nicol Thomas Drawing No. B5721 PL 002 Rev C received 23 January 2014
- Indicative Construction Access Proposal Plan - PTB Transport Planning Ltd Drawing No. Figure 2.2 received 28 January 2014

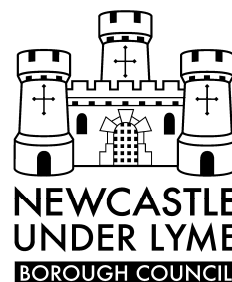
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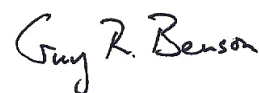
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- Proposed Puffin Crossing on A53 Indicative Layout - PTB Transport Planning Ltd Drawing No. Figure 6.1 Rev B received 13 December 2013
- Outline Drainage Plan - BWB Drawing No. BMW/2205/PL received 19 September 2013
- Design Constraints Plan - Nicol Thomas Drawing No. B5721 PL 004 Rev A received 27 September 2013
- Proposed Indicative Masterplan - Nicol Thomas Drawing No. B5721 (PL) 005 Rev A
- BWB Consultancy Flood Risk Assessment dated July 2013 received 27 August 2013
- Socio-Economic Impact of New Housing Development Report by Regeneris Consulting dated July 2013 received 27 August 2013
- Ecological Appraisal by Just Ecology Limited dated June 2013 received 27 August 2013
- Ecological Mitigation Strategy by Just Ecology Limited dated August 2013 received 27 August 2013
- Archaeological desk-based heritage assessment by Northamptonshire Archaeology dated June 2013 received 27 August 2013
- Agricultural Land Classification Report by Soil Environment Services Ltd dated May 2013 received 27 August 2013
- Affordable Housing Delivery Plan by Bridgehouse Property Consultants dated August 2013 received 27 August 2013
- PTB Transport Planning Ltd Travel Plan dated 20 August 2013 received 27 August 2013
- Midland Forestry Arboricultural Report dated 10 June 2013 received 27 August 2013
- ASL Desk Study Report dated May 2013 received 27 August 2013
- Landscape and Visual Impact Assessment by Pegasus Landscape Design dated 16 August 2013 received 27 August 2013
- Planning Statement dated 23 August 2013 received 27 August 2013
- ASL Preliminary Ground Investigation dated 23 August 2013 received 27 August 2013
- PTB Transport Planning Ltd Transport Assessment dated 20 August 2013 received 27 August 2013
- BWB Consultancy Foul Water & Utilities Statement dated 25 July 2013 received 27 August 2013
- REC LTD Noise and Vibration Impact Assessment dated 11 October 2013 received 14 October 2013
- Nicol Thomas Design and Access Statement dated August 2013 received 3 September 2013
- Statement of Community Involvement dated August 2013 received 3 September 2013
- Vista 3d Verified Visualisers dated August 2013 received 3 September 2013

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- PTB Transport Planning Ltd Construction Access Plan dated 15 January 2013 received 17 January 2014
- PTB Transport Planning Ltd Parking Surveys and Site Access dated 16 January 2014 received 17 January 2014
- Just Ecology Ltd Hedgerow Assessment dated January 2014 received 21 January 2014

### NOTES

#### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <http://www.planning-inspectorate.gov.uk/pins/forms/index.htm#planning>.
- The Secretary of State can allow a longer period giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

#### Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

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