

BALDWINS GATE FARM, NEWCASTLE ROAD, BALDWINS GATE
RICHBOROUGH ESTATES

21/01041/OUT

The application is for outline planning permission for the construction of up to 200 dwellings. All matters except for access (appearance, landscaping, layout and scale) are reserved for subsequent approval.

The site, which comprises Baldwins Gate Farm and associated agricultural land, lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expired on 5th July but an extension of time has been agreed to 16th September 2022.

RECOMMENDATION

(A) Subject to the applicant entering into a Section 106 obligation by 4th November 2022 to secure the following:

- **The provision of 25% on-site affordable housing**
- **A contribution of £1,453,680 for both primary and secondary school places**
- **A contribution of £10,000 towards travel plan monitoring**
- **A contribution of £124,067 towards local health infrastructure**
- **A contribution towards the off-site provision of a Multi-Use Games Area**
- **A contribution of £830 per dwelling for an annual bus pass for one year**
- **A management agreement for the long-term maintenance of the open space on the site**

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

- 1. Standard time limits for submission of reserved matters and commencement of development**
- 2. Approved plans and supporting documents**
- 3. Provision of access**
- 4. Junction improvements**
- 5. Off-site highway works**
- 6. Travel Plan**
- 7. Construction Environmental Management Plan**
- 8. Hours of construction**
- 9. Noise mitigation measures**
- 10. Air quality mitigation measures**
- 11. Contamination**
- 12. Electric vehicle charging points**
- 13. Details of foul and surface water drainage scheme**
- 14. Development to be carried out in accordance with the approved Flood Risk Assessment (FRA)**
- 15. A written scheme of archaeological investigation**
- 16. Tree and hedgerow protection measures for retained trees**
- 17. Arboricultural method statement**
- 18. A minimum of 5.36ha of green open space to be provided on site**
- 19. Approval of details of play facilities and timing of provision of open space and these facilities**
- 20. Ecological and biodiversity mitigation and compensation**
- 21. Reserved matters submission to comply with the principles of the Design and Access Statement**
- 22. Details of community facilities for the retained buildings**

(B) Should the Section 106 obligation referred to in (A) above not be secured within the above period, then 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 be acceptable in planning terms and would not achieve sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

Reason for Recommendation

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

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

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

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

Key Issues

The application is for outline planning permission for the construction of up to 200 dwellings. All matters except for access (appearance, landscaping, layout and scale) are reserved for subsequent approval.

The site, which comprises Baldwins Gate Farm and associated agricultural land, lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. It is located outside of, but immediately adjacent to, the village settlement boundary.

Baldwins Gate Farmhouse is a locally listed building. There is one veteran tree on the site, a mature Oak tree located in the south-western part of the site.

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

- Principle of proposed residential development
- Landscape and Visual Impacts
- Affordable Housing
- Landscape and Open Space
- Highway Safety
- Trees and Hedgerows
- Ecology and Biodiversity
- Residential amenity
- Flood Risk and Drainage
- Agricultural Land
- Heritage and Archaeology
- Planning Obligations
- Planning Balance

Principle of the proposed residential development

Baldwins Gate Farm and associated agricultural land is a greenfield site located on the edge of the settlement of Baldwins Gate, outside of, but immediately adjacent to, the village settlement boundary.

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.

Policy SP3 of the CSS seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

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

Policy HG1 of the CHCMAW Neighbourhood Plan states that new housing development will be supported in sustainable locations. These are;

- Within the village envelope of Baldwin's Gate
- As a replacement dwelling, or limited infill housing or within a built frontage of existing dwellings; or
- In isolated locations in the countryside only where circumstances set out in paragraph 79 of the NPPF apply.

It also goes on to state that to be in a sustainable location, development must;

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

The proposed development is not supported by the Neighbourhood Plan.

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

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

(Para 11(d))

Footnote 7 which relates to paragraph 11(d) states that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 31st March 2021.

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

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and

- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

Given that the LNP was made over two years ago, the above criteria do not all apply and therefore, the breach of that Plan is not on its own, likely to significantly and demonstrably outweigh the benefits.

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

In sustainability terms, although the site is outside the village envelope of Baldwins Gate, your Officer considers that the village represents a relatively sustainable location. It has a primary school, doctors' surgery, church, village hall, post office and general store, butcher/delicatessen, garage, pub/restaurant and children's play area and playing field. There is 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.

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, 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.

Although this site is outside the village envelope, it would still be close to existing facilities. It is located approximately 500m from the village centre and the nearest bus stops to the site are located on the A53, approximately 450m east of the site. 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.

A Travel Plan has been prepared to reinforce the alternative modes of transport available. It sets out a package of measures which are designed to increase the use of sustainable modes of transport and minimise single-occupancy car journeys. This includes making residents aware of cycle, bus and walking routes, providing electric charging points, secure cycle parking, high speed broadband to encourage home working and information on car share schemes.

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.

In addition to maintaining a continuous five year supply of specific deliverable housing sites, with the appropriate buffer, the Council are expected to deliver a minimum of 7,000 new houses over the emerging Local Plan period of 2020 – 2040. The housing requirement over this period would comprise allocated sites distributed throughout the borough within the emerging Local Plan and windfall sites that would come forward for development.

The Government's objective is to significantly boost the supply of homes. To do this, it is important that a sufficient amount and variety of land comes forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (Paragraph 60, NPPF).

It is acknowledged that both local and national planning policy seeks to provide new housing development within existing development boundaries on previously developed land where available. It

is accepted that residential development on this greenfield site outside the settlement boundary would be contrary to this preferred approach. Nevertheless, this site would contribute to meeting the housing need (minimum 7,000 new homes) over the emerging plan period in a sustainable and accessible location which would help to significantly boost the supply of homes in the borough.

Landscape and Visual Impacts

Paragraph 124 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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

Policy NE1 of the CHCMAW Neighbourhood Plan states that new development will be supported that complements the landscape setting and character of the area, preserves or enhances and does not cause significant harm or degradation to the intrinsic rural character and ecological and environmental features of the area. Policy DC2 details a number of criteria that new development should meet if it is to be supported. This includes, amongst other things, that the development reflects local character, maintains and enhances the character and appearance of the landscape and responds sensitively to local topography.

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

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

Although an indicative layout has been submitted to show how the site may be developed, layout, scale, appearance and internal access arrangements are all matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail on or consider the layout submitted.

Up to 200 new dwellings are proposed comprising a variety of house types.

LNP Policy HG2 requires a balanced mix of dwelling types to meet requirements identified in the latest assessment of local housing needs. This includes dwellings suitable for those wishing to downsize, young families and first-time buyers and specialist accommodation suitable for the elderly, vulnerable or disabled persons. The proportions of different dwelling types and sizes must be based

on evidence of local housing need and this should be demonstrated as part of any planning application.

Newcastle-under-Lyme & Stoke-on-Trent Housing Needs Assessment (June 2020) acknowledges that a broad mix of housing is required during 2020-2037.

It is considered that a broad mix of housing proposed as part of this development seeks to provide the type of dwellings for one person households, couples without children, households with dependent children, families with other adults and other types of households. In this regard the mix, type and size of dwellings is acceptable.

The density of the residential area of the site would be 30 dwellings per hectare but including the open space, the density of the overall site would be 15 dwellings per hectare. Your Officer's view is that given the location of the site, the density of the proposed scheme is appropriate. There is a mix of dwelling size and style in the area. Residential patterns vary within the village and densities vary with the recently constructed Gateway Avenue development having a density of 26 dwellings per hectare.

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.

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

NLP Policy N21, supports, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape. However, within Landscape Restoration Areas, it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

A Landscape and Visual Appraisal (LVA) has been submitted with the application. The LVA states that those who will experience the largest change in the view are located to the immediate surroundings, especially those users of the A53 along the southern boundary, and transient users and residents of Madeley Road and Manor Road. The remaining visual receptors will experience a lesser degree of change, filtered through existing vegetation and farm buildings. No incongruous or uncharacteristic elements will be introduced to any views.

Although the proposed development would result in the introduction of new built form into an area of currently undeveloped agricultural land on the edge of Baldwin's Gate, it would be situated immediately adjacent to, and in the context of, the existing developed edge along the A53 and the recently constructed Meadowbank development to the north east. It is considered that the large green infrastructure link through the site, the addition of orchard planting and allotments, the existing bunding within the site, the incorporation of native tree planting and hedgerows with scattered trees along the site's north western boundary to filter views of the proposed development, would all help to assimilate the site in the landscape.

As stated in the LVA, views of the site would be limited to those gained in the immediate surroundings. Subject to a high quality layout and design and subject to conditions regarding proposed landscaping, it is not considered that the development would have such an adverse impact on the character or quality of either the village or the wider landscape to justify a refusal.

Affordable Housing

CSS Policy CSP6 sets out that within the rural areas, on sites of 5 dwellings or more, 25% of the total dwellings must be affordable housing units and be fully integrated with the market housing, be built to the same design, quality and space standards and should not be visually distinguishable from other development on the site.

LNP Policy HG2 requires any affordable housing to be provided within the development or nearby within the neighbourhood area, and not through contributions to affordable provision elsewhere. Development must be tenure-blind, with affordable housing mixed in with the standard market housing.

The affordable homes would be split 60% social rented (30 dwellings), 40% shared ownership (20 dwellings) and fully integrated within the development so as to be tenure blind and indistinguishable from the market housing. Of the 25% of the affordable homes proposed, 30 dwellings would be 2 bedroom houses and 20 dwellings would be 3 bedroom houses.

This is considered acceptable and the affordable housing proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Landscape and Open Space

CSS Strategic Aim 2 seeks to facilitate the delivery of the best of healthy urban living in the development of the conurbation and to ensure that new development makes adequate provision for all necessary community facilities, including health care, education, sports, recreation and leisure.

CSS Policy CSP1 expects new development to contribute positively to healthy lifestyles.

NLP Policy C4 states that an appropriate amount of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured. The design and location of new play areas must take into account community safety issues.

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

Within the development there would be the provision of 5.62ha of open space comprising of a mix of community parkland, allotments, natural play areas and a community orchard. The children's play area proposals must meet the minimum of Fields in Trust LAP and LEAP standards. The proposed area and type of open space to be provided is shown in the table below

Open Space	Area Proposed
Amenity Open Space (including kick-about space and community parkland)	4.47ha
Children's Natural Play	0.04ha
Allotments	0.27ha
Community Orchard	0.3ha
Landscape Buffer/Planting	0.3ha
Total	5.38ha

In addition, developments of between 10 and 200 dwellings require a contribution for a multi-use games area (MUGA). This can be secured as part of the S106 agreement.

The open space provided meets the Council's required space standards of open space and play equipment. Furthermore, the provision of the type and amount of open space proposed would play an important role in contributing to the creation of healthy lifestyles.

The Landscape Development Section has no objection in principle to the proposed tree retention/removal and is supportive of the open space proposals.

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

Highway Safety

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

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

NPPF Paragraph 110 notes that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The proposed vehicular access would be directly off the A53, along the southern frontage of the site and would take the form of a new four-arm roundabout junction with the A53 Newcastle Road and Woodside.

A Transport Assessment and Travel Plan have been submitted with the application. The Transport Assessment has assessed the potential transport impact on the local highway network and puts forward mitigation to improve highway safety and address junctions that are operating over capacity. Also, it provides a summary of existing alternative modes of travel including pedestrian, cycling and public transport (i.e. bus and rail modes). The use of alternative modes of transport are reinforced by the Travel Plan which sets out measures and initiatives to promote sustainable travel to and from the site.

The development is forecast to generate up to 104 two-way vehicle trips during any peak hour; this equates to less than two additional vehicles on the local highway network every minute.

The TA states that the proposed roundabout junction would upgrade the existing A53/Sandy Lane priority T-junction and would bring a significant benefit to highway safety on the A5 which has suffered from a poor safety record.

As part of the proposals the Madeley Road junction with the A53 would be realigned to square the Madeley Road approach up as it approaches the A53, improving visibility from the minor arm and the overall operation of the junction. The associated analysis demonstrates that the proposed improvement will provide additional capacity at the junction.

At the A51/Newcastle Road (A53) junction and the A51/A53 (N) junction to the southwest of Baldwins Gate, the analysis demonstrates that both junctions are currently operating at or over capacity, with the additional development traffic exacerbating the queueing and delays present at both junctions. As a result, signalised mitigation schemes have been designed and the modelling demonstrates that the mitigation schemes provide significant betterment compared to the situation without the proposed development in place.

In addition to the junction mitigation proposals identified above, there would be a pedestrian (puffin) crossing on the A53 at the northeast corner of the site, to provide safe and suitable pedestrian connectivity to the bus services and facilities within the village

On the A53 to the west of the site access, the existing footway will be improved to provide a 2.0m width and will connect to new provision along the initial section of Madeley Road, before connecting within the site to provide a circular walk route around the residential new development. The development site will deliver a 3.0m wide shared footway/cycleway facility from the A53 in the northeast corner of the site into the residential development.

Furthermore, the existing bus stops in the vicinity of Sandyfields would be upgraded to provide Real Time Information (RTI) and the flagpole stop on the eastern side of the A53 will be upgraded to provide a new cantilever shelter with seating.

The Highway Authority accepts the findings of the Transport Assessment and the follow up Technical Note. Therefore, they have no objections to the principle of development subject to suitably worded conditions and a planning obligation securing £10,000 to monitor the Travel Plan.

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

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

Trees and Hedgerows

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets.

NLP Policy N12 seeks to resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

There are no trees on the site which are protected by Tree Preservation Orders. A single, veteran oak tree of high arboricultural value is located within the south-western part of the site. The veteran tree would be retained and measures would be put in place to aid in its long-term physiological condition.

Two well-established hedgerows line the A53 on the southern site boundary. These are considered to be of low/moderate amenity value. The removal of some of this hedgerow is unavoidable to accommodate proposed flood water attenuation areas. However, the size of the site provides opportunities for new hedgerow and tree planting to compensate for this loss and provide an overall, long-term betterment to the site's green infrastructure. The details of the site's landscaping and green infrastructure would be considered as part of any reserved matters application.

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

Ecology and Biodiversity

NPPF Paragraph 180 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

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

and wherever possible, enhance the area's natural assets, landscape character, waterways, green corridors and priority species and habitats.

NLP Policy N3 expects development to take account of the potential effects of development proposals upon wildlife and geological features and avoid or minimise any adverse effects and, where appropriate, to seek to enhance the natural heritage. Habitats/features of nature conservation or geological value will be retained in situ and protected from adverse impact. Replacement habitats/features will be provided on at least an equivalent scale where the Council agrees that the loss of wildlife habitats or geological features is unavoidable.

NLP Policy N8 seeks to resist development that may, directly or indirectly habitats, unless the applicant can demonstrate that the need for the development clearly outweighs the need to safeguard the habitat. Where development affecting such habitats can be approved, appropriate measures will be required to minimise damage, to provide for appropriate habitat restoration and/or re-creation to compensate for any loss.

LNP Policy NE1 supports new development that complements the landscape setting and character of the area, preserves or enhances and does not cause significant harm or degradation to the intrinsic rural character and ecological and environmental features of the area.

An Ecological Assessment has been submitted which indicates that the proposals for the site include for the retention of the majority of habitats identified as being of ecological importance, namely hedgerows, mature trees and the large veteran oak tree. There will be the loss of grassland, ruderal habitats, a pond and the partial loss of some hedgerows to accommodate site access but the proposals will include for the creation of new areas of grassland, scrub and shrub planting, sustainable urban drainage systems, allotments and hedgerow and tree planting. This will result in the creation of new habitats on site with known biodiversity value.

The Assessment states that the existing on site buildings support a range of common and priority breeding bird species and therefore it is recommended that precautionary construction methods are employed to safeguard nesting birds using the site. Compensation for loss of nesting opportunities will be provided through the installation of bird bricks and bird boxes throughout the development and landscaping. The site also has potential to support roosting, foraging and commuting bats, and as such, compensation, mitigation, and enhancement measures, including the provision of compensatory and new roosting opportunities, the retention and creation of dark corridors, and a habitat creation scheme designed to maximise opportunities for bats will be incorporated into the scheme.

Subject to the imposition of a condition requiring appropriate mitigation, it is not considered that an objection could be sustained on the grounds of ecological impact. For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Residential Amenity

Paragraph 174 of the NPPF advises that, planning policies and decisions should contribute to and enhance the natural and local environment by "...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans

Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 186 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

An Air Quality Assessment submitted with the application concludes that the development would not have a significant impact upon local air quality.

A Noise Assessment has also been submitted which acknowledges that the dominant noise source would be road traffic noise from the A53 and Madeley Road and that the other noise source is Rail Traffic Noise as the neighbouring parcel of land is being developed as part of the HS2 'Crewe to Stafford Railway Line'. The proposed general mitigation strategy for the site to achieve indoor ambient noise levels for dwellings and acceptable noise levels for external amenity spaces includes all or a combination of:

- Selection of glazing, acoustically attenuated ventilation and building fabric with a sufficient sound reduction index;
- Careful consideration of dwelling orientation to protect private amenity spaces; and/or
- Installation of acoustically sound fencing at garden boundaries having an unscreened, or partial unscreened view to the roads.

Although no comments have been received from the Environmental Health Division, it is considered that the air quality for the development is acceptable and with the implementation of the specified mitigation strategy, noise levels across the proposed development can be attenuated to achieve acceptable external and internal sound levels. For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

The application is supported with a Phase 1 Ground Investigation (GI). It identifies a number of potential sources of contamination, which include, above ground storage tanks, animal burial pits, vehicle repair activities and infilled ponds. As a result of the potential sources of contamination the GI states there is a low to moderate risk of contamination and recommends further site investigations.

Environmental Health have no objections to this approach subject to suitably worded conditions which requires sufficient site investigation works to adequately assess the nature and extent of any land contamination on the site with a subsequent remediation scheme and appropriate verification report that demonstrates its effectiveness.

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. It is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between both existing and proposed dwellings and that sufficient private amenity space would be provided to comply with the Council's Space Around Dwellings SPG.

Flood Risk and Drainage

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

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

The application is supported by a Flood Risk and Drainage Assessment (FRDA). The site lies in Flood Zone 1 which is land/property with the lowest risk of flooding.

Due to the topographical challenges, the proposed site has been split into 3 catchments areas. Surface water will be conveyed, stored and treated within the proposed features on site. These will include detention basins, permeable paving and infiltration basins. The disposal of foul water from Catchments 1 and 2 will be via a new proposed connection into the existing foul water sewer within the A53. The disposal of foul water from Catchment 3 will be via a new proposed connection into the foul water sewer located within the new development east of the site.

The FRDA concludes that with the above measures in place, the development of the site will not create any flood risk issues for the wider area.

The Environment Agency, Staffordshire County Council as the Lead Local Flood Authority, United Utilities and Severn Trent Water all have no objections to the drainage approach and strategy subject to suitably worded conditions securing the detailed drainage design and foul and surface water flows.

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

Agricultural Land Quality

Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Policy HG1 of the CHCMAW Neighbourhood Plan states that to be in a sustainable location, development must, amongst other things, not involve the loss of best and most versatile agricultural land.

The best and most versatile land is defined as that which lies within Grades 1, 2 and 3a. The Agricultural Land Quality Assessment (ALQA) submitted with the application identifies that the site contains approximately 8ha of Grade 2 'Very Good' quality agricultural land, approximately 3ha of Grade 3a 'Good' quality agricultural land and 1ha of Grade 3b 'Moderate' agricultural land. Consequently, the development results in a loss of approximately 11ha of the Best and Most Versatile Agricultural Land (BMVAL).

The site forms part of Baldwin's Gate Farm and the application states that the remaining 237ha of the agricultural land would continue to be farmed for grazing and mowing with some arable cultivation to grow forage crops. Although it is acknowledged that the site is only a very small part of the wider landholding, the site comprises best and most versatile land and therefore your Officer considers that it must be concluded that the loss of this land is a material consideration which weighs against the proposal. Whether this and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report.

Heritage and Archaeology

Baldwin's Gate Farm farmhouse is a locally listed building.

NPPF Paragraph 195 expects Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 197 notes that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

LP Policy B8 ensures the conservation of locally important buildings and structures by encouraging their retention, maintenance, appropriate use and restoration.

LP Policy B3 requires archaeological assessments and field evaluations to be submitted prior to the determination of proposals affecting sites of known or potential archaeological significance.

LNP Policy DC1 seeks to protect, preserve and promote the area's conservation areas and heritage assets and find new uses for disused buildings that make a positive contribution to the local built heritage.

The Locally listed farmhouse is shown to be retained which is welcomed and the improvement to the openness of its setting is considered an enhancement. The Council's Conservation Officer is pleased that the impressive house and farm buildings are being retained with space around them and on the approach to the buildings.

The submitted Archaeology and Heritage Statement provides an assessment of the potential impact on designated heritage assets in the wider area such as a scheduled Neolithic/Bronze Age barrow approximately 600m to the west and a scheduled Iron Age hillfort approximately 800m to the south. The assessment that the setting of these will not be harmed is supported.

The Statement identifies some, albeit low, archaeological potential within the site, and highlights some historic farm buildings which are due to be directly impacted by the proposals. The County Archaeologist raises no objections subject to conditions requiring further archaeological evaluation.

It is considered that the development has a positive impact on the heritage assets and their setting and that the staged archaeological evaluation is appropriate given the low, archaeological potential.

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

Planning Obligations

CSP10 'Planning Obligations' requires developers to have regard to the consequences that may arise from development. The policy sets out a number of areas which should be considered including transport, infrastructure, affordable housing, education and community facilities, open spaces, sports and recreation facilities and environmental improvements and mitigation.

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

The applicant has confirmed their willingness to agree to the provision of 25% on-site affordable housing and a financial contribution of £830 per dwelling to cover the cost of a voucher equivalent to an annual bus pass providing unlimited bus travel across the West Midlands Zone for one year. In addition, Staffordshire County Council as the Education Authority has requested a sum of £1,453,680 for both primary and secondary school places, the Highway Authority has requested a travel plan monitoring fee of £10,000 and Staffordshire and Stoke on Trent Clinical Commissioning Groups has requested a sum of £124,067 towards local health infrastructure. The Landscape Development Section has requested a contribution towards an off-site Multi-Use Games Area. The amount required has not yet been agreed and so will be reported in a supplementary report. It is considered necessary for the community facilities to be available for use as such and that a management agreement is required for the long-term maintenance of the open space on the site.

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

Planning Balance

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

The development would result in some local impact on the character and appearance of the area and there would be a loss of best and most versatile agricultural land. However, the development would boost the supply of housing to meet the need for a minimum of 7,000 homes over the emerging plan period (2020-2040). The development would fulfil a social role by delivering a mix of market housing and affordable housing in the rural area. Also, it is accepted that the new roundabout junction with the A53 Newcastle Road and Woodside would result in an improvement to highway safety.

It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. On this basis planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are imposed, 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 CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside.
Policy C4:	Open Space in New Housing Areas.
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures.
Policy N4:	Development and Nature Conservation – Use of Local Species.
Policy N8:	Protection of Key Habitats.
Policy N10:	New Woodland Considerations
Policy N12:	Development and the Protection of Trees.
Policy N13:	Felling and Pruning of Trees.
Policy N14:	Protection of Landscape Features of Major Importance to Flora and Fauna.
Policy N17:	Landscape Character - General Considerations.
Policy N21:	Areas of Landscape Restoration
Policy B3:	Other Archaeological Sites.
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities.

[Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan](#)

Policy HG1:	New Housing
Policy HG2:	Housing Mix
Policy HG3:	Local Play, Sports and Recreational Facilities
Policy NE1:	Natural Environment
Policy N2:	Sustainable Drainage
Policy COM1:	New Community Facilities
Policy COM3:	Developer Contributions
Policy DC1:	Local Heritage
Policy DC2:	Sustainable Design
Policy DC3:	Public Realm and Car Parking
Policy DC4:	Connectivity and Spaces
Policy DC6:	Housing Standards

Other Material Considerations include:

[National Planning Policy Framework](#) (2021)

[Planning Practice Guidance](#) (2014 as updated)

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

[Supplementary Planning Guidance/Documents](#)

[Developer Contributions SPD](#) (September 2007)

[Affordable Housing SPD](#) (2009)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

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

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

Relevant Planning History

There is no relevant planning history for the site.

Views of Consultees

The **Highway Authority** raises no objections subject to conditions regarding provision of the access, provision of junction improvements, and provision of off-site works for the crossing on the A52. A Section 106 agreement is required securing a travel plan monitoring fee (£10,000).

The Environmental Health Division (Contamination) has no objections subject to conditions.

Natural England has no comments to make on this application.

Staffordshire and Stoke on Trent Clinical Commissioning Groups has requested a contribution of £124,067 towards local health infrastructure. This is on the basis of the development having a likely impact of an additional 480 patients in the locality.

Staffordshire County Council Education Authority have considered the impact on school places at the Baldwin's Gate CE (VC) Primary School and Madeley High School and advise that it is projected that there would be insufficient school places in the local area to mitigate the impact of this development at both primary and secondary phases of education.

This development would trigger the need for additional accommodation at Baldwins Gate VC (CE) Primary and would require the school to grow to a 1FE primary school (210 places plus nursery). This would benefit the school educationally as they would be able to teach the curriculum to single year group classes, and increased pupil numbers would support the school to be more sustainable longer term. In addition, this development would be added to the cumulative impact of developments that require mitigation in the catchment of Madeley High School.

The education contributions for additional educational facilities at Baldwins Gate (CE) VC Primary and Madeley High School are £732,900 and 720,780 respectively. As such, there are no objections subject to a S106 agreement securing the required educational contribution.

Severn Trent Water have no objections subject to the inclusion of conditions for the disposal of foul and surface water flows.

United Utilities have no objections subject to the imposition of conditions.

The Council's **Waste Management Section** states that the layout indicated on the plan is unsuitable from a collections perspective. Layouts providing circulation routes for collection vehicles are essential.

The **Council's Conservation Officer** is pleased that the locally listed farm buildings are being retained with some space around them and also on their approach to the buildings. Concerns are raised that the proposal is dense and suburban in its appearance which does not reflect the character of the landscape here. Also concerns over loss of biodiversity and hedgerows which also are key to the retaining rural character. Topography is also important along with the local vernacular.

The Lead Local Flood Authority have no objections.

Staffordshire County Council as the **Mineral and Waste Planning Authority** conclude that the proposed development would not lead to the sterilisation of significant mineral resources and therefore have no objections.

Staffordshire County Council's **Historic Environment Team** has no objections subject to further archaeological evaluation, comprising a staged evaluation and a Level 2 historic building record.

The **Environment Agency** advises that the historical uses of this site including the potential presence of an animal burial site represents a contamination risk that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive due to the presence of a Principal Aquifer and in proximity to a groundwater Source Protection Zone. As such, no objections are raised subject to a condition requiring the submission of a remediation strategy.

The **Landscape Development Section** has no objections in principle to the proposed tree retention/removal and is supportive of the open space proposals.

All retained trees should be protected as recommended in the arboricultural impact assessment and in accordance with BS5837:2012. The retention of the veteran oak tree T1 and the proposed associated remedial works. Permission should be subject to submission of a tree protection plan, arboricultural method statement and details of special engineering and any other relevant construction details within RPAs, all in accordance with BS5837:2012.

The children's play proposals should provide a minimum of Fields in Trust LAP and LEAP standards. In addition to this the Fields in Trust guidelines for developments of between 10 and 200 dwellings require a contribution for a multi-use games area (MUGA). 201 to 500 dwellings would require a MUGA to be provided. There are no apparent existing sites within Baldwins Gate to accommodate this. A MUGA should be provided on the site within the areas of proposed open space or as part of the farm house buildings complex retained for community use. The total number of dwellings for this development and the adjacent housing development of 109 properties currently being completed, the outline planning application for which was also by Richborough Estates, would justify such a provision.

Whitmore Parish Council objects in the strongest possible terms on the grounds that it represents yet further opportunistic and unwarranted development into open countryside. The proposal is contrary to the Neighbourhood Plan, does not satisfactorily include sustainable drainage or demonstrate that sewage waste and foul water can be adequately accommodated, the scale of the development is inappropriate for the village, it would destroy the character of the community and the surrounding countryside and rural setting, the infrastructure is insufficient to accommodate the additional dwellings, the land is potentially contaminated, it will result in a loss of valuable agricultural land and impact on its natural habitat, limited biodiversity mitigation is proposed, it will cause nuisance to surrounding areas during construction and the proposals fail to demonstrate that the development will not have a detrimental impact on the operational performance or safety of the local highway network.

Chapel and Hill Chorlton Parish Council object to the proposal as it is contrary to the Neighbourhood Plan and to the Baldwins Gate Design Statement prepared by AECOM for the Neighbourhood Plan.

Maer & Aston Parish Council objects on the grounds of lack of need, impact on the environment and ecology, impact of surface water and drainage, traffic impact and extreme pressure on services.

The **Police Crime Prevention Design Advisor** states that any reserved matters application should clearly explain within the Design and Access Statement and demonstrate in the site layout how crime prevention and community safety measures have been considered and incorporated within the proposal.

No comments have been received by the due date from **Staffordshire Wildlife Trust** and therefore it must be assumed that they have no observations to make upon the application.

Representations

191 letters of objection have been received raising concerns on the following grounds:

- The development does not accord with the provisions of the development plan in force in the area
- There is no evidence of the need for 200 additional dwellings
- Baldwins Gate is not a key rural service centre and is unsuitable for a development of this size
- Efforts should be made to find suitable brownfield sites
- Inability for infrastructure to cope with an additional 200 homes (drainage, GP surgery, schools, limited local shopping and employment)
- Increased traffic movements on an already inadequate main highway, increasingly congested at peak hours, rendering residents much difficulty in accessing right turns safely onto the A53 from Coneygreave Lane, Appleton Drive, Fair-Green Road, Tollgate Avenue, Meadow Way and Lakeside Drive
- The proposed community parkland would not be of any extra benefit to a majority of existing residents and the area already has good access to open countryside and a number of well used public footpaths within a short distance.
- There will be a loss of valuable agricultural land.
- Impact of construction (due to noise, dust, transport disruption and pollution)
- Adverse impact on the character of the village as well as the local landscape
- A footpath connecting the two sites is totally unacceptable as the site boundaries were not to be opened
- The density represents yet another significant increase over established developments in the immediate vicinity
- Irreversible damage to the local landscape and character of the village and the impact it would have on wildlife and natural habitats

42 letters of support have been received stating the following:

- There is a shortage of suitable housing in the area, especially affordable housing with a lot of young people struggling to get onto the property ladder
- Much housing in the area isn't in the best condition
- It brings more work to the area
- Retaining as much green space as possible whilst also building enough homes should be encouraged

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/01041/OUT>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

1 September 2022