

**LAND OFF MEADOW WAY, BALDWIN'S GATE  
BELLWAY HOMES LTD (WEST MIDLANDS)**

**16/01101/FUL**

The application is for full planning permission for the demolition of existing buildings, the erection of 97 houses and 2 bungalows, access, parking and amenity space.

The application site lies outside the village envelope of Baldwin's Gate and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. The site area is approximately 4.62 hectares. Part of the public open space comprising a proposed balancing pond lies within the Chorlton Moss Local Wildlife Site.

**The 13 week period for the determination of this application expired on the 23<sup>rd</sup> March 2017.**

**A decision on this application was deferred at the meeting of the Committee held on 18<sup>th</sup> July to enable Members to visit the application site. This report has been revised principally to take into account new material received since the previous report was prepared.**

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## **RECOMMENDATION**

Subject to the applicant entering into a Section 106 obligation by 22<sup>nd</sup> September 2017 to secure the following:

- i. A contribution of £436,706 towards the provision of education facilities at Baldwin's Gate Primary School and Madeley High School
- ii. Provision of 16% of the dwellings as affordable units
- iii. A financial contribution of £334,650 towards the off-site provision of the equivalent of 9% of the number of dwellings as affordable units
- iv. A financial contribution of £291,357 towards off-site public open space improvement and maintenance
- v. A travel plan monitoring fee of £6,430
- vi. Management agreement for the restoration and long-term maintenance of part of the Chorlton Moss LWS
- vii. Management agreement for the long-term maintenance of the open space on the site

Permit subject to conditions concerning the following matters:

1. Standard time limit
2. Approved plans
3. Construction management plan
4. Surfacing of driveways in a bound material and sustainably drained
5. No occupation of the dwellings until a vehicular entrance on Meadow Way has been constructed
6. Implementation of Travel Plan
7. Contaminated land
8. Hours of construction
9. Internal and external noise levels
10. Arboricultural Method Statement
11. Tree Protection Plan
12. Details of special engineering within Root Protection Areas
13. Landscaping scheme
14. Submission of a detailed surface water drainage scheme,
15. Development in accordance with the Flood Risk Assessment
16. Development in accordance with the recommendations of the Site Investigation report
17. Details of the disposal of surface water and foul sewage
18. Completion of improvements to the local sewage works prior to occupation (as detailed further on in this report)
19. Boundary treatments
20. Materials
21. Upgrading of the public right of way

**B) Should the matters referred to in (i), (ii), (iii), (iv), (v),(vi) and (vii) above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure appropriate provision for required education facilities, an appropriate level of affordable housing, the provision and management of public open space both on and off site, appropriate management of the Local Wildlife Site and measures to ensure that the development achieves sustainable development outcomes, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

## **Reason for Recommendation**

In the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, it is not appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised rural service centre. The adverse impacts of the development - principally the impact on the Chorlton Moss Local Wildlife Site – do not significantly

and demonstrably outweigh the benefits of the development, particularly when account is taken of the benefits of securing a management agreement for part of the Moss, and accordingly permission should be granted, provided the contributions and affordable housing and the management agreements indicated in the recommendation are secured by planning obligations.

**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 requested and provided where necessary to progress the determination of the application.

**Key Issues**

1.1 Full planning permission is sought for the demolition of existing buildings, the erection of 97 houses and 2 bungalows, access, parking and amenity space.

1.2 The application site, of approximately 4.62 hectares in extent, is within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Baldwin's Gate.

1.3 Part of the public open space comprising a proposed balancing pond lies within the Chorlton Moss Local Wildlife Site.

1.4 Representations have been received stating that the proposed development would be contrary to the developing Neighbourhood Development Plan, Whitmore Village Design Statement & Whitmore Parish Plan. The Neighbourhood Plan is a draft document that has not completed its statutory processes (indeed that draft has yet to be consulted upon) and therefore it is not yet part of the Development Plan. At present therefore it can be given very limited weight.

1.5 The Whitmore Parish Plan is a document that was produced by the Parish Council with no input from the Borough Council. It summarises the views and wishes of the people of the Parish at the time (in April 2005) and although it may well have been the subject of considerable local consultation, it has not been subject to the rigorous procedures of wider consultation, justification and challenge which a Supplementary Planning Document has to go through, has not been adopted by the Borough Council, and accordingly has no formal status in the planning system so it must be considered to be of very limited weight. A further factor that has a bearing on what weight could be given to it is the question of how much it complies with the NPPF. It appears to your officer that it far from accords with the NPPF – for example in its approach to housing development, and its lack of an evidence based approach. It is useful as a statement of local opinion but no more. The Whitmore Village Design Statement was prepared jointly by the Borough Council and the Parish Council in 2002, and adopted as Supplementary Planning Guidance at that time. As such it could have some weight, but again the fact that it dates from over 11 years ago and is based upon policies in the previous version of the Newcastle Local Plan all suggest that it cannot be given more than limited weight.

1.6 Representations have been received expressing concern that the planning application should not be determined due to a restocking notice served on the landowner following the felling of trees on part of the application site. The Notice, which was served by the Forestry Commission under the Forestry Act 1967, requires the landowner to restock the felled area before 30<sup>th</sup> June 2018. The landowner has lodged an appeal against the Notice. The Restocking Notice and the consideration of the appeal is a separate matter to the determination of this planning application and if the planning permission were to be granted, it would supersede the Notice. The existence of the Notice does not therefore prevent the determination of this planning application.

1.7 Taking into account the development plan, the other material considerations indicated above and the consultation responses received, it is considered that the main issues for consideration in the determination of this application are:-

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Is the loss of agricultural land acceptable?
- Would the development impinge unduly upon levels of residential amenity within adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves?
- Would the proposed development have any adverse impact upon highway safety and does it provide appropriate pedestrian access to village facilities?
- Would there be any issue of flood risk or impact on sewage capacity?
- Would there be adverse impact upon any nature conservation interests?
- Is affordable housing required and if so how should it be delivered?
- Will appropriate open space provision be made?
- What planning obligations are considered necessary and lawful?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

2. Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

2.1 The application site lies within the Rural Area of the Borough, outside of the village envelope of Baldwin's Gate, in the open countryside.

2.2 Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say 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.

2.3 CSS Policy ASP6 states that 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.

2.4 Furthermore, NLP Policy H1 only supports housing in limited circumstances - principally within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

2.5 Baldwin's Gate is not identified in the CSS as one of the Rural Service Centres. It is identified as a village and the CSS indicates that no further growth is planned for the villages and efforts will be made to ensure existing services and activities within the villages are protected. The site is not previously developed land.

2.6 In terms of open market housing, the development plan indicates that unless there are overriding reasons, residential development in villages other than the Rural Service Centres is to be resisted according to CSS Policy ASP6. The adopted strategy is to allow only enough growth to support the provision of essential services in the Rural Service Centres.

2.7 In conclusion, this site is not one of the identified Rural Service Centres nor is it within a village envelope, and the proposed dwellings would not serve an identified local need.

2.7 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47).

2.8 The Council is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). The starting point therefore is set out in paragraph 14 of the NPPF which sets out that there is a presumption in favour of sustainable development, and for decision taking this means, *unless material considerations indicate otherwise granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the*

*policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.*

2.9 The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

2.10 Representations have been received referring to a Housing Needs Assessment (HNA) Report for the Neighbourhood Area (which includes Baldwin's Gate) which concludes that an appropriate range of new housing in that Area during the plan period 2013-2033 is between 50 and 100 dwellings. It states that completed and outstanding residential permissions since 1 Jan 2013 count towards fulfilment of the identified housing need and to date 144 dwellings have been permitted in the Neighbourhood Area since 1 Jan 2013. It is the case however, that at this stage, little weight can be given to any supporting evidence to the Joint Neighbourhood Plan as it is likely to be some time before the Neighbourhood Plan completes its statutory processes. The Draft Neighbourhood Plan is not yet available nor has its evidence base been subject to consultation or to any proper scrutiny by an Examiner. Consequently any evidence prepared in support of the Plan may be subject to further changes and therefore it is considered that at this stage, the documentation carries limited weight. Regard should be paid to the findings of the Inspector in relation to the Tadgedale Quarry appeal determined in March of this year (Ref. 15/00015/OUT). In considering the Draft Loggerheads Neighbourhood Plan and the weight that could be given to the associated Housing Needs Assessment, the Inspector advised that the Framework requires housing land supply issues to be assessed over the housing market area as a whole i.e. over a much broader area. Whilst the HNA referred to housing projections for Newcastle-under-Lyme Borough, the Inspector commented that both these and the HNA would be subject to further assessment as the proposed Joint Local Plan and the Loggerheads Neighbourhood Plan progress. Critically the findings of the HNA were not considered to outweigh the shortage in the 5 year land supply which was currently identified within the Borough.

2.11 In sustainability terms, although the site is outside the village envelope of Baldwins Gate, which in any event is not one of the Rural Service Centres identified in the Core Spatial Strategy, your Officer considers that the village represents a relatively sustainable location. It has a primary school, village hall, public house, doctor's surgery, and two shops within walking distance of the site and an hourly bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury. 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. It is acknowledged that the bus service does not operate in the evenings or on Sundays but it is considered that the bus service would provide an alternative for those without access to a car for certain trips. There are bus stops within walking distance of the application site.

2.12 Baldwin's Gate has over the years been the subject of several planning appeals where the Local Planning Authority's position as to whether or not it is a sustainable location for residential development has been considered. Three different Inspectors have taken the view that Baldwin's Gate has sufficient facilities to justify a description of a "sustainable location". In particular, and most recently, in allowing an appeal for up to 113 dwellings on Gateway Avenue, Baldwin's Gate (Ref. 13/00426/OUT), the Inspector concluded that although Baldwin's Gate performs less well than other, larger settlements in terms of accessibility and range of facilities, it can be regarded as a reasonably sustainable location.

2.13 Although this site is outside the village envelope, it would still be close to existing facilities. The centre of the site would be approximately 270m from the primary school, approximately 750m from the village shop, and approximately 400m from the nearest bus stops. The national recommended distance for a suitable walking distance from a property to a bus stop is 400m and 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.

2.14 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. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

2.15 The applicant's agent states that social benefits are the contribution towards the supply of deliverable housing land and towards meeting the area's affordable housing needs. He states that economic benefits are the provision of construction jobs and the contribution of the increase in population to the local economy. In terms of the environmental dimension, the agent states that the site is well situated within a low lying part of the village and contained by existing development and landscaping, it would have no impact on flooding and the proposed landscaping would contribute to biodiversity.

2.16 It is the case that the development would undoubtedly create associated construction jobs and the construction of housing in the rural area in a district that does not have a five year supply of housing. The development would fulfil a social role by delivering a mix of market housing and affordable housing in the rural area and the issue of the environmental impact of the scheme will be considered fully below.

### 3. Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?

3.1 The application is for full, rather than outline, planning permission. 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.

3.2 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF and therefore, can be given weight. Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

- a. *To respond to the unique character and setting of each*
- b. *Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. *Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

3.3 RE5 of the SPD 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.

3.4 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.

3.5 A mix of 1, 2, 3, 4 and 5-bed dwellings are proposed with a mix of detached, semi-detached and townhouses proposed. All the dwellings would be 2-storey. The Design and Access Statement states that the site would comprise three character areas which would have differing spatial characteristics

to create distinctive environments. A corridor of public green space is proposed centrally to promote views outwards of the site towards open countryside.

3.6 There is a mix of dwelling size and style in the area. To the west of the site, Meadow Way and Pasture Close comprise a mix of 2-storey detached dwellings and bungalows. Fairgreen Road to the north is characterised by relatively modern detached dwellings and to the south-west of the site there are larger detached dwellings in spacious plots on the Lakeside Close development. Residential patterns vary within the village and densities vary between 8 and 17 dwellings per hectare. The Gateway Avenue development that is currently under construction has a density of 26 dwellings per hectare. The density of the proposed scheme here would also be approximately 26 dwellings per hectare.

3.7 The materials would comprise three different but complementary facing brick types and roof tiles and ivory render to ensure variety but a consistency of style. Detailing would be simple and unfussy with gable features, bay windows, brick soldier courses and canopies. Double-frontage dwellings are proposed at prominent locations, providing focal points and features to enhance legibility through the development. Properties would be set back from the pavement to allow for limited frontage landscaping. Parking would be provided in front of or to the side of dwellings, with some dwellings also provided with a garage.

3.8 In consideration of the scheme at the pre-application stage, MADE's Design Review Panel considered that the way that the analysis of the site and its opportunities and constraints had been used to inform the main structure and features on the site was a sound and logical response. They considered that the area that needed to be focussed on was creating a sense of place within the design which it was felt was lacking at that time mainly due to conventional road design and distribution of houses along them. The Panel suggested that more thought be given to using local design features found in the older parts of the village, e.g. chimneys, porches, window details and materials.

3.9 Your Officer's view is that given the variety of dwelling size, density and style currently in the village, the proposed scheme both respects local character and optimises the potential of the site to accommodate development. The proposed development would achieve a mix of housing types and would help to deliver a wide choice of homes and create a sustainable, inclusive and mixed community as required by the NPPF. Notwithstanding the views of MADE, it is considered that the design of the dwellings and the materials' palette proposed would provide a consistency throughout the site and would also provide sufficient articulation and focal points to create variety and interest in the streetscene. 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.

3.10 CSS Policy CSP4 indicates that the location, scale, and nature of all development should avoid and mitigate adverse impacts (on) the area's distinctive natural assets and landscape character. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

3.11 The site is located to the south-east of Baldwin's Gate adjacent to the existing built form. To the north and west there is existing residential development, to the north-west is Baldwin's Gate Primary School and to the south there is an extensive area of woodland. To the east of the site is open countryside. There are a number of public rights of way in the vicinity including one along the northern boundary of the site to the rear of the gardens on Fairgreen Road, which then runs along the West Coast Main Line, and others to the south and south-west of the site.

3.12 A Landscape and Visual Impact Assessment (LVIA) has been submitted to accompany the application. It concludes that whilst localised views will be adversely affected by the development, it will blend with the existing village in longer distance views and additional landscaping will soften and blend the development into the existing village edge form.

3.13 The site abuts the existing village edge and the existing residential development surrounding the site on two sides, and views from the south are limited due to the extensive woodland. Although some

longer distance views would be gained from public rights of way, the development would be viewed against the backdrop of the existing village and the proposed landscaping would assimilate the proposals into the landscape. Overall, it is considered that the development would have limited effect on the wider landscape character.

#### 4. Is the loss of agricultural land acceptable?

4.1 Paragraph 112 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

4.2 The best and most versatile land is defined as that which lies within Grades 1, 2 and 3a. An Agricultural Land Quality Assessment based upon a field survey has been submitted with the application which concludes that the majority of the site comprises Grade 3b agricultural land (moderate quality) with three small areas (0.7ha) of better drained, raised ground comprising Grade 2 agricultural land (very good quality).

4.3 The paragraph of the NPPF referred to above refers to 'significant' development of agricultural land but no definition of 'significant' is provided. In this case the Grade 2 agricultural land is in three small parcels, the largest of which extends to 0.4ha divided across two pasture fields. The other two parcels are located on a small area of higher ground at the north of the site surrounded by lower land of Grade 3b quality and surrounding a group of farm buildings. The submitted Assessment states that the small pockets of Grade 2 land are scattered across the site and cannot be farmed separately from the dominant Grade 3b land. The waterlogged soils will limit the choices of cropping and agricultural land use across the site and the Assessment concludes that whilst the site contains a small quantity of best and most versatile agricultural land, it cannot be exploited to its full potential and will be farmed to reflect the dominant Grade 3b land.

4.4 Your Officer considers that given the relatively small amount of the site that comprises best and most versatile agricultural land and given its dispersed nature, it cannot be concluded that its loss would have any significant adverse impact.

#### 5. Would the development impinge unduly upon levels of residential amenity within adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the houses themselves?

5.1 One of the core planning principles of the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

5.2 The Crewe to Stafford Railway Line (West Coast Mainline) runs to the north of the site to the other side of the dwellings on Fairgreen Road but at the north-eastern corner of the site there is a view of the railway line in a partial cutting. A Noise Report which accompanies the application recommends particular design measures and solid garden fencing for those plots in the north-eastern corner of the site. For the remainder of the site acceptable noise levels are achieved.

5.3 The Environmental Health Division has no objections to the proposal subject to the imposition of conditions including a requirement for further noise assessment and appropriate mitigation measures.

5.4 With respect to the interrelationship of the proposed dwellings with the existing properties, it is considered that sufficient distance would be achieved to comply with the Council's Space Around Dwellings SPG.

5.5 The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG. Although there are a limited number of dwellings that have a garden length or area marginally less than the recommended figures, the level of private amenity space would be sufficient for the family dwellings proposed.

5.6 Overall, it is not considered that a refusal could be sustained on the grounds of adverse impact on residential amenity.



6. Would the proposed development have any adverse impact upon highway safety and does it provide appropriate pedestrian access to village facilities?

6.1 The site would be accessed by extending Meadow Way into the site. This would require the demolition of No. 1, Pasture Close which would enable Meadow Way to be diverted south of the existing pumping station. In addition, an emergency vehicle and pedestrian access would be provided at the north-eastern corner of the site from Fairgreen Road. The use of this access by vehicles would be controlled by means of removable bollards.

6.2 Concerns have been raised by residents on the grounds that the junction of Meadow Way with the A53 is poor and that due to its restricted width, Meadow Way is not suitable for development or construction traffic. It is also stated that Meadow Way and Tollgate Avenue are important accesses to the school and should not be compromised and concerns are expressed that the proposal will add to the traffic and safety problems in Baldwin's Gate.

6.3 The application is accompanied by a Transport Assessment (TA) which states as follows:

- Meadow Way and Tollgate Avenue have sufficient width to accommodate the additional traffic that would be generated.
- The proposed development is not expected to add to levels of on-street parking and the volume of traffic generated by the scheme is not expected to give rise to a significant impact on the free and safe movement of traffic or pedestrians in the area.
- The available visibility splays at the junctions of the A53 with Meadow Way and Tollgate Avenue are appropriate to the prevailing 30mph speed limit and measured 85<sup>th</sup> percentile vehicle speeds on the A53. The geometry of these junctions is therefore considered suitable to accommodate the development.
- Available records of personal injury accidents show that there is no evidence of any road-safety related issues immediately adjacent to the site.
- The proposed development would have no material impact on the surrounding highway network.
- All key junctions within the local area would be more than capable of accommodating forecast traffic flows with the proposed development in place.
- The impact of the development during the construction phase has been considered and preliminary proposals for the management and mitigation of these impacts have been presented in the form of an outline Construction Traffic Management Plan.

The Assessment concludes that the proposed development can be satisfactorily accommodated by the adjacent transport network and that there are no issues that would prevent a suitably conditioned detailed planning consent from being granted.

6.4 The Highway Authority initially commented that the TA as originally submitted was inadequate and that insufficient data had been submitted to support the proposal. A revised TA has been submitted and the Highway Authority raises no objections to the application subject to the imposition of conditions.

6.5 Although representations have been received on the grounds that the junction of Meadow Way and the A53 is poor in both visibility and geometry, the Highway Authority accepts the conclusion in the TA that all key junctions within the local area would be more than capable of accommodating forecasted traffic flows with the proposed development in place. They comment that whilst in reality vehicles could use Tollgate Way rather than Meadow Way, the traffic has been loaded onto the junction of Meadow Way and the A53 to ensure a robust assessment.

6.6 The TA also includes a detailed parking survey of the roads surrounding the site. The parking survey highlights that most of the parking associated with the school is concentrated around the school entrance and in the last 10 minutes of the morning peak hour. The Highway Authority considers that given the location of the application site, it is unlikely that the future occupants of the housing development will park outside the school.

6.7 Representations have been received raising concerns with regard to the impact of construction traffic on Meadow Way and a video has been submitted showing an HGV turning into roads serving the site. The applicant's Highway Consultant has also submitted track runs of various size vehicles turning into and out of the junction on Meadow Way. The information submitted shows that it is possible to use this junction albeit requiring vehicles to utilise the whole of the highway. The Highway Authority has no objections to this subject to a condition requiring a Construction Environment Management Plan (CEMP) which could ensure that any manoeuvres by large HGVs during construction are outside of school hours and under the supervision of a banksman. It should be noted that the Highway Authority have provided their advice (that they have no objections subject to various conditions) on the assumption that the peat will be treated on site and they have factored in the vehicle movements that they have been advised would be associated with such treatment and noted that these works would take place at an early stage and would thus be unlikely to significantly overlap with other construction related traffic.

6.8 The NPPF indicates (in paragraph 32) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst it is the primary responsibility of the LPA to either accept or reject advice from statutory consultees such as the Highway Authority, it has to understand the basis for doing so, and it is required to give thorough consideration to that advice. The Highway Authority does not raise objections to the application and your Officer's view is that subject to the imposition of conditions the impact of the proposed development on highway safety would not be severe and therefore an objection on such grounds could not be sustained.

6.9 In terms of accessibility to the services within the village, the dwellings at the eastern end of the site would be able to use either the pedestrian access to Fairgreen Road or the existing public footpath to the rear of the dwellings on Fairgreen Road. Whitmore Parish Council states that the public right of way is already unsuitable for the current levels of footfall due to its condition which causes it to be waterlogged following rainfall, difficult to negotiate and impassable in places. The Parish Council believes that the proposed development would exacerbate this situation and therefore the public right of way should be resurfaced.

6.10 It is the case that the public footpath requires some improvements to its surface and it is considered that linkages from the site to the village would help to reduce the requirement for residents to use their cars and would help to ensure a sustainable development. In respect of the ability of the developer to do such works, the public footpath is outside of their ownership, but the Highway Authority has the right, regardless of who owns the land, to provide an appropriate surface and they can consent to others – i.e. the developer – to undertake such works. A condition requiring works of improvement to the surface of the path would accordingly be reasonable. Whilst it is not considered that there is a highway safety case for such works, such upgrading should be secured on the grounds of achieving a sustainable form of development.

## 7. Would there be any issues of flood risk or sewage capacity?

7.1 A Flood Risk Assessment (FRA) submitted to accompany the application concludes that there is a minimal risk of flooding to the development from any nearby fluvial sources or from local drainage infrastructure. It states that the new surface water drainage systems will provide protection from surface flooding under the critical 100 year rainfall event and appropriate sustainable drainage systems will be included where practical to improve the quality of surface water run-off.

7.2 The Lead Local Flood Authority (LLFA) initially raised concerns regarding potential flood risk and surface water drainage for the site. Further information and analysis has been submitted and the LLFA now considers that the proposed development will be acceptable subject to a number of conditions requiring the submission of a detailed surface water drainage scheme, development to be carried out in accordance with the FRA and additional information submitted and development to be carried out in accordance with the recommendations of the Site Investigation Report.

7.3 The LLFA does however highlight that there will be wider implications as a consequence of the drainage works including peat removal, ground raising, location of the attenuation basin within the Chorlton Moss Local Wildlife Site and impact on the Moss of hydraulic changes to the groundwater. The impact on Chorlton Moss will be considered in detail below.

7.4 Concerns have been raised by residents on the grounds that the sewage pumping station and sewage treatment works are already overloaded and more properties would add to the problem which could affect existing properties. Severn Trent Water has now recommended a condition requiring that no dwellings are occupied until 1<sup>st</sup> May 2019 or until works to improve the local sewage works have been completed, whichever is the sooner.

7.5 Water utility companies have a legal obligation to provide developers with the right to connect to a public sewer regardless of capacity issues. The issue is that the right to connect can be exercised on 21 days' notice which is insufficient time for the sewerage undertaker to ensure that sufficient capacity exists. Severn Trent Water has referred in correspondence to the Barratt Homes Limited v Welsh Water Supreme Court Judgement (2009) which affirmed the use of Grampian (or negatively worded) conditions as an appropriate means of dealing with the management of new connections into the sewerage network. That Judgement stated as follows:

*The planning authority can make planning permission conditional upon there being in place adequate sewerage facilities to cater for the requirements of the development without ecological damage. If the developer indicates that he intends to deal with the problem of sewerage by connecting to the public sewer, the planning authority can make planning permission conditional upon the sewerage authority first taking any steps necessary to ensure that the public sewer will be able to cope with the increased load. Such conditions are sometimes referred to as Grampian conditions after the decision of the House of Lords in Grampian Regional Council v Secretary of State for Scotland [1983] 1 WLR 1340. Thus the planning authority has the power, which the sewerage undertaker lacks, of preventing a developer from overloading a sewerage system before the undertaker has taken steps to upgrade the system to cope with the additional load.*

7.6 Severn Trent Water has advised that it has strong concerns that if the proposed development is permitted before the necessary improvement works to the local sewage works are carried out, the system would become overloaded. Having considered the Supreme Court Judgement, your Officer's view is that a condition as recommended by Severn Trent Water would meet the necessary tests and should be imposed. Discussions have taken place between your Officer, Severn Trent Water and the applicant regarding the wording of the condition and the following is understood to be acceptable by all parties:

*No dwelling within the development hereby permitted shall be occupied until 1<sup>st</sup> May 2019, or until works to improve the local sewage works so that they are able to accommodate the flows from the proposed development without increasing the risk of breaches to the discharge consent from that sewage works, have been completed in accordance with details to be submitted to and agreed beforehand in writing by the LPA, whichever comes first, unless otherwise agreed in writing with the LPA.*

## 8. Would there be adverse impact upon any nature conservation interests?

8.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

8.2 Paragraph 118 goes on to state that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles including the following:

- if *significant* harm 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.

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

8.3 To the south of the site is Chorlton Moss Local Wildlife Site (LWS) which is one of only two raised bogs in Staffordshire, and is part of a wider network of Meres and Mosses. The applicant's contention is that whilst originally a wetland bog, the area has now become a woodland on peat substrate. Discussions have taken place between your Officers, Staffordshire Wildlife Trust (SWT), the applicant and their Ecology Consultants and additional information has been submitted during the course of the application including an addendum Ecology Report and a Management Plan for the LWS.

8.4 The proposed development includes the siting of a sustainable drainage feature (a drainage attenuation basin) within the LWS – a direct impact - and SWT objects to the proposal on a number of grounds including that the siting of the attenuation basin within the Moss is unacceptable and would not be compatible with raised bog restoration. The applicant's Ecologist has responded with the following points:

- The drainage attenuation basin is a wetland feature which can support a wet grassland/mire species composition
- Suitable mitigation has been proposed to prevent additional desiccation of the peat layer within the LWS (use of clay lining) and the basin would discharge into the surrounding peat deposit as it reached capacity
- The proposals would not reduce the volume of water reaching the LWS through the existing ditch along its northern boundary. Thus, the development proposals would not have a net adverse effect on ground water levels associated with the LWS.
- The development proposals would also result in impacts to peat substrate (losses) outside of the LWS boundary but it does not follow that impacts to the wider peat deposit will lead to further degradation of the LWS
- The hydrological function of the LWS would not be impeded. The volume of water 'charging' the peat deposit associated with the LWS would not be reduced as there would be no significant impact on flow rates associated with the ditches which feed the LWS
- The impact of the development on the LWS is the creation of a wetland feature within what is now scrub/woodland habitat which has developed on a raised bog accepted as being degraded. It cannot hold that this represents an adverse impact on Chorlton Moss LWS.

8.5 The submitted Management Plan identifies management initiatives to be delivered within the LWS and describes the measures which will be delivered in respect of restoring an area of acid grassland within the LWS if the Management Plan is secured. The broad management objectives are tree removal, restoration and maintenance of the acid grassland area, removal of non-native Rhododendron, maintenance of the new wetland area as a bog/open water mosaic, ditch blocking, installation of dip wells and undertaking of a hydrological survey/monitoring exercise. SWT state that whilst the restoration proposals are generally suitable in principle, they consider that the area is not large enough to compensate for complete loss of LWS grassland.

8.6 The size of the area to be restored is approximately 0.8ha which is nearly but not quite twice the size of the area of habitat loss. Although SWT states that the area should be increased to at least twice that of the area of marshy grassland to be lost, your Officer has been unable to find any reference to such a requirement in either planning policy or guidance on this matter. The measures proposed in the Management Plan are similar to those listed in a 2009 report that was produced following research and feasibility appraisal work funded by Natural England in respect of the management and restoration of this wetland feature, although the area involved is significantly smaller than then envisaged.

8.7 SWT states that there is no evidence within the agenda report for the 18<sup>th</sup> July Committee that the Natural England Standing Advice on irreplaceable habitats has been referred to or that the guidance checklist worked through. The Standing Advice issued jointly by Natural England and the Forestry Commission has been considered but it appears to relate to Ancient Woodland and Veteran Trees only. It is acknowledged that the principles of the Advice may apply equally to raised bogs in general, as an irreplaceable habitat, in that the LPA should consider whether the need for and benefits of the

development clearly outweigh the loss of and harm to the habitat. . The applicant's Ecologist considers that the Standing Advice is not relevant. They remind the authority that the land in question is not designated under statute – it is not a Special Area of Conservation (SAC) or SSSI because it does not meet the designation criteria.

8.8 SWT express concern that the applicant has not shown that the relocation of the SuDs basin or an alternative SuDS design is not possible. It is stated that impacts could be avoided and fully mitigated and that the proposed compensation is the last resort in the mitigation hierarchy. The applicant has provided information setting out that the attenuation basin is positioned as close to the existing watercourse as possible for reasons of levels and water quality treatment. The pond would not work hydraulically (i.e. it wouldn't fill up and hold water) if it was positioned far away from the outfall and also water run-off from the development must be stored and polished for a period of time before it is discharged into the watercourse. Your Officer accepts that the relocation of the SuDS is not feasible.

8.9 SWT expresses concern regarding the impact of the proposal on opportunities for future restoration of the wider Moss. They state that while the proposed management work would be positive, it could only be seen as partial restoration to prevent further deterioration and it could not constitute restoration of the habitat to active bog. The applicant's Ecologist responds by stating that all of the land is in private ownership and there is no obligation on the landowners to manage the land. Although a restoration strategy was funded by Natural England in 2009, the measures identified have not been implemented and it is asserted that the relevant landowners are not prepared to allow the implementation of the 2009 restoration strategy. They highlight that there is no foreseeable, real prospect of implementing a restoration strategy for the whole moss but that this application makes a commitment to deliver certain measures which would enhance part of the LWS.

8.10 It is the case that the proposed development would result in both direct and indirect impacts on the Chorlton Moss LWS. This must be considered to be a material consideration that weighs against the proposals. However, this is a degraded bog and the measures outlined in the Management Plan would provide some ecological enhancements in the LWS, which otherwise are extremely unlikely to be achieved, given the view of the landowner, and would go some way to mitigating against the adverse impacts. The development can therefore be seen as an opportunity to secure restoration of at least some of LWS to how it should be, and a Management Plan could be secured by a planning obligation. Whether the direct adverse impact on the LWS and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report.

8.11 Representations have been received regarding the removal/treatment of the peat on the site. It is stated that information has been received suggesting that the developer intends to treat the peat on site and stabilise the ground rather than removing the peat from the site. Concerns have been expressed that on-site treatment of the peat would have serious consequences for watercourses in the area and neighbouring wetland habitats and catastrophic consequences for the lowland raised bog habitat. Further information now provided details the quantity of peat that is expected to be treated, the options considered including removal off site (which was it is indicated rejected on cost and traffic grounds) and various mixing methods, and the preferred option – a particular stabilisation system that uses a binder powder, to form a structural foundation layer. A local example of its use at Doxey Road, Stafford is cited.

8.12 It is understood that this type of process is an insitu ground improvement technique that enhances the characteristics of weak soils by mechanically mixing them with a cementitious binder such as cement, fly ash, lime or bentonite, so as to in effect turn them into soft rock. The fact that the proposals might involve the on-site treatment of peat was listed as one of the options in the documentation viewed by consultees. No particular concerns have been raised by them as to the proposal. A literature search has not revealed any particular known offsite adverse implications from such procedures, that is any more than could be the result of normal construction activities unless appropriate precautionary measures are taken.

#### 9. Is affordable housing provision required, if so how should it be delivered and is the type and siting of the affordable units acceptable?

9.1 CSS Policy CSP6 states that residential development within the rural area, on sites of 5 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of

25% of the total dwellings to be provided. Within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of development and local needs.

9.2 This application proposes 99 dwellings and at 25% provision for affordable housing, 25 affordable dwellings would be required. On this site a hybrid approach is proposed with 16% of the affordable housing obligation provided on site (16 dwellings in total) with the remaining 9% (9 dwellings) delivered by a commuted sum for provision elsewhere in the Borough. The applicant states that this approach is in line with the recently approved development on Gateway Avenue, Baldwin's Gate.

9.3 Paragraph 50 of the NPPF states that where they have identified that affordable housing is needed, local planning authorities should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. The Council's Developer Contributions SPD states that whilst affordable housing should be provided on the application site so that it contributes towards creating a mix of housing, where it can be robustly justified, off site provision or the obtaining of a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted. The SPD suggests that one of the circumstances where offsite provision may be appropriate is where the Council considers that "the provision of completed units elsewhere would enable it to apply the contribution more effectively to meet the Borough's housing need".

9.4 It is the case that in allowing the Gateway Avenue appeal (Ref. 13/00426/OUT) the Inspector accepted the proposed hybrid approach as appropriate on the grounds that the Council had no up-to-date needs survey for Baldwin's Gate to justify the 25% on-site provision and acknowledged the high level of need for such housing in other areas of the Borough.

9.5 The Council's Housing Strategy Section agrees that the proposed hybrid approach is appropriate and refers to the Council's most up-to-date needs information which is within the Strategic Housing Market Assessment for Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council (July 2015). The document apportions the net annual affordable housing need into sub areas and for the Rural South area (which includes Baldwin's Gate) the need is 9% of the overall Borough-wide need. The Housing Strategy Section considers that the proposed approach would allow both affordable housing need within the Rural South to be met along with provision where there is demonstrably greater need.

9.6 Your Officer concurs and it is considered that a proportion of the required affordable housing provision could be secured by means of a financial contribution to off-site provision. It is critical that calculation of the level of financial contribution fully takes into account the real difference between the costs of offsite and onsite provision, so that there is no financial benefit to the developer in proceeding in this way. The advice of the District Valuer has been received regarding the sum to be required and it has been calculated to be £334,650. Your Officer is satisfied that the sum is of broadly equivalent value to the cost to the developer of on-site provision.

9.7 In relation to house types, the Council's Affordable Housing SPD states that the starting point will be that developers would be expected to provide the affordable housing within a development across the same range of housing types as the market housing on a pro rata basis. It also states however that where there is an opportunity to provide for specific dwelling types where evidence indicates a particular need, this will be pursued. The affordable units would comprise a mix of 1, 2 and 3-bed units and the Housing Strategy Section considers that this is an appropriate range with greater emphasis on smaller properties which would assist a diverse range of households from single persons to starter families to meet their affordable housing need.

9.8 In terms of design and layout requirements the SPD states that to ensure the creation of mixed and integrated communities the affordable housing should be seamlessly integrated and distributed throughout the development scheme consisting of only small groups. It should not be distinguishable from market housing in terms of location, appearance, levels of amenity space, privacy and build quality and materials. It states that there should generally be no more than 10 affordable units in one cluster but states that there will be a certain degree of flexibility and that the Council will negotiate the distribution of the affordable dwellings across the site to ensure the creation of balanced and

sustainable communities whilst also taking into account housing management and overall site development issues.

9.9 In the plan as originally submitted, the affordable units were proposed in two groups in the north-eastern part of the site. Amended plans were subsequently submitted showing three clusters of affordable units with two clusters in the north-eastern part of the site and a smaller group adjacent to the rear boundary of the school playing fields. Your Officer remained concerned that the affordable units were not sufficiently distributed across the site and the developer responded by submitting revised plans showing a group of three units at the entrance to the site. The Housing Strategy Section considers that the affordable units are now sufficiently 'pepper-potted' across the site and your Officer is satisfied that the scheme accords with the SPD in that the units would not be distinguishable from the market housing in terms of location, appearance, levels of amenity space, privacy and build quality and materials.

#### 10. Will appropriate open space provision be made?

10.1 NLP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured.

10.2 An area of public open space is proposed in the southern part of the site incorporating a SUDs water feature and a diverted stream. The Design and Access Statement that accompanies the application states that it has been designed as a corridor orientated west to east to extend sight lines across and out of the site.

10.3 The Landscape Development Section has raised concerns that the area shown for public open space provides little meaningful public use and should be developed further.

10.4 The applicant has responded to state that the area of public open space proposed will provide amenity space for new residents as well as buffering the main part of the development from the Chorlton Moss Local Wildlife Site. A significant commuted sum of £2,943 per dwelling has been requested that will go towards improving the existing play facilities within Baldwin's Gate. It is stated that it has not been possible to re-design the area of open space due to the constraints of the site, namely the level changes between the proposed dwellings and the open space and the siting of the balancing pond adjacent to Chorlton Moss. The applicant also refers to the need to use land efficiently for housing development.

10.5 Although it is the case that part of the open space area proposed within the site would not be useable due to the location of the balancing pond, part of the area would be publicly accessible and it would provide an attractive amenity feature. The applicant has agreed to pay a financial contribution towards off-site public open space which would be used for improvements to the open space and play facilities at Whitmore Village Hall. It is not considered therefore that an objection could be raised to the open space provision that is proposed.

#### 11. What planning obligations are considered necessary and lawful?

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

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

11.2 The applicant has confirmed their willingness to agree to the provision of 25% affordable housing (16% on site with the remaining 9% delivered off-site). In addition, the Highway Authority has requested a travel plan monitoring fee of £6,430, the Landscape Development Section (LDS) has requested a contribution of £291,357 towards off-site public open space (£2,943 per dwelling) as indicated above and Staffordshire County Council as the Education Authority has requested a sum of £436,706 for both primary and high school places. As discussed above, it is considered necessary that a management agreement is required for the restoration and long-term maintenance of the Chorlton Moss LWS and in addition, for the long-term maintenance of the open space on the site.

These are all considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the CIL Regulations.

11.3 However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

11.4 As indicated above Staffordshire County Council has requested an education contribution towards the provision of high school spaces - at Madeley High School. More than 5 obligations have already been entered into providing for a contribution to Madeley High School. The first five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, will be utilised towards a project to provide 2 additional classrooms, which will be attached to the dining room, which will also need to be expanded. Any subsequent planning obligations, including the one now being sought, will be for a different project or projects than mentioned above so compliance with Regulation 123 would be achieved. None of the other contributions raise the same issue.

12. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

12.1 In consideration of the above points, the development would result in some adverse impact on the Chorlton Moss Local Wildlife Site. A Management Plan for part of the LWS would be secured which would not otherwise occur. The proposal represents sustainable development which would make a sizeable contribution towards addressing the significant undersupply of housing in the Borough. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required contributions and obligations are obtained and appropriate conditions are used, as recommended.



## 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 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 N17	Landscape Character – General Considerations
Policy N21	Areas of Landscape Restoration
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

### **Other Material Considerations include:**

National Planning Policy

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(March 2014\)](#)

[Community Infrastructure Levy Regulations \(2010\)](#) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

Whitmore Village Design Statement SPG (2002)

[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 \(2010\)](#)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Waste Management and Recycling Planning Practice Guidance Note \(2011\)](#)

Relevant Planning History

None

## Views of Consultees

The **Highway Authority** has no objections subject to conditions requiring the submission and approval of a Construction Environmental Management Plan, surfacing of driveways in a bound material and sustainably drained, and no occupation of the buildings until a vehicular entrance on Meadow Way has been constructed. A travel plan monitoring sum should be secured via a legal agreement.

The **Environmental Health Division** has no objections subject to conditions regarding hours of construction, construction environmental management plan, mud on roads, internal noise levels and contaminated land.

Staffordshire County Council as the **Rights of Way Authority** has advised that there is a public footpath which runs adjacent to the site and any planning permission given does not give the developer the right to divert, extinguish or obstruct any part of the public path.

The **Landscape Development Section** is concerned that the proposals encroach on the woodland of Chorlton Moss and that trees have been removed to clear the area of the proposed balancing pond. Chorlton Moss is a valuable woodland of high visual amenity and has been damaged by this action. The loss of the protective trees on the perimeter could lead to further losses through windthrow. It is acknowledged that in order to retain the ecological value of the moss, thinning of trees would be required to prevent the soils becoming too dry however this should be done as part of a considered management plan and take into account the amenity value of the woodland.

The area shown for public open space provides little meaningful public use and should be developed further. Public access should be improved and the area developed to provide alternative activities. Subject to this, no objection is raised in principle to the landscaping proposals although some shrub planting densities appear to be light and may need to be increased. Permission should be subject to conditions requiring provision of an Arboricultural Method Statement, Tree Protection Plan and details of special engineering within RPAs. A contribution of £291,357 is requested towards off-site public open space (£2,943 per dwelling) is requested which would be used for improvements to the open space and play facilities at Whitmore Village Hall.

The **Education Authority** states that the development falls within the catchments of Baldwin's Gate CE (VC) Primary School and Madeley High School. The development could add 20 primary-aged pupils, 13 high school aged pupils and 3 Sixth Form aged pupils. All schools are projected to be full for the foreseeable future and therefore a contribution is sought towards primary and secondary school provision. A contribution for 20 primary school places (20 x £11,031 = £220,620) and 13 high school places (13 x £16,622 = £216,086) is sought giving a total request of £436,706.

The **Crime Prevention Design Advisor** states that crime prevention has featured significantly as part of design considerations. The northern boundary where rear gardens will back onto the existing footpath is worthy of reconsideration. It would be better if the section of footpath behind plots 13-30 was re-routed through the development and incorporated into the rear gardens. If this is not possible, the garden boundaries should be reinforced externally with defensive planting.

Staffordshire County Council as **Minerals and Waste Planning Authority** states that the site lies within a Mineral Safeguard Area proposed in the new Minerals Local Plan. The minerals are superficial sand and gravel. The proximity of the development to the existing settlement means that it is unlikely that any underlying minerals could be worked in an environmentally acceptable manner in the foreseeable future. Therefore, no objection is raised.

**Network Rail** states that the proposal has the potential to impact upon Network Rail land and infrastructure via the surface water and foul water drainage proposals and therefore the developer will need to confirm matters relating to surface runoff and foul sewage to Network Rail. If a sustainable drainage and flooding system is to be included then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and its land. Reference is also made to Network Rail's right of access through the site.

The **Housing Strategy Section** states that the proposed 16% on site affordable housing and the 9% off site contribution split is acceptable allowing affordable housing need which arises within the Rural South to be met along with provision where there is demonstrably greater need. The mix of affordable rented and shared ownership is considered consistent with policy and an appropriate range of bedroom sizes with greater emphasis on smaller properties is proposed which would assist a diverse range of households to meet their affordable housing need. The space standards are appropriate and with regard to the amended plan, there would be sufficient 'pepper-potting' of the units across the site.

The **Lead Local Flood Authority** states that in their previous responses they raised a number of concerns regarding potential flood risk and surface water drainage for this site. Further information and analysis has been submitted and the consultants conclude that the risks can be adequately mitigated through engineering works and the drainage strategy that will be implemented. In summary:

- The channel and proposed culverts have sufficient capacity to avoid flood risk.
- Further analysis of the site topography has concluded that existing overland flow routes will be retained across surrounding land with ground and floor levels within the development raised to mitigate flood risk. The final boundary treatment at the attenuation pond will potentially impact on adjacent land drainage and the desired outcome would need to be agreed.
- The Site Investigation Report concluded that peat removal and replacement with engineered soils will be required to avoid instability and potential groundwater issues.
- Part of the site lies within the Chorlton Moss Local Wildlife Site (LWS) and the location of the attenuation basin within the designated area will result in the loss of some of this area. Development of this site could also impact the adjacent Chorlton Moss site indirectly through hydraulic changes to the groundwater. Staffordshire Wildlife Trust has raised concerns that the location of the SuDs pond within the Chorlton Moss boundary is inappropriate. Substantial measures will be required to address the potential issues and therefore conditions are recommended to ensure that these are carried out. There will be wider implications as a consequence of these measures that the LPA will need to consider when making their decision. Some of the wider implications that the LPA should take into consideration are as follows:
  - Waterlogged ground – the Site Investigation Report identified that peat removal and replacement will be required to avoid instability and potential groundwater issues. Whilst this will be necessary from a flood risk and drainage perspective it will require substantial movements of material to and from the site and ecological implications will need to be considered.
  - Ground raising – information indicates that ground levels and finished floor levels will be raised significantly in some areas which will aid drainage of the site by gravity and mitigate surface water flood risk. A continued overland flow route to the watercourse from the south has been demonstrated but the final form of the attenuation pond could have implications for land drainage and would need agreement.
  - Impact on the Chorlton Moss LWS as referred to above.
- Conditions are recommended requiring the submission of a detailed surface water drainage scheme, development to be carried out in accordance with the Flood Risk Assessment and development to be carried out in accordance with the recommendations of the Site Investigation report.

**Severn Trent Water (STW)** has no objections subject to conditions requiring drainage plans for the disposal of foul and surface water flows and requiring prior to occupation of the development completion of improvements to the local sewage works and associated ancillaries, which is expected by April 2020. Reference has been made to *Barratt Homes v Welsh Water UK Supreme Court Judgement (2009)*.

In response to comments of the applicant's agent on the issue of drainage conditions, the following further comments have been received:

- Similarly worded conditions have been applied in other areas within the Sewer Service Area over the last 7 years.

- The condition seeks to phase occupancy rather than commencement so it does not affect deliverability of the site, nor are STW trying to influence matters outside of the life of the planning permission.
- Some time is requested to avoid issues with creating or exacerbating sewer flooding and to avoid overloading the sewage treatment works resulting in environmental issues.
- Section 98 of the Water Industry Act 1991 does not cover an Undertaker upgrading existing sewers to accommodate new development, in fact it is believed that Counsel opinion suggested that it could potentially be used to ask a developer to fund improvements specific to their site if need be, although STW haven't followed that approach in the past, agreeing that they have a duty under Section 94.
- Section 106 of the Act details a developer's right to connect with a public sewer subject to 21 day notice period, it has been determined in the UK Supreme Court that this does not relate to the capacity of that receiving sewer or controlling flows into them. The only grounds to object to a S106 notice are if the mode of connection is unsatisfactory.
- Section 195 of the Act is the right of a developer to request the undertaker divert an asset to facilitate development at the cost of the developer. There is uncertainty how this is relevant to STW's request for a short potential delay in occupancy whilst essential improvements works are provided.

**Natural England** has no comments to make but draws the Council's attention to Natural England funded research and feasibility appraisal work in respect of the management and restoration of key wetland features within the Shropshire, Cheshire & Staffordshire Plain National Character Area (NCA). This work presented a 'Wetland Vision' for the area comprising reports on the Meres and Mosses in the NCA.

**Staffordshire Wildlife Trust (SWT)** made the following comments regarding the information as originally submitted:

- The site is mostly within the Meres and Mosses Ecosystem Action Plan (EAP) area and on the edge of the Wooded Quarter EAP area.
- The area around Chorlton Moss including the application site is mapped as an opportunity area for Meres and Mosses in terms of potential to restore and enhance wetland habitats.
- Chorlton Moss Local Wildlife Site (LWS) is directly impacted by the proposals with habitat to be lost to a balancing pond and gardens along the eastern edge appearing to utilise a narrow strip of the LWS. This would not enhance the moss as it is not part of the recommended restoration management listed in the restoration site dossier produced in 2008.
- Chorlton Moss was last checked in 2006 and the data on the site's flora, condition and boundary are therefore out-of-date and a full resurvey and assessment is required to provide an accurate baseline for decision making.
- Although the tree cover on the moss is thought to be causing it to dry out, anecdotal evidence from residents suggests that water levels have been rising over the last 20-30 years as surface water has appeared more in the surrounding fields and marshy vegetation has expanded. In order to determine the current extent of the LWS it should be assessed. The marshy grassland habitat on the site has potential to be of LWS quality.
- As one of only two raised bogs in Staffordshire, the moss is part of the wider network of Meres and Mosses, unique features of this area of the Midlands.
- A plan is submitted showing the Functioning Ecological Unit (FEU) for the moss.
- Objection is raised to any development within, or indirectly affecting the FEU, and a suitable buffer of complimentary habitat should be retained beyond the FEU boundary.
- Raised bogs are irreplaceable habitats, by virtue of the unique geological and hydrological conditions needed for their formation. Some diverse grasslands may also be irreplaceable if they are not able to be recreated in a human lifetime. The proposals would result in the loss or deterioration of part of the raised bog habitat although in poor management condition, currently could be restored. As well as proposing a balancing pool within the bog habitat itself, the development would alter hydrology in the area and destroy adjacent marshy grassland which forms a buffer of complimentary habitat around the moss. Removing or changing semi-natural habitats around the core wetland area would reduce its ability to support the species it contains at present. The proposed habitat compensation within the development design falls

far short of that required to replace the wet areas that would be lost and the need for and benefits of the development have not been shown to clearly outweigh this loss.

- The marshy grassland would qualify as Floodplain grazing marsh and the lowland raised bog within Chorlton Moss is a Habitat of Principal Importance (HPI). Such habitats should be protected, enhanced, expanded and/or replaced if the required gains are to be met nationally. The proposals would result in the loss of priority habitats and this is not adequately mitigated by landscaping proposals.
- The hedgerows and stream on the site all act as corridors for a range of wildlife and the wet grassland along with the moss itself is a 'stepping stone' site for wetland wildlife within a more intensively farmed landscape. The proposals do not preserve or strengthen ecological links.
- Given the type of buildings, the proximity of waterbodies and woodland and the many bat species recorded, the likelihood of bats roosting in the buildings is higher than reported and further inspections and surveys are required.
- Activity surveys recorded six bat species which is unusually high for a development site indicating that the habitat on and around the site is of good quality for bats. The development would impact on the favourability of the area for bats, changing the habitat and introducing more artificial light and disturbance.
- It is likely that common amphibians will be present in long grass on the site and so precautionary site clearance methods would be required as best practice.
- Due to the loss of habitat proposed, a breeding bird survey should be carried out.
- Any development within a floodplain is opposed unless impacts to the floodplain function are fully compensated and enhanced. This would not be the case on this site. Culverting and loss of sections of the small watercourse is also not acceptable.
- It appears that the water table in the area has been changing and the reasons for this should be investigated. Adequate information from the relevant agencies and bodies should be sought to understand the hydrological issues further.
- In summary, Staffordshire Wildlife Trust objects due to impacts to the Chorlton Moss Local Wildlife Site, irreplaceable habitats, priority habitats and species and a lack of up-to-date and accurate information on the Local Wildlife Site's condition and extent as well as a number of species potentially affected.

The following comments were received in response to the further comments of Ecology Solutions Ltd:

- It is misleading to state that Natural England does not object. Rather they make no comment as it is not normally their policy to comment on locally designated sites due to resources.
- Restoration of the moss is possible and has occurred on other similar sites. Whilst the likelihood of restoration is uncertain at present, the priority should be to ensure that any development does not prevent or obstruct this from happening in the future.
- It is possible for some restoration work to be secured through a planning condition or S106 agreement.
- It is true that the LWSs vary in quality and many actually meet SSSI criteria. A LWS of County value as this one is at present, is deemed to be of this value until it is reassessed. The interest and habitats within the site are described in the survey report and there may be parts of the site that are more or less sensitive to potential impacts. This is why re-assessment has been recommended, so that its accurate current status can be established.
- The aim should be to protect, enhance, extend and link LWSs and to seek mitigation if this is unavoidable. Impacts, especially direct impacts, to the moss are avoidable – the SUDs feature could be moved and housing areas reduced.
- Policy N3 of the Local Plan is relevant and the proposals do not comply with most aspects of this policy.
- If tree felling is approved as part of a planning application, the licencing procedure is overruled.
- It is not unusual for there to be conflicts between the needs of various aspects of land use including landscape, flood risk, archaeology etc. when considering restoration but if such a project were to be planned, it would be expected that agreement on the approach would be discussed with all relevant bodies so that the issues involved could be solved or satisfactory compromises made.
- Ecology Solutions state that the purpose of the assessment is to identify potential ecological impacts, their magnitude/significance and then propose any mitigation or enhancement

measures. However to properly assess potential impacts there must first be accurate and up-to-date information on the status and boundary of the site. Therefore the state and status of the LWS needs to be re-assessed, along with the predicted impacts, and appropriate mitigation proposals.

- It is not agreed that provision of a wetland feature represents an enhancement over the current situation. The proposals have not been designed with the restoration of the moss in mind and would lead to surface water run-off, the quality of which cannot be guaranteed, directly into the moss. SuDs features should be positioned outside of the moss to create new habitat on low-value land and allow filtering of water before it enters sensitive habitats.
- The proposed loss of surrounding habitat has also not been considered as an impact on the LWS.
- Policy N8 of the Local Plan is relevant. The proposals involve direct and indirect impacts on peatland with no indication that the need for the development clearly outweighs the need to safeguard the habitat and with no measures to minimise damage or provide habitat restoration and/or re-creation as compensation.
- The further information regarding bats is welcomed and the inspections appear thorough.
- The state of Chorlton Moss in terms of its hydrology is not known and so it is not possible to assess whether the development would have an impact, especially into the future. The proposals as they stand however would prevent the moss from being fully re-wetted and restored in future.
- A smaller area of development may be able to proceed without impacting the moss or its FEU and this should be considered as a potential satisfactory alternative.
- The viability of the scheme is not something that can be commented on without more detailed information but there are areas of land that could be developed at a smaller scale that would not impact the floodplain. Impacts to watercourses could be avoided with an alternative design and enhancement of these features within the site.
- Staffordshire Wildlife Trust maintains an objection to the proposal.

In relation to an Addendum Ecological Report received on 6<sup>th</sup> June SWT comments as follows:

- The updated botanical/habitat information is useful but no methodology has been referenced for the National Vegetation Classification (NVC) methods used which are rarely used for Local Wildlife Site (LWS) assessment. Species lists and a map should be provided for clarity. The field to the south of the site has not been assessed although it has potential to be of LWS quality.
- It is not possible at this stage to clearly confirm which areas of the site and surroundings are of LWS quality. So far it would appear that some of the land could be SBI (Site of Biological Importance) and some could be (BAS) Biodiversity Alert Site. On provision of additional information, further discussion will be needed with Staffordshire LWS grading committee. SWT would like to independently verify findings as well as to update survey information on Chorlton Moss itself but given the information available so far, it is considered that there are a number of areas within the proposal site and in the field to the south which would qualify as some kind of LWS.
- The updated information on Great Crested Newt and nesting birds coverage is welcomed.
- As the extent of areas worthy of designation and therefore the magnitude and severity of the impacts it is still not clear, it is not possible to advise in detail on the level of mitigation required. The main point to make however is the absence of any consideration of the first level in the 'mitigation hierarchy' – that of avoidance. There has been no attempt to avoid or reduce any losses or impacts by changing the scale and layout of the development.
- The area of acid grassland restoration proposed is not stated. It is estimated to be 0.6ha but this is too small to compensate for wet grassland loss and is not necessarily the full extent of areas that could be designated as LWS. Restoration areas for compensation need to be around twice the size of habitat loss as the habitat to be restored already has some value so the amount of gain one can achieve per hectare is not as great as creating valuable habitat from nothing.
- No detailed baseline information or habitat survey/plan is provided on the habitats currently in the area proposed to be managed.

- The restoration and ongoing management would need to be secured for the life of the development, not just for 10 years, if it is intended to act as mitigation for habitats permanently lost.
- Regarding tree felling, it would be beneficial to avoid trees with bat potential but the habitat restoration would need to take precedence.
- Otherwise, restoration proposals for the acid grassland appear sound in terms of methods but would need more detailed agreement.
- In summary, there has been no attempt to avoid impacts to the moss or the FEU which would avoid the majority of impacts, assessment and mitigation requirements and SWT's objection is upheld.

Further comments have been received which comment on the report to the Planning Committee of 18<sup>th</sup> July. A summary of the comments made is as follows:

- The main issues of the Committee report include 'Would there be any significant adverse impact upon any nature conservation interests?' This is not conducive to compliance with guidance in the NPPF and Planning Practice which indicates LPAs should be seeking no net loss of biodiversity, and where possible, a net gain. This means that any impact on nature conservation interests needs to be considered, not just those that are 'significant'. All impacts must be avoided, mitigated or compensated in order to reach a neutral impact.
- It is not clear how the need for, and benefits of the development has been assessed to clearly outweigh the loss. The adverse impacts to the moss have not been fully considered or quantified. It is not just the immediate and direct impacts but the overall long term effect that the development would have on the area that must be considered. LPAs should recognise the wider benefits of ecosystem services however consideration of the ecosystem services that the moss provides and could provide if restored have not been mentioned.
- The benefits of the development in this location, versus other locations, are not set out.
- It could be requested that damaging elements are changed so that impacts are avoided, and ensure that impacts are fully mitigated. A smaller and more sensitively designed development would deliver housing while avoiding and mitigating impacts to the LWS.
- There is no evidence that the Natural England Standing Advice on irreplaceable habitats has been referred to or the guidance checklist worked through.
- It is not best practice to locate drainage features within existing important habitats and the applicant has not shown that the relocation of the basin or an alternative SuDS design is not possible.
- Whilst management work to restore the acid grassland would be positive, it could only be seen as partial restoration to prevent further deterioration and would not constitute restoration of the habitat to active bog as this would require water levels to be raised. Also, this would be compensation which is the last resort in the mitigation hierarchy.
- The presumption in favour of sustainable development in the NPPF has a caveat of 'unless material considerations indicate otherwise'. The footnote examples of specific policies that indicate that development should be restricted also include 'locations at risk of flooding'. The list is not exhaustive and could also include irreplaceable habitats, for which there is no specific policy in the NPPF.

**Whitmore Parish Council** objects on the following grounds:

- Baldwin's Gate has nearly doubled in size in under 20 years during which time there has been no increase in facilities or infrastructure resulting in a loss of amenity to the whole community
- Work is progressing on a Neighbourhood Development Plan and a Housing Needs Assessment defines an extremely low level of local need. This has been catered for by the Gateway Avenue development and there is absolutely no remaining projected need until at least 2034.
- Residents of Baldwin's Gate oppose the scheme.
- It is inappropriate as it is a greenfield site outside of the Village Envelope and contrary to policies.
- Facilities in the village are extremely limited and there are no significant job sources in the parish. The development is unsustainable.
- The access route is unacceptable for construction vehicles

- The proposal is opportunistic and parasitic. The harm in this case significantly outweighs the benefits.
- There are serious concerns as to the capacity of the existing sewerage plant to deal with the extra load that this would create. It is requested therefore that an outline plan for the modification/extension to the treatment plan is put forward.
- The site is basically a waterlogged bog which floods freely under any heavy rain.
- Adverse ecological impact on the site which is an irreplaceable ancient wetland habitat
- Concerns regarding the validity of the application
- The affordable units are not sufficiently pepper-potted throughout the site
- An application has been submitted to Staffs County Council for the right of way between Moss Lane and Meadow Way to be formally registered as a Public Right of Way
- If permission is granted, funding should be set aside to cover the upgrading of the surface of public right of way 7 as the route is already unsuitable for the current levels of use.

The revised site layout improves the level of pepper-potting by moving three of the eight units previously grouped together in the NE corner to a different part of the site creating four groups (3+3+5+5) instead of only three previously (3+5+8). However it is considered that the resulting 4 groups instead of 5 do not go far enough, especially since all four groups are located on the extreme northern edge of the site. The Parish Council therefore maintains its objection that the 16 affordable units should be split up into at least five groups spread widely throughout the site. Further, no adjustments have been made to the site plan in view of the restocking notice issued by the Forestry Commission. Assuming the notice is enforced, the development as currently planned is not feasible.

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

- A Housing Needs Assessment produced as part of the Neighbourhood Development Plan indicates that housing is well provided for in this area and for the next 15-20 years. There is little need for 3, 4 or 5 bedroom houses, the need is mainly bungalows, houses for older people and 1 or 2 bedroom houses.
- Highway safety adjacent to a primary school
- Local sewerage plant is at capacity
- The site is a peat bog and is a priority habitat in UK Biodiversity Action Plan

**Maer & Aston Parish Council** objects on the following grounds:

- The proposal is contrary to Policy SP1 of the Core Spatial Strategy.
- A Housing Needs Assessment produced as part of the Neighbourhood Development Plan indicates that housing is well provided for in this area and for some time to come. If any housing is to be provided, smaller bungalows would be more welcome in enabling the more elderly population to remain in the area.
- Environmental and ecological damage to the area
- The land is low lying bog and unsuitable for development
- Pressure on services

The **Waste Management Section**, the **Environment Agency**, and **United Utilities** were consulted upon the application, the date by which their comments were requested has passed without comments being received from them and they must be assumed to have no observations to make

#### Representations

Approximately 280 letters of objection have been received. A summary of the objections made is as follows:

- Contrary to the NPPF, the developing Neighbourhood Development Plan, the developing Joint Local Plan, the Core Spatial Strategy, Whitmore Village Design Statement & Whitmore Parish Plan and the Borough's strategy for rural development.
- The dwellings are not needed. A Housing Needs Assessment report for the Neighbourhood Area concludes that an appropriate range of new housing during the plan period 2013-2033 is between 50 and 100 dwellings. Completed and outstanding permissions since 1 January



2013 count towards fulfilment of the housing need and to date 144 dwellings in the Neighbourhood Area have been permitted since that date.

- Not sustainable as the local infrastructure is incapable of meeting the needs of the further dwellings proposed in addition to those currently under construction at the Gateway Avenue site. There are limited GP resources, the primary school is oversubscribed and secondary school children need to travel outside of Baldwin's Gate, and shopping facilities are limited so travel is inevitable.
- Public transport is limited especially for those who wish to use buses for work. At peak times the buses are full when they arrive at Baldwin's Gate and the village has no access to a bus service after 6pm.
- There are very limited employment opportunities in Baldwin's Gate and residents would need to commute, most likely by car, to their places of work due to limited bus service.
- Meadow Way, due to its restricted width, is not satisfactory for development and construction traffic which will involve the large scale removal of peat deposits.
- Meadow Way and Tollgate Avenue are important accesses to the school and should not be compromised.
- The Meadow Way junction with the A53 has poor visibility, has a difficult left turn of the A53 and is exacerbated by traffic to and from the filling station. It is not a good access for additional traffic.
- The proposal will add to the traffic and safety problems in Baldwin's Gate. The accident record on the A53 is severe and a recent fatal accident to the west of the Meadow Way junction has been omitted from the application.
- A number of manoeuvres were carried out by a Class 2 Large Goods Vehicle turning left into Meadow Way from the direction of Newcastle and secondly turning right out of Meadow Way and the manoeuvres were recorded by residents. When turning right out of Meadow Way the vehicle could not do so without striking the nearside kerb and it took at least 20 yards before it was totally on the correct side of the road. When it turned left into Meadow Way it had to be positioned totally on the offside of the A53 facing oncoming traffic for at least 20 yards before turning. This brought all the traffic travelling towards Newcastle to a standstill. The vehicle was unable to complete the turn into Meadow Way in one movement and it came to rest with the front overhanging the pavement in Meadow Way and the rear protruding onto the A53 and then it had to reverse a short distance onto the A53 to level the vehicle and complete the turn.
- In the event that Meadow Way is deemed unsuitable for construction traffic, it has been suggested that Fairgreen Road could be an alternative. Limited investigations have demonstrated that it will also present significant challenges and dangers.
- The Highway Authority states that a banksman could control construction traffic but they are employed on building sites and other private developments and there is nothing to indicate that such a person could lawfully control traffic on a designated highway.
- It is not just a 10 minute period in the morning when there is a problem with traffic parked in Tollgate Avenue. The problem lasts for at least 30 minutes after which there are always a number of vehicles parked due to people visiting the doctor's surgery.
- There is no public parking provision within the development.
- The development would cause depletion of agricultural land and would severely impact on wildlife and its natural habitat. Degradation of Chorlton Moss would be inevitable and felling of mature trees on a significant scale is also required. The applicant's ecology report and later addendum lack credibility.
- The disturbance and removal of peat from the site will lead to the release of large amounts of CO<sub>2</sub>.
- The Ecology Report states that the landowner has no intention of allowing the large scale removal of trees on his land and that the woodland was purchased to be managed as woodland for the recreational use of family and friends. The landowner of the woodland and the south section of the site are the same so allowing regeneration would be in direct conflict with their intention to sell the land to the property developers.
- A £10 million grant scheme to restore England's iconic peatlands was launched recently by the Government. DEFRA states that the National Planning Policy Framework includes protections for peatland sites whereby permission should not be granted for peat extraction from new or extended sites. It also includes a core planning principle that planning decisions should contribute to conserving and enhancing the natural environment and reducing pollution.

- The submitted Chorlton Moss Management Plan proposes to restore and maintain a small area of acid grassland but this must be viewed in the context of the loss to urban development of 4.2ha of land that currently functions as a catchment for the bog and the Local Wildlife Site (LWS). Further this development would involve the destruction and removal of two areas of the functioning ecological unit of the bog that extend beyond the boundary of the LWS. On balance, it is clear that the net loss would be so significant and in no way can the proposed management plan be viewed as an adequate compensation for very significant loss and damage to the habitat.
- The removal of a naturally occurring area of rainwater attenuation that significantly contributes to reducing downstream flooding on the wider river and streams network.
- The surface water drainage strategy will mean a massive overloading of an existing level drainage ditch and the additional discharge of millions of litres of rainwater into the already overloaded river and streams network.
- The sewage pumping station and sewage treatment works are already overloaded and more properties would add to the problem which could affect existing properties. Severn Trent Water has recommended a condition to delay occupation until after the necessary upgrades to the system and refer to a Supreme Court Judgement. If development is approved the Local Planning Authority has a responsibility to impose such a condition.
- The site is poorly drained and flooding has occurred in the past in Meadow Way and should not be added to.
- The public open space would be unsafe and unusable by the public.
- There are no children's play areas or space for children to play or provisions for recreational activity or space.
- Open views of the country would be lost.
- The density of the proposed dwellings (26 dwellings per hectare) does not correlate with those surrounding the site (18/ha in Fairgreen Road and 15/ha in Lakeside). 3 storey houses are not in keeping as there are no such dwellings in Baldwin's Gate.
- Construction will cause excess nuisance to surrounding areas by way of dust, noise, pollution and quality of life. These points will be exacerbated for 7 years by the construction of HS2 with major traffic disruption also.
- The emergency access is across private land outside of the application site and as such its integrity by the present or future owners of the land cannot be guaranteed for use as an emergency access
- The existing public rights of way would become enclosed corridors with high fencing on both sides removing the open countryside aspect.
- Oppressive outlook to some properties and impact on privacy.
- There is no mention of Section 106 contributions or benefits to the local community.
- Two 19<sup>th</sup> century brick-built historic farmstead buildings, as defined in the Staffordshire Historic Environment Record, are proposed to be demolished and should be preserved.
- There are no details of street lighting or exterior residential lighting.
- Questions are raised regarding the validity of the application due to the absence of several required documents.
- Information has been received stating that the developer intends to treat the peat on site and stabilise the ground but this is at variance with the submitted reports. On-site treatment of the peat would have serious consequences for watercourses in the area and neighbouring wetland habitats and catastrophic consequences for the lowland raised bog habitat.
- Peat remaining on site after stabilisation will continue to generate gases which could affect properties outside the site. Further information and advice is required regarding this issue.

**Sir William Cash M.P.** objects to the proposal for the following reasons:-

- Contrary to the NPPF, the developing Neighbourhood Development Plan (NDP) for Whitmore, Maer & Aston and Chapel & Hill Chorlton, the developing Joint Local Plan, the Core Spatial Strategy, Whitmore Village Design Statement & Whitmore Parish Plan and the Borough's strategy for rural development. Baldwin's Gate is not a key rural service centre.
- Not sustainable and the local infrastructure is incapable of meeting the needs of a further 99 dwellings in addition to the 109 currently under construction at the Gateway site. There are limited GP resources, the primary school is oversubscribed and secondary school children

need to travel outside of Baldwin's Gate, and shopping facilities are limited so travel is inevitable.

- Meadow Way, due to its restricted width, is not satisfactory for development and construction traffic which will involve the large scale removal of peat deposits.
- Meadow Way and Tollgate Avenue are important accesses to the school and should not be compromised.
- Meadow Way junction with the A53 has poor visibility, has a difficult left turn of the A53 and is exacerbated by traffic to and from the filling station. It is not a good access for additional traffic.
- The proposal will add to the traffic and safety problems in Baldwin's Gate. The accident record on the A53 is severe and a recent fatal accident to the west of Meadow Way has been omitted from the application.
- The development would cause depletion of agricultural land and would severely impact on wildlife and its natural habitat. Degradation of Chorlton Moss would be inevitable and felling of mature trees on a significant scale is also required.
- Open views of the country would be lost.
- The sewage pumping station and sewage treatment works are already overloaded and more properties would add to the problem which could affect existing properties. Flooding has occurred in the past in Meadow Way and should not be added to.
- Public transport is limited especially for those who wish to use buses for work. At peak times the buses are full when they arrive at Baldwin's Gate and the village has no access to a bus service after 6pm.
- There are very limited employment opportunities in Baldwin's Gate and residents would need to commute, most likely by car, to their places of work due to limited bus service.
- The density of the proposed dwellings (26 dwellings per hectare) does not correlate with those surrounding the site (18/ha in Fairgreen Road and 15/ha in Lakeside). 3 storey houses are not in keeping as there are no such dwellings in Baldwin's Gate.
- Construction will cause excess nuisance to surrounding areas by way of dust, noise, pollution and quality of life. These points will be exacerbated for 7 years by the construction of HS2 with major traffic disruption also.

A further letter has been received from Sir William Cash MP enclosing an e-mail from Baldwin's Gate Action Group #2 requesting that the Chairman of the Planning Committee agree an adjournment of the hearing of this application by the Planning Committee on Tuesday 18<sup>th</sup> July. The Group states that it is unable to present a complete argument for its objection to this application due to a failure of the Planning Department to provide information requested in a formal Freedom of Information application made on 7<sup>th</sup> April on behalf of the Group. The request for information made under the Freedom of Information Act has now been responded to.

**Baldwin's Gate Action Group #2** objects on the following grounds:

- Unsustainable location due to the limited bus service and local employment, the damage to Chorlton Moss, impact on the primary school and GP surgery and the closing off of the public right of way.
- No need for housing due to an excessive over-supply in the rural area as evidenced in the Housing Needs Assessment report for the Neighbourhood Area of Chapel and Hill Chorlton, Maer and Aston and Whitmore Parishes
- Landscape impact due to impact on outward views into the surrounding landscape, impact on the character and quality of the wetland landscape of the area and Chorlton Moss Local Wildlife Site (LWS)
- The proposed density does not correlate with those of the surrounding area
- Affordable housing ghettoised by being concentrated in the north-eastern part of the site
- There are already flooding issues in the area and should not be added to
- Inadequacy of the current pumping station and sewage facilities
- Meadow Way, due to its width, is not satisfactory for development and construction traffic and has a history of poor sub-structure resulting in frequent break up and movement
- Meadow Way and Tollgate Avenue are important accesses to the school and should not be compromised. Restricting of parking is not an acceptable solution for parents or patients.
- Impact of heavy construction traffic on the school due to air pollution and road safety hazards

- Poor visibility of the junction of Meadow Way with the A53
- Will add to the traffic and safety problems in the area
- Loss of valued green space
- Major impact on public right of way through loss of views and its enclosure with fences
- The path at the rear of Pasture Close is a local right of way

A further letter has been received from **Baldwin's Gate Action Group #2** following the submission by the applicant of amended plans and further information in February 2017. A summary of the additional comments made is as follows:

- The applicant's ecology report and addendum lack credibility
- The removal of a large quantity of peat would result in the release of large amounts of carbon dioxide, loss of natural carbon sequestration and the loss of flood mitigation currently provided by retention in the peat of water
- Unlicensed tree felling was carried out in the LWS in December 2016
- The applicant has failed to implement any of the changes recommended by MADE design review
- Only 16% on-site affordable housing is proposed and this is contrary to the Government declarations that it will increase the amount of affordable housing in new developments
- The affordable units remain insufficiently spread across the development
- No details of street lighting are provided
- If the Planning Committee is minded to permit the development it has a responsibility to condition occupation of the development on the completion of the necessary upgrade works as requested by Severn Trent
- Video recordings submitted to the Planning Department clearly demonstrate the hazards posed by construction vehicles
- No consideration is given in the revised Transport Assessment to increased traffic flows resulting from recent planning approvals in Loggerheads

A subsequent letter has been received from **Baldwins Gate Action Group #2** following the submission by the applicant of amended plans and further information in April 2017. A summary of the additional comments made is as follows:

- The four groups of affordable units do not go far enough in 'pepper-potting'. There should be five groups and they should be spread widely rather than all being on the northern edge of the site.
- Many of the 'facts' stated in the response of the Highway Authority are rejected

A copy of a letter from Baldwin's Gate Action Group #2 to Members of the Planning Committee has been received. The issues raised are referred to above.

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Flood Risk Assessment and Drainage Strategy
- Tree Survey Report
- Landscape and Visual Impact Assessment
- Arboricultural Method Statement
- Statement of Community Involvement
- Ecological Assessment
- Addendum Ecology Report
- Transport Assessment
- Travel Plan
- Agricultural Land Classification
- Site Investigation Report

- Design Review Report
- Noise Report
- Archaeological Desk Based Assessment

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/01101/FUL>

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

1<sup>st</sup> August 2017