

Membership as from May 2023

Councillor Berry
Councillor Clover
Councillor Drummond (Vice Chair)
Councillor Harvey
Councillor Hood (Chair)
Councillor Hulbert
Councillor Kavanagh
Councillor Nobbs
Councillor Perry

Members = 9

Quorum = 3



Newmarket
T O W N C O U N C I L

The Memorial Hall, High Street, Newmarket Suffolk CB8 8JP

TEL: 01638 667227

You are hereby summoned to attend a meeting of the
Development and Planning committee
to be held at

Memorial Hall, High Street, Newmarket, CB8 8JP

Monday 4th September 2023 at 6.15pm

A G E N D A

The meeting is held in public and the public are encouraged to attend and participate. Just occasionally matters such as contractual or staffing matters do have to be held in the confidential part of the meeting.

Members of the public and press may not orally report or comment about a meeting as it takes place if present at a meeting of the Council, but otherwise may:

- a. film, photograph or make an audio recording of the meeting;
- b. use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c. Report or comment on the proceedings in writing, during or after a meeting or orally after the meeting.

The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting

1. **Chair to read** fire safety notice and announce that proceedings may be filmed or recorded and ask if anyone present intends to record the meeting.
2. **Apologies** - To receive and accept apologies for absence
3. **Declaration of interests**
 - a) Councillors are invited to raise any declarations of interest concerning items on the agenda
 - b) To consider any requests for dispensation
4. **Minutes of previous meeting held 21st August 2023**
 - a) To consider and adopt the minutes, as a true record of the proceedings
 - b) To consider any matters arising
5. **Public participation** – an invitation to members of the public to make representations to Councillors. Resolutions can only be made on items on the agenda
Rules of public participation: no person may speak for longer than 3 minutes in total. The maximum time permitted for this item is 15 minutes. This is the only opportunity during the meeting for members of the public to address Councillors
6. **To consider if Newmarket Neighbourhood Plan policies impact on planning applications for consideration**
7. **Planning applications** – West Suffolk Council, weeks commencing 14/08/2023 & 21/08/2023
8. **Planning applications** – Amended and Deferred Plans
 - a. DC/23/1312/TCA – Re-consultation
 - b. DC/23/1160/FUL – Deferred to receive site visit report
9. **Planning Appeals** – to discuss any notified appeals and receive any appeal results
10. **Planning applications** – East Cambs
11. **Planning decisions and plans withdrawn** – West Suffolk Council-week commencing 14/08/2023 & 21/08/2023
12. **Delegation Panel decisions** - To discuss any decisions by Delegation Panel
13. **Licensing** – To discuss any Licensing applications
14. **Accounts** – to receive and note the accounts for Development and Planning for the previous month
15. **Planning comments** – to discuss a response to planning applications regarding parking & public transport links
16. **Correspondence**
17. **Date of next meeting** – 18th September 2023

Signed:

CE Whitaker

Cathy Whitaker, Town Clerk

Date: 29th August 2023

To: Chair & Members of D&P Committee, Other Council Members, Press & the Public

Material Planning Considerations	
Site specific issues	• adequacy for turning, loading • availability/capacity of local infrastructure (eg public drainage or water systems) • car parking • deficiencies in community/social facilities (eg spaces in schools) • design, appearance and materials • layout and density of building(s) • road access • traffic generation
Environmental effects	• effect on street scene • hazardous materials, contaminated land • landscaping • light (including overshadowing) • loss of trees • nature conservation & biodiversity issues • noise & disturbance resulting from use • overlooking/loss of privacy • smells and fumes • visual amenity
Listed buildings/conservation areas	• The need to preserve or enhance the special character or appearance of designated conservation areas and protect listed buildings • Effect on archaeological interest
Usage	• Incompatible or unacceptable uses • Desire to retain and promote certain uses e.g. stables in Newmarket.
Previous decisions	• Previous planning decisions, including appeal decisions
Policies	• Statutory provisions contained in planning acts, statutory regulations & planning case law • Central Government planning policy and advice • National Planning Policy Framework (NPPF) • Supplementary planning guidance/documents eg. Affordable Housing SPD, Master plans, development briefs • WSC Local Plan policies • Newmarket Neighbourhood Plan • Newmarket Conservation Area Appraisal (adopted September 2009)
Key principle of the NPPF – presumption in favour of sustainable development. For decision-taking this means granting permission unless: • the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or • <i>any adverse impacts of doing so would significantly and demonstrably outweigh the benefits</i>	
Matters which are not material planning considerations	
<i>Greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.</i>	
Competition (unless in relation to adverse effects on a town centre as a whole)	Moral and religious issues
Breach of private covenants or other private property or access rights, including boundary disputes	Council interests (eg land ownership or contractual matters)
Devaluation of property	Identity or motives of an applicant or occupier
Protection of a private view	Private disputes between neighbours
Impact of construction work	

Parking Guidance for Use Classes C3 and C4: Dwelling houses and houses in multiple occupation

Family houses, or house occupied by up to six residents living together as a single household, or Houses in Multiple Occupation (HMO)¹³, including a household where care is provided for residents.

Standard: Flats and Houses are to be treated the same.

Use	Vehicle	Cycle	PTW	Disabled
	Minimum*	Minimum	Minimum	Minimum
1 bedroom	1 space per dwelling	2 secure covered spaces per dwelling. (Satisfied if garage or secure area is provided within curtilage of dwelling to minimum dimensions)	N/A	N/A if parking is in curtilage of dwelling, otherwise as Visitor/unallocated
2 bedrooms	2 spaces per dwelling**			
3 bedrooms	2 spaces per dwelling			
4+ bedrooms	3 spaces per dwelling			
Retirement developments (e.g., warden assisted independent living accommodation)	1 space per dwelling	2 spaces per 8 units (visitors)	2 PTW spaces and 1 space per 2 dwellings for mobility scooters	
Visitor/unallocated	0.25 spaces per dwelling (unallocated)	If no garage or secure area is provided within curtilage of dwelling, then 2 covered & secure spaces per dwelling in a communal area for residents plus 2 spaces^ per 8 dwellings for visitors	1 space + 1 per 20 car spaces (for 1 st 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces)	

¹³ Houses in multiple occupation (Class C4) are defined in The Town and Country Planning (Use Classes) Order 1987 (as amended) as 'small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom'.

Informative notes:

*Standards exclude garages under 6m x 3m (internal dimension) as a parking space but can include undercroft parking and car ports providing, they have no other current or potential use.

**Reduction in this figure may be considered with robust and agreed highway mitigation

^Mobility vehicle spaces should be secure and covered with charging facilities.

Visitor/unallocated vehicle parking can, subject to appropriate design, be located on street.

Unallocated cycle parking for residents to be secure and covered, located in easily accessible locations throughout the development. These guidelines will be applied to all development (including infill developments, extension applications and change of use).

Where grouped, unassigned parking is proposed, more flexible and efficient use of the parking may be achieved than with allocated parking. Subject to discussion with the Highway Authority this may potentially reduce the nominal on-street parking provision standards required by up to 25%.

Where an individual dwelling may require more than two spaces these additional spaces may be provided as part of unallocated on street parking, providing this is designed in.

An allowance will be required for visitor cycle and car parking, refer para 3.2 and 4.5.

Suffolk Guidance for Parking 2019 {excerpt}

Car clubs should be promoted in low provision/car free residential developments and car club spaces provided. Electric vehicle charging infrastructure should also be provided in new developments.

Research was undertaken to derive the residential parking guidance for Suffolk. The research included a questionnaire survey to approximately 9000 dwellings. The results of the survey and the 2001 and 2011 Census data for Suffolk car ownership can be found in Appendix 1.

Electric Vehicle recharging points to be provided to support the use of low emission vehicles. See EV Parking Guidance table within this document for further guidance.

Reductions to the minimum parking guidance

This advisory residential parking guidance is the minimum required; however a range of factors will be taken into account. For main urban areas a reduction to the parking guidance may be considered where a proposal has been designed to be exceptionally sustainable in transport terms and which effectively promotes an overall reduction in the use of high emission vehicles and avoids the provision of car parking adjacent or close to dwellings within the main layout.

Main urban areas are defined as those having frequent and extensive opportunities for public transport and cycling and walking links; close proximity to local services (including accessing education, healthcare, food shopping and employment); and on street parking controls at all times e.g. double yellow lines. Where there is evidence that these factors are in place, local planning authorities may, after consultation with the Highway Authority, bring forward local parking policies to limit the scale of parking in specific areas.

When making their recommendation to local planning authorities considering reduced parking proposals for residential development, the Highway Authority must be:

- able to recommend a condition for suitable cycle storage and secure parking facilities;
- satisfied that servicing vehicles would be able to operate efficiently i.e. not restricted by loading restrictions or road layout;
- able to determine how highly sustainable the location is in terms of proximity to services, shops etc. and public transport (high frequency and wide ranging) and suitable cycling and walking routes;
- made aware of the likelihood of a viable Car Club (the provision of a car club would need to be secured through a Planning Obligation on Condition);
- able to determine the possible impact that a single application may have in setting a precedent in an area;
- satisfied by the availability of visitor parking (off street public car parks may be acceptable for visitor use); and
- satisfied that the likely impact of additional road parking in the vicinity would not cause inconsiderate and unsafe obstructions to the surrounding road or footpath network or add pressure onto an already densely utilised parking network.

If all the above criteria are satisfied on a site by site basis then the Highways Authority would be more likely to approve of reduced parking proposals.

However, it is not possible to make the assumption that occupiers will be car free; although it may be possible to accept this to some degree where the units are single bed. Furthermore, if the neighbouring streets are controlled by Residents Parking then any new development is prohibited from joining the scheme.

The presumption that occupiers are required to use off road public car parks for parking of their vehicles is not generally supported. The Highways Authority will only consider any identified use of off-road public car parks as a means of resident parking in exceptionally sustainable developments that are located in main urban areas (as defined above). In such cases, the Highway Authority must first be satisfied that the car park/s in question are viable long-term parking options for affected residents and that the development has been designed to be extremely sustainable in transport terms.

To summarise, the key questions the Highways Authority will seek to address when considering proposals for reduced parking are:

- Where might residents park?
- What real harm would these vehicles cause?
- Are the roads heavily regulated in terms of prohibition of parking?
- Are the streets already under significant pressure?



Newmarket

TOWN COUNCIL

Minutes of a Meeting of the Development & Planning Committee Held on Monday 21st August 2023 at 6.15pm

Attendance:

Councillor R Hood (Chairman)
Councillor A Drummond
Councillor J Harvey
Councillor P Hulbert

Councillor E Kavanagh
Councillor R Nobbs
Councillor S Perry

Also Present: C Whitaker - Town Clerk, T Symonds – Deputy Town Clerk, J Ashton – Minute Assistant, Cllr McHugh as an observer, 1 member of the public and 1 Member of the Press.

	Minute	Action by
D/23/08/19 <u>Chairman to Read the Fire Safety Notice and Announce that Proceedings May be Filmed or Recorded</u> Chairman opened the meeting and read out the Fire Notice and announced that proceedings were being recorded.		
D/23/08/20 <u>Apologies</u> Apologies were received from Cllrs Berry and Clover.		
D/23/08/21 <u>Declaration of Members Interests & to Remind Councillors of the need to keep up to date their Register of Member's Interests and to Consider any Requests Received for Member's Dispensation</u> None noted. There were no requests for dispensation.		
D/23/08/22 <u>To Confirm the Minutes of the Meeting Held on 7th August 2023 and any Matters Arising</u> The Chairman presented the minutes of the Development & Planning Committee held on 7th August 2023 and the following was agreed: <u>D/23/08/22.01 Resolved</u> That the minutes of the Development & Planning Committee held on 7th August 2023 be adopted and signed as a true record by the Chairman of the Development & Planning Committee. There were no matters arising.		
D/23/08/23 <u>Public Open Session</u> No members of the public were present.		
D/23/08/24 <u>Impact of Newmarket Neighbourhood Plan Policies on Applications Being Considered</u> Policy 14 – Trees.		

D/23/08/25 Planning Applications

Week Commencing 31/07/2023, 07/08/2023

D/23/08/25/1 DC/23/1160/FUL - Planning application - change of use of office space (class E) to residential use (class C3) Southernwood Fordham Road Newmarket Suffolk.

A member of the public joined the meeting.

D/23/08/25.01 Resolved

The Committee requested an extension to receive an accurate plan of the site but are minded to object on the grounds of overdevelopment, inadequate car parking and requested that a comment be sought from Strategic Housing regarding social housing allocation following the increase in the number of dwellings proposed.

D/23/08/25/2 DC/23/1210/TPO - TPO/1956/012 tree preservation order - one Lime (T1 on plan) - re-pollard to previous pruning points by up to three metres 11 Halifax Way Newmarket Suffolk.

D/23/08/25.02 Resolved

The Committee actively encourages responsible tree management and does not object to this application, subject to the approval of the WSC Tree Officer.

D/23/08/25/3 DC/23/1242/TCA - Trees in a conservation area notification - ten Sycamore (0005,0007, 0008, 0009, 0010, 0011, 0013, 0014, 0017, 0020 on plan) fell - Palace House Palace Street Newmarket Suffolk.

D/23/08/25.03 Resolved

The Committee actively encourages responsible tree management and does not object to this application as the Committee recognised that Sycamore trees are poisonous to horses and requested that more suitable species be planted as replacements.

D/23/08/25/4 DC/23/1278/TCA - Trees in a conservation area notification - Three Lime (T1, T2 and T3 on plan) crown lift to 5.5 metres above ground level and remove epicormic growth; One Lime (T4 on plan) crown lift to 4.5 metres above ground level, remove epicormic growth and lateral crown reduction to western aspect by two metres Bedford Lodge Hotel 11 Bury Road Newmarket Suffolk

D/23/08/25.04 Resolved

The Committee actively encourages responsible tree management and does not object to this application, subject to the approval of the WSC Tree Officer.

D/23/08/25/5 DC/23/1253/VAR - Planning application - variation of condition 2 (approved plans) of DC/22/1699/FUL to enable amended plans for internal changes to flat 1 and flat 2 and spiral staircase to courtyard - Surrey House 41 High Street Newmarket Suffolk.

D/23/08/25.05 Resolved

The Committee objected regarding the site of the bin storage opening out onto Palace Street having a negative effect on the street scene, and the need to

preserve the special character and appearance of a designated conservation area and protect listed buildings. The Committee requested new plans for bin storage be submitted.

D/23/08/25/6 DC/23/1211/TPO - TPO032 (1960) - tree preservation order - one Walnut (on plan and within area A1 on order) lateral crown reduction on southern aspect by up to 1.5 metres and one Sweet Mock Orange (on plan and within area A1 on order) lateral reduction on southern aspect by up to one metre - 4 Meynell Gardens Newmarket Suffolk.

D/23/08/25.06 Resolved

The Committee actively encourages responsible tree management and does not object to this application, subject to the approval of the WSC Tree Officer.

D/23/08/26 Amended and Deferred Planning Applications

None noted.

D/23/08/27 Planning Appeals

It was noted that the Planning Inspector had approved the appeal for the Queensbury Lodge application, although formal notification has not yet been received from WSC.

D/23/08/19 East Cambs Planning Applications

None noted.

D/23/08/20 To Receive Results of Applications as Determined by West Suffolk and Plans Withdrawn

West Suffolk Planning Determinations received during week commencing 31/07/2023 & 07/08/2023

Applications	Description	Address	WS Decision	NTC Decision
DC/23/0743/TPO	PO 012 (1956) Tree Preservation Order - One Lime (T1 on plan, within area A1 on Order) removal of epicormic shoots from main stem and pruning for branches to allow 1.5m clearance from external fabric of building	81A Edinburgh Road Newmarket Suffolk	Approved	Objected to original plan. No objection to revised plan
DCON(E)/13/0408	Application to discharge condition 3 (lighting strategy) of DC/13/0408/OUT	Hatchfield Farm Fordham Road Newmarket Suffolk	Approved	Comments not invited
DC/22/0106/VAR	Planning application - variation of condition (2) of DC/16/1131/FUL to enable use of amended drawings for the a. two buildings to include 11 apartments and one Office unit (following demolition of existing building) b. Freestanding bicycle/bin store	Southernwood Fordham Road Newmarket	Approved	No objection
DC/23/1083/TCA	Trees in a conservation area notification - one Elm (marked with circle on plan) lateral crown reduction by 1.5 metres over Highgate lodge and crown lift to 4.5 metres above ground level over Highgate lodge pruning secondary branch structures only with a maximum finishing cut diameter of 50mm.	Highgate Lodge Snailwell Road Newmarket Suffolk	Approved	No objection

DC/23/1080/TCA	Trees in a conservation area notification - group shrub (as on plan) remove up to 2 metres overhanging boundary from rear of number 40 and encroaching the garden at number 4 pushing boundary fen	4 34 Mill Mews Mill Hill Newmarket Suffolk	Approved	No objection	
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D/23/08/21 Delegation Panel Decisions

None noted.

D/23/08/22 Licensing

None noted.

D/23/08/23 Transport

The proposed restoration of the bus service between Newmarket and Haverhill was discussed and the following was agreed:

D/23/08/32 Recommendation

That a positive response be sent to support and welcome the proposal of the restoration of the bus service between Newmarket and Haverhill.

Town Clerk was asked to invite Simon Barnett to attend a meeting to discuss restoring a direct bus route from Newmarket to Bury St Edmunds.

D/23/08/24 Planning Comments

Planning applications regarding parking and public transport links was discussed and a proposed standard of wording for future objections to developments with no parking provision will be circulated to members to be agreed at the next meeting. No response had been received from SCC Highways following a request for a discussion concerning no effective public transport links and a lack of parking provision for the town.

Cllr Yarrow joined the meeting and Cllr McHugh left the meeting.

D/23/08/25 Correspondence

Letters from members of the public regarding bus services.

M Fox – SSC Community Liaison Engineer – confirmation that the speed surveys on Freshfields and Adastral Close are booked in for 6th September 2023.

D/23/08/26 Date of Next Meeting

Monday 4th September 2023 at the Memorial Hall.

Meeting closed at 7:16 pm.

Signed _____ Date _____

Summary of Resolutions/Recommendations

Book Number 57 2023 - 2024

Minutes of Development & Planning Committee held on Monday 21st August 2023

Resolution/Recommendation	Resolution/Recommendation Wording
<u>D/23/08/25.01 Resolved</u>	The Committee requested an extension to receive an accurate plan of the site but are minded to object on the grounds of overdevelopment, inadequate car parking and requested that a comment be sought from Strategic Housing regarding social housing allocation following the increase in the number of dwellings proposed.
<u>D/23/08/25.02 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application, subject to the approval of the WSC Tree Officer.
<u>D/23/08/25.03 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application as the Committee recognised that Sycamore trees are poisonous to horses and requested that more suitable species be planted as replacements.
<u>D/23/08/25.04 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application, subject to the approval of the WSC Tree Officer.
<u>D/23/08/25.05 Resolved</u>	The Committee objected regarding the site of the bin storage opening out onto Palace Street having a negative effect on the street scene, and the need to preserve the special character and appearance of a designated conservation area and protect listed buildings. The Committee requested new plans for bin storage be submitted.
<u>D/23/08/25.06 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application, subject to the approval of the WSC Tree Officer.
<u>D/23/08/32.01 Resolved</u>	That a positive response be sent to support and welcome the proposal of the restoration of the bus service between Newmarket and Haverhill.

Blank

Application	Constraints	Case Officer	Applicant name	Ward Member	Consultation expiry date	Neighbour comment at time of printing
Weeks beginning 14 th & 21 st August						
DC/23/1341/TCA <u>Trees in a conservation area notification - ten Hornbeam (G2 on plan) fell</u> 7 Balaton Place Snailwell Road Newmarket Suffolk CB8 7YP	Conservation Area	Daniel Gospel	Rosemary Cattliff	Councillor Janne Nicholas Jarvis Councillor Michael Anderson	Fri 08 Sep 2023	no
DC/23/1342/TCA <u>Trees in a conservation area notification - 18 mixed species of Conifer and Sycamore (G1 on plan) fell</u> 7 Balaton Place Snailwell Road Newmarket Suffolk CB8 7YP	Conservation Area	Daniel Gospel		Councillor Janne Nicholas Jarvis Councillor Michael Anderson	Fri 08 Sep 2023	no
DC/23/1046/HH <u>Householder planning application - a. removal of existing garden walls adjoining house and adjacent b. remove single door on front elevation and replace with window</u> Mesnil Warren 40 Bury Road Newmarket Suffolk CB8 7BT	Conservation Area	Adam Yancy	Mr And Mrs Tim And Rachel Gredley	Councillor Rachel Hood Councillor Susan Jane Perry	Sat 16 Sep 2023	no

Development and Planning Committee

Planning Applications – West Suffolk Council

DC/23/1255/HH <u>Householder planning application - first floor side extension</u> 30 St Fabians Close Newmarket Suffolk CB8 0EJ		Gregory McGarr	Mr Alexander Andreou	Councillor Charles Peter Lynch Councillor Robert Kevin Yarrow	Wed 06 Sep 2023	no
DC/23/1312/TCA <u>Trees in a conservation area notification - one Cherry Tree (T1 on plan) - fell</u> 4 Balaton Place Snailwell Road Newmarket Suffolk CB8 7YP	Conservation Area	Daniel Gospel	Mr Mike Blake	Councillor Janne Nicholas Jarvis Councillor Michael Anderson	Wed 06 Sep 2023	no
DC/23/0938/TPO <u>TPO 004 (1994) tree preservation order - one Copper Beech (T1 on plan, T6 on Order) overall crown reduction back to previous pruning cuts and crown lift to four metres above highest ground level at the stem base</u> 7 Heasman Close Newmarket Suffolk CB8 0GR		Gregory McGarr	Mr Darren Coe	Councillor Janne Nicholas Jarvis Councillor Michael Anderson	Tue 05 Sep 2023	no
DC/23/1279/TCA <u>Trees in a conservation area notification - one Acer (T1 on plan) removal of one limb below damaged area and second limb overhanging a public footpath; four Lime (T1-T4) re-pollard</u> 1 Rous Memorial Court Old Station Road Newmarket Suffolk CB8 8EB	Conservation Area	Daniel Gospel		Councillor Rachel Hood Councillor Susan Jane Perry	Wed 06 Sep 2023	no

DC/23/1306/ADV <u>Application for advertisement consent - a. one internally illuminated menu b. internally illuminated take away sign c. one non illuminated sign written directional graphic d. one externally illuminated projection sign d. one set of halo illuminated text e. two sets of non illuminated text f. one non illuminated written roundel sign g. one internally illuminated delivery sign behind glazing</u> 75 High Street Newmarket Suffolk CB8 8NA	Conservation Area	Savannah Cobbold	Mr Rob Weller	Councillor Rachel Hood Councillor Susan Jane Perry	Wed 13 Sep 2023	no
DC/23/1262/VAR <u>Planning Application - Variation of conditions 2 (approved plans); 9 (air source heat pumps - noise control); 11 (electric vehicle charge points) of DC/20/1025/FUL</u> Plot 1 Police Station Vicarage Road Newmarket Suffolk		Amy Murray	Mr Andrew Price	Councillor Rachel Hood Councillor Susan Jane Perry	Thu 14 Sep 2023	no
DCON(E)/20/0174 <u>Application to discharge condition 11 (energy strategy compliance) of DC/20/0174/VAR</u> The Silks 69 Exning Road Newmarket Suffolk <i>This notifies the Council of proposed work or development not needing its permission. The Council will not be approving or refusing the proposal, so comments are not invited.</i>		Penny Mills	Anchor Hanover Group	Councillor Charles Peter Lynch Councillor Robert Kevin Yarrow		no

DC/23/1046/HH <u>Householder planning application - a. removal of existing garden walls adjoining house and adjacent b. remove single door on front elevation and replace with window</u> Mesnil Warren 40 Bury Road Newmarket Suffolk CB8 7BT	Conservation Area	Adam Yancy	Mr And Mrs Tim And Rachel Gredley	Councillor Rachel Hood Councillor Susan Jane Perry	Sat 16 Sep 2023	no
DC/23/1181/TPO <u>TPO 008(2019) tree preservation order - a. one Horse Chestnut (5 on plan and T2 on order) reduce two limbs above roof and gardens of adjacent property by three metres b. one Ailanthus (T7 on Order) crown lift to clear roof by 2.5 metres</u> Communal Land Abernant Drive Newmarket Suffolk CB8 0FH	Conservation Area	Gregory McGarr		Councillor Charles Peter Lynch Councillor Robert Kevin Yarrow	Sat 16 Sep 2023	no

Parish Re-Consultation

Newmarket Town Council
King Edward VII Memorial Hall
High Street
Newmarket
Suffolk
CB8 8JP

Please ask for: Daniel Gospel

Direct Line: 01284 757270

Application No. DC/23/1312/TCA

Consultation Period

Expires: 6 September 2023

22 August 2023

RE-CONSULTATION IN RESPECT OF A PLANNING PROPOSAL

PROPOSAL Trees in a conservation area notification - one Cherry Tree (T1 on plan) - fell

LOCATION 3 Balaton Place, Snailwell Road, Newmarket, Suffolk, CB8 7YP

APPLICANT Mr Mike Blake, N/A

AGENT Mr Karl James

You have been consulted previously in respect of the application noted above. The following amendments by the applicant/agent have been received:

Incorrect address should be number 3

The changes are available to view in the planning section of our website for your consideration.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZBRF0PDL2700>

Would you please let me know in writing by 6 September 2023 if you have any observations to make regarding this proposal. Please email your response to planning.help@westsuffolk.gov.uk. Any response should include the application number, the name of the Case Officer and the site location address. All responses will be posted on our website and made available for viewing by the general public. If I do not hear from you it will be assumed that you do not wish to make any representations. You will be notified details of the decision electronically.

Daniel Gospel

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EAST CAMBRIDGESHIRE DISTRICT COUNCIL



WEEKLY LIST OF PLANNING APPLICATIONS

(Alphabetically by Parish)

List produced on 25th August 2023

PLEASE NOTE: NMA and DIS applications are for information only.

Reference: 23/00799/FUL

Officer: Holly Chapman

Location: 36 Toyse Lane Burwell Cambridgeshire CB25 0DF

Date application valid: 18th August 2023

Parish: Burwell

Proposal: Construction of 2No. 1 1/2 Storey dwellings to rear of No. 36 Toyse Lane with new proposed access.
Amended application to that previously approved under application 22/00313/FUL

Applicant:

Lockmark Properties Ltd.
Studio 5
Penn Farm
Harston
Cambridge
CB23 1JZ

Agent:

Planning Direct
FAO Mr Andrew Cann
The Furnace
The Maltings
Princes Street
Ipswich
IP1 1SB

Grid Reference: 559062 267622

Reference: 23/00888/LBC

Officer: Charlotte Elston

Location: Spring Hall Newmarket Road Bottisham Cambridgeshire CB25 9BD

Date application valid: 16th August 2023

Parish: Bottisham

Proposal: Change of use of barn to events venue

Applicant:

Mr and Mrs Onuorah
C/o Agent

Agent:

CT Planning
FAO Miss Louise Hinsley
Three Spires House
Station Road
Lichfield
WS13 6HX

Grid Reference: 556647 259829

Reference: 23/00903/FUL

Officer: Richard Fitzjohn

Location: Bonnie-Rock 76 Fordham Road Soham Ely Cambridgeshire

Date application valid:

Parish:

14th August 2023

Soham

Proposal: New two storey dwelling to land adjacent to 76 Fordham Road

Applicant:

Debbie Burridge
Bonnie-Rock
76 Fordham Road
Soham
Ely
Cambridgeshire
CB7 5AL

Agent:

AHP Design Ltd
FAO Mr Leigh Graves
Unit 3
Goodwin Business Park
Newmarket
CB8 7SQ

Grid Reference: 560583 271933

Reference: 23/00695/FUL

Officer: Rachael Forbes

Location: 18C Pratt Street Soham Ely Cambridgeshire CB7 5BH

Date application valid:

Parish:

17th August 2023

Soham

Proposal: Single storey rear extension

Applicant:

Mr R Stansby
C/o Agent

Agent:

Greg Saberton Design
FAO Greg Saberton
Tom's Hole Barn
Branch Bank
Prickwillow
Ely
Cambridgeshire
CB7 4UR

Grid Reference: 559375 273486

Reference: 23/00928/FUL

Officer: Lisa Moden

Location: 16A Cheveley Road Saxon Street Newmarket Suffolk CB8 9RN

Date application valid:

Parish:

21st August 2023

Woodditton

Proposal: Construction of 1.5 storey side extension

Applicant:

Ms York
16A Cheveley Road
Saxon Street
Newmarket
Suffolk
CB8 9RN

Agent:

NP Architects
FAO Mr Nicholas Phillips
96 King Street
Cambridge
CB1 1LN

Grid Reference: 568180 259246

Reference: 23/00931/FUL

Officer: Charlotte Elston

Location: 1 Mill Close Burwell Cambridge CB25 0HL

Date application valid: 21st August 2023

Parish: Burwell

Proposal: Single storey porch extension, replacement windows and new cladding

Applicant:

Mr & Mrs Chris and Aline Clark
1 Mill Close
Burwell
Cambridge
CB25 0HL

Agent:

Workshop76 Ltd
FAO Mr Matt Lowther
15 Cage Hill
Swaffham Prior
Cambridge
CB25 0JS

Grid Reference: 559009 266351

Reference: 23/00935/TRE

Officer: Kevin Drane

Location: 5A White Hart Lane Soham Ely Cambridgeshire CB7 5JQ

Date application valid: 22nd August 2023

Parish: Soham

Proposal: T1 Cherry - Crown reduce lateral spread by approx. 2m and crown reduce in height by 1m.
T2 Acer Negundo - Crown reduce by 1.5-2m all over.
G1 3x Mixed Shrubs - Reduce in height to leave at approx. 2m above ground level.
These works are to allow more light in to the neighbouring properties.

Applicant:

Mrs Janet Martin
5A White Hart Lane
Soham
Ely
Cambridgeshire
CB7 5JQ

Agent:

SP Landscapes & Tree Contractors
FAO Mr Ian Clarke
Arbor Acre
Elms Rd
Red Lodge
Bury St Edmunds
IP28 8TD

Grid Reference: 559397 273239

Reference: 23/00936/TRE

Officer: Kevin Drane

Location: 2 Church Lane Dullingham Newmarket Suffolk CB8 9XD

Date application valid: 22nd August 2023

Parish: Dullingham

Proposal: T1 Sycamore - Crown lift to 5.2m above ground level over road and footpath only.
T2 Norway Maple - Remove lowest secondary stem back to main trunk and remove three lowest branches back to main stem over the footpath.
These works are to give clearance to passing vehicles and pedestrians.
The Norway Maple has recently lost a limb and these works are to reduce the chance of this happening again.

Applicant:

Mr Ian Chapman
2 Church Lane
Dullingham
Newmarket
Suffolk
CB8 9XD

Agent:

SP Landscapes & Tree Contractors
FAO Mr Ian Clarke
Arbor Acre
Elms Rd
Red Lodge
Bury St Edmunds
IP28 8TD

Reference: 23/00941/TPO

Officer: Kevin Drane

Date application valid: 22nd August 2023

Parish: Fordham

Location: Allen Newport Limited Walton House 31 New Path Fordham Ely

Proposal: T1 Ash - Remove/reduce split bough over outbuilding and river.
G1 Sycamores x3 - Remove low quality trees due to proximity and lean towards neighbouring properties.

Applicant:

Mr Mangell
FAO Mr P Mangell
48 High Street
Chippenham
CB7 5PR

Agent:

Grid Reference: 562820 270690

Reference: 23/00946/TPO

Officer: Kevin Drane

Date application valid: 23rd August 2023

Parish: Cheveley

Location: 62A Centre Drive Newmarket Suffolk CB8 8AW

Proposal: T1 Lime - Re-pollarded back to previous points

Applicant:

Mr John Mirris
62A Centre Drive
Newmarket
Suffolk
CB8 8AW

Agent:

Lima Tree Services
FAO Mr L Younger
14 Windmill Close
Lakenheath
Brandon
IP27 9BF

Grid Reference: 565889 262693

Decision List

Weeks commencing 14 th & 21 st August	NTC Comments
DC/23/0990/HH Householder planning application - single storey front extension 442 Nimbus Way Newmarket Suffolk CB8 7BW	
DC/23/1156/TCA Trees in a conservation area notification - one Sycamore (yellow on plan) cut back branches overhanging adjacent property by up to 1.5 metres to bounday wall Bedford House Stables 7 Bury Road Newmarket Suffolk CB8 7BX	 The Committee actively encourages responsible tree management and does not object to this application, subject to the approval of the WSC Tree Officer.
DC/23/1158/TCA Trees in a conservation area notification - one Ailanthus (T3 on plan) - remove deadwood and broken branch hanging above car park and Crown lift to clear roof by 2.5 metres Communal Land Abernant Drive Newmarket Suffolk CB8 0FH	

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29/08/2023

Newmarket Town Council 2023-2024

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Detailed Income & Expenditure by Budget Heading as at 29/08/2023

Month No: 5

Committee Report Development & Planning

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>Development & Planning</u>								
<u>209 Neighbourhood Plan</u>								
4089 Costs - Neighbourhood Plan	0	0	5,000	5,000		5,000	0.0%	
Neighbourhood Plan :- Indirect Expenditure	<u>0</u>	<u>0</u>	<u>5,000</u>	<u>5,000</u>	<u>0</u>	<u>5,000</u>	<u>0.0%</u>	<u>0</u>
Net Expenditure	<u>0</u>	<u>0</u>	<u>(5,000)</u>	<u>(5,000)</u>				
<u>210 D&P Costs</u>								
4094 Costs - Speed Surveys	0	0	500	500		500	0.0%	
D&P Costs :- Indirect Expenditure	<u>0</u>	<u>0</u>	<u>500</u>	<u>500</u>	<u>0</u>	<u>500</u>	<u>0.0%</u>	<u>0</u>
Net Expenditure	<u>0</u>	<u>0</u>	<u>(500)</u>	<u>(500)</u>				
Development & Planning :- Income	0	0	0	0			0.0%	
Expenditure	0	0	5,500	5,500	0	5,500	0.0%	
Movement to/(from) Gen Reserve	<u>0</u>	<u>0</u>						
Grand Totals:- Income	0	0	0	0			0.0%	
Expenditure	0	0	5,500	5,500	0	5,500	0.0%	
Net Income over Expenditure	<u>0</u>	<u>0</u>	<u>(5,500)</u>	<u>(5,500)</u>				
Movement to/(from) Gen Reserve	<u>0</u>	<u>0</u>						

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Townclerk

Subject: FW: Public transport wording - for D&P committee

From: Councillor Perry <councillorperry@newmarket.gov.uk>

Sent: 23 August 2023 17:14

To: Admin <admin@newmarket.gov.uk>

Subject: Public transport wording - for D&P committee

Please can you circulate the following to all members of the D&P committee.

Hi all

Please see draft form of words to respond to planning applications where a statement has been made that Newmarket has good public transport links.

Newmarket does not have good, or even adequate, public transport provision:

- There is no direct bus service into Bury St Edmunds which is a major destination for work, education and leisure.
- The most frequent services (bus and train) run hourly.
- There is no bus service on a Sunday.
- Bus services stop running early evening / late afternoon.
- The train station is on a branch line and there is poor connectivity to mainline services.
- Many bus routes are dependent on short term funding by Cambridgeshire County Council and hence cannot be guaranteed in the long term.

Many thanks and best wishes

Councillor Sue Perry (she / her)

Severals Ward

Newmarket Town Council

Council offices tel: 01638 667227

www.newmarket.gov.uk



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Townclerk

From: Christopher Knight <baldwinsgate.aud@gmail.com>
Sent: 21 August 2023 22:40
Subject: FAO the Councillors: Help Requested - National effort to protect Neighbourhood Development Plans
Attachments: Open Letter to Sir William Cash.pdf; Appeal Decision.pdf

Dear Councillor,

I'm writing to you because I believe your Parish or Town has either made, or is in the process of making, a Neighbourhood Development Plan (NDP). We wish to make you aware of a recent planning inspector's decision (see attached) to allow a housing development in Staffordshire that is in direct contravention of our "made" NDP (Chapel and Hill Chorlton, Maer and Aston, and Whitmore NDP). In his decision document, the inspector effectively nullified the NDP and we feel he erroneously applied the law with regards to the weight that the NDP carries in the planning process.

We suspect the decision will have national ramifications because if left to stand, it has set a precedent and will be quoted in all future planning applications and appeal hearings where an NDP is a factor. In effect, this constitutes an assault on local planning and we feel that the only way to remedy the situation is with a national, coordinated response from those areas that have a vested interest in their NDPs being respected. We are concerned that if not addressed, the NDPs that many have spent a lot of time and effort on will become effectively irrelevant when put to the test.

I would like to draw your attention to the attached letter that the resident's of Baldwins Gate sent to our MP, Sir William Cash. The letter sets out the reasons for our opposition to the appeal decision, and in it we ask him to intervene by bringing the matter to the attention of the Secretary of State for Levelling Up, Housing and Communities. We humbly ask that you as a Council or Neighbourhood Group consider writing to your own MP, and with some haste, to request that the matter be brought to the Secretary of State on behalf of their constituents and your own NDP. Our hope is to build some form of national pressure to respect the NDPs.

Please feel free to either use our letter as a basis, or to indeed just forward it to your own MP expressing your concern about the arguments made within it and how they will affect local constituents. It would be helpful if you can specifically request that the MP contacts the Secretary of State to ask for intervention in the matter.

Clearly we have a bias in this case, and our aim is to see the appeal decision overturned. However, this really is of greater importance and we believe it is a bit of a watershed moment. The fact that a precedent has now been set that will allow planning inspectors to effectively ignore NDPs leaves us all vulnerable to uninhibited development which will be uncontrollable at a local level.

Finally, I would appreciate it if you would let me know if you intend to write to your MP (and who your MP is), so I can keep track of how much support we are building.

Many thanks,

Chris Knight (on behalf of the signatories to the attached letter)

Sir William Cash MP
50 High Street
Stone
ST15 8AU

18 July 2023

Dear Sir William,

We the undersigned are seeking your intervention regarding a planning inspector's recent decision to allow an appeal for outline planning permission for 200 homes on greenfield land at Baldwins Gate Farm (Appeal Ref: APP/P3420/W/23/3314808, see the attached inspector's report). As a community we feel let-down by both local and national government, as well as local and national planning policy, and are deeply worried about the precedent this decision sets for the future of our village, other communities like ours and the wider British countryside.

We believe the decision to allow permission for 200 homes in Baldwins Gate represents nothing short of a failure of democracy. This planning application was unanimously rejected by a committee of elected councillors who determined that the benefit would not outweigh the harm. Their decision was then overturned at appeal by a single, unelected inspector appointed by central government. We recognise the necessity for an appeal process to facilitate the completion of projects that are unpopular locally but are of benefit to the nation as a whole. However, to acknowledge the unique contribution of local knowledge to good planning decisions, intervention by central government should ideally be reserved for cases of national importance. In all other cases locally elected planning committees should be empowered to make final decisions.

In this case the planning system has produced the decision, through the unelected inspector, that there is a requirement to build 200 homes on the best and most versatile agricultural land in Baldwins Gate. This is a small village which is displaced from any meaningful infrastructure, transport links or centres of employment. The National Planning Policy Framework (NPPF) para.105 states that "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes." Despite the inspector's insistence that the local bus service is adequate (an opinion that is in direct conflict with the first-hand experience of the local population), it certainly does not provide choice to most of the residents of Baldwins Gate. It therefore simply cannot be successfully argued that this development is required for the greater national good, and a planning system which comes to that conclusion is clearly broken. Instead of favouring the interests of the wider population by building "the right houses in the right places", the current planning system overwhelmingly favours the requirements of the developers and their preference for building on the most profitable land.

Local communities need to have confidence in the planning system. It is decisions such as this one, which is patently contrary to planning policy and to the role of local democracy in decision making, which erode and destroy public confidence in the planning system. We feel that if this decision stands, it is proof that we have merely been given the illusion of democracy, whereby we dutifully cast our votes in local elections to choose councillors to represent us, only to discover that their decisions are easily overruled.

This community embraced the Government's policy that neighbourhood planning is a statutory part of the planning system (a policy that has only been strengthened with successive revisions of the NPPF) and took the opportunity to create a Neighbourhood Development Plan (NDP). A group of volunteers spent four and a half years working on this document at great personal cost in terms of time and effort and even received grant aid from government to engage specialist consultants. It was then put to a referendum in line with policy and subsequently "made" on 21

January 2020 after an 82% vote in favour. Even after all of this, the planning inspector effectively nullified the NDP, which was the most up to date planning policy that the Borough Council had at the time. In essence, the planning inspector allowed the appeal on the basis that the local Neighbourhood Plan (the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan, see attached) is more than two years old and therefore, because the local authority states that it is unable to demonstrate a five year housing land supply, it has minimal weight. We believe this to be an erroneous interpretation and application of the law and an assault on neighbourhood planning.

We also have serious questions about the Newcastle-under-Lyme Borough Council's housing land supply, which has contributed to this decision. The population of Newcastle-under-Lyme fell by 0.5% between Census 2011 and Census 2021, yet the projections of housing need are based on inflated Office for National Statistics mid-year population projections for the inter-census years. Further, the borough claimed to have a five year housing land supply until very shortly before the opening of the public inquiry. The timing, coupled with the obvious cherry-picking of data, needs investigating. In any case, the Government's stated position is that although housing targets need to start with a number, this number should be advisory and not mandatory, and it is deeply concerning that the Government's appointed planning inspector has an opinion which is in such dissonance with their own.

We are of the opinion that the Government needs to intervene in this specific case, because the appeal decision sets a national precedent which is in direct contravention of their publicly stated intention to allow communities more influence over the future of their towns and villages. If this decision is left to stand, then we would invite the Government to publicly admit that the promises they made with the introduction of Neighbourhood Development Planning will not be honoured, and that effort spent producing an NDP as well as the cost to the public purse, will likely have been in vain.

If this appeal decision is allowed to stand, it will have significant egregious implications:

- for development in the immediate Neighbourhood Area of the Neighbourhood Plan;
- for development across the entire wider rural area of Newcastle-under-Lyme, which has now been laid open to uncontrollable development on greenfield land;
- for neighbourhood planning in the borough as a whole, including for the current 'made' neighbourhood plans and those presently being worked on.

This decision by a planning inspector, and its interpretation and application of the NPPF regarding the weight of neighbourhood plans, may well also have negative effects for neighbourhood planning across England as a whole. Developers will present it as evidence in every planning appeal that involves a Neighbourhood Plan and the Secretary of State needs to be aware that inaction in this case is a decision in itself, as it sets a precedent that will enable planning to be led by the developers rather than by local councils and communities.

We close by again requesting you to intervene by referring this egregious appeal decision for action by the Secretary of State for Levelling Up.

Yours sincerely,

Christopher Knight

G Sudirikkuge

Geoffrey Harley

Paul Catterall

Nicole Smith

Barbara Harley

Janet Catterall

Etienne Smith

Harrison Belfield

Holly Maguire

Hugo Nagel

Amy Belfield

Seevali Hewa Kirindage	Frank Murphy	Mrs Carol A Probyn
Emma Wain	Faye Rowe	James Green
Ivan Wain	Debbie Drinkwater	Lesley Murphy
Miss Sarah J Brockley	Clive Drinkwater	Bill Coddington
Kerris Joynson	Edna Drinkwater	Michael Hampton
Ms Susan Cripps	Barry Hall	Janet Hampton
Sue Keller	Ronald Newton	Ian Minshull
Calvin Morley	Marjorie Newton	Chris Meeson
Christine Herbert	Andrew Bryce	Elizabeth Meeson
Clare Dickson	Michael Baggaley	Neill Walker
Andrew Dickson	Diana Wragg	Lee Hartshorn
Tim Bigham	Mark Adams	Kate Hartshorn
Miss Joanne M Henk	Dr Manoj Popat	Michael Baston
Peter Beardwood	Brian Dunlop	Catherine Baston
Michael Hall	Fiona Boulton	Chris Johnston
Thomas Watson	David Alcock	Heather Johnston
Leoni Watson	Sue Alcock	Brian Johnson
Dave Eyre	Mr W Johnson	Jon Cooke
Amy Eyre	Mrs P Johnson	Audrey Pedley
J A Ledger	K Worrall	Julie Walker
R J Ledger	Y Worrall	Susan Johnson
Steve Lewitt	Mr J Dawson	Susan Kaminski
Janet Lewitt	Dr Julia Ibbotson	Robert Kaminski
Peter Jenkinson	Val Mayers	Peter Mulcahy
Wendy Jenkinson	Andy Mayers	K Lane
Adam Jenkinson	Lisa Clements	Rebecca Mulcahy
Zuzana Rozanska	Scott Lightfoot	Sheila Ramage
Julie Woolmer	Tim Waye	Richard Latham
Mark Woolmer	Miss Aimee Bentley	Peter Keller
Hayden Knox-Smith	Helen J Fox	Ron Hattersley
Susan Knox-Smith	E Michael Fox	Julie Wheat-Hattersley
Mark Shufflebotham	Joanna Hutton	Alexandra Wheat-Hattersley
Vicky Shufflebotham	Graham Hutton	

John Belfield

Susan Belfield

Derek Davies

Julie Davies

Audrey Stimpson

Dr Barry Mountford

Derek Smith

Susan Smith

Mark Howell

Cheryl Smith

Jude Howell

Luca Howell

Ian Joynson

Clive Ibbotson

E Coddington

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Appeal Decision

Inquiry held on 16–18 May and 23–25 May 2023

Site visit made on 23 May 2023

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2023

Appeal Ref: APP/P3420/W/23/3314808

Land at Baldwins Gate Farm, Newcastle Road, Baldwins Gate, Newcastle Under Lyme ST5 5ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Richborough Estates against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 21/01041/OUT, dated 3 November 2021, was refused by notice dated 14 October 2022.
 - The development proposed is the construction of up to 200 dwellings set within a community parkland.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the construction of up to 200 dwellings set within a community parkland at Baldwin's Gate Farm, Newcastle Road, Baldwin's Gate, Newcastle Under Lyme, ST5 5ES in accordance with the terms of the application, Ref 21/01041/OUT, dated 3 November 2021, subject to the conditions set out in the attached schedule at Annex A.

Preliminary Matters

2. The proposal has been made in outline form with all matters reserved except for access. A parameter plan and an illustrative masterplan have been provided which are indicative and I have determined these on the same basis.
3. A legal undertaking has been submitted along with this appeal which secures a number of planning obligations and I discuss these later in my decision.
4. The final sitting day of the Inquiry was 25 May. It was agreed that the signed planning obligation was to be submitted by not later than 9 June and this was subsequently provided on 5 June.

Main Issues

5. The main issues are:
 - Whether the proposed development would be in a suitable location for new housing having regard to the availability of public transport;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on best and most versatile agricultural land.

6. The decision will also consider the benefits that would arise from the proposed development and this forms part of the planning balance as set out below.

Reasons

Suitable location

7. The appeal site is located on the edge of the village of Baldwin's Gate, outside of the settlement boundary for planning policy purposes. Baldwin's Gate contains a number of existing services and facilities, and my attention was drawn to an appeal decision on an adjacent site known as the 'Meadowbank' site¹ where the Inspector had identified the village as being reasonably well served in terms of facilities and concluded that the village was a sustainable settlement. I concur with the previous Inspector's assessment as the village still contains a range of facilities including a Primary School, petrol filling station, shop, village hall, doctor's surgery and a public house. As such, there is an acceptable level of services available for meeting the majority of day-to-day needs. However, there is no dispute between the parties that the village has limited employment and retail opportunities and therefore future occupiers of the proposed development would need to access these in other higher order settlements, such as Market Drayton and Newcastle Under Lyme.
8. The Council's main concern in terms of the location of the site is with regard to public transport serving the settlement. Baldwin's Gate is principally served by the Number 64 bus service which provides access to the larger nearby settlements of Newcastle Under Lyme and Market Drayton where a range of employment, shopping and leisure opportunities can be found. The bus service provides an opportunity for existing or future residents to access employment and leisure opportunities and other convenience and comparison goods shopping which are not otherwise available in the village.
9. The submitted evidence shows that the Number 64 bus service, in common with many others nationally, has seen services reduce following the coronavirus pandemic because of lower passenger demand. At the Inquiry, it was agreed by the parties that there are 6 buses per day to Newcastle Under Lyme and Market Drayton on weekdays and 5 per day to each location on weekends. The service times indicate that potential users would be able to get the bus to Newcastle Under Lyme before 9am and return after 5pm on weekdays. However, there is currently no service that would enable residents of Baldwin's Gate to reach Market Drayton before 9am on either a weekday or a Saturday. Although there remains a reduction in off-peak services to Newcastle Under Lyme and Market Drayton compared to the pre-pandemic position, the Number 64 service would still allow same-day return trips to these settlements. The Number 64 service would enable opportunities to access employment as well as shopping and leisure facilities in Newcastle Under Lyme which are not available within the village. Although there is no service to Market Drayton before 9am, I do not find this would be harmful due to the extent of employment and services available in Newcastle Under Lyme commensurate with it being the main urban centre in the Borough.
10. The appellant has proposed a financial contribution within the submitted unilateral undertaking towards improving the number of bus services. This would result in a rise to 7 and 8 buses Monday to Friday, and 6 and 7 buses on

¹ CD11.1 – Appeal reference APP/P3420/A/14/2218530

Saturdays to Newcastle Under Lyme and Market Drayton respectively. Nevertheless, the Number 64 bus service, even with the proposed enhancements, would still not offer the level of services that were available prior to the pandemic. The proposed contribution would enable a Monday to Saturday morning commuter service to Market Drayton where there is not one currently available and this would provide a benefit to existing as well as future residents. However, as there is already the ability to undertake a daily return service to Market Drayton, I consider the extent of existing bus service provision to be acceptable in providing a genuine choice of a non-car mode of transport. As there is already a commutable service available to Newcastle Under Lyme, the contribution would not be necessary to make the development acceptable in planning terms. Furthermore, even if it were necessary, it would only support the enhancements to the service for a period of 5 years and it is unclear what may happen to the additional service beyond this period.

11. Whilst concerns were raised about the future of the bus service, evidence put forward indicates the review of the bus service has been postponed until September 2023. I therefore find no clear evidence of any imminent withdrawal or amendment to the bus timetable. As such, I can only base my findings on the evidence of bus services currently before me. In doing so, I find that future occupiers would have access to an acceptable level of bus provision for employment, shopping and leisure opportunities in Newcastle Under Lyme.
12. Turning to bus services for accessing education, a commercial bus service is available from the village for pupils attending Madeley High School. Whilst there is no evidence before me of the level of patronage of the high school bus service, the fact that it is being operated on a commercial basis would indicate there is currently sufficient patronage for it to remain operational. The appellant's evidence also demonstrates that the Number 64 bus to Newcastle Under Lyme would also allow access to Newcastle Under Lyme School and Blackfriars Academy Secondary school. The Number 64 bus utilises the main bus station as its destination which would be less convenient than a school bus which would take pupils directly to school. Using the Number 64 for schools in Newcastle Under Lyme would also require pupils to walk around 8 mins to and from the bus station. However, I do not find this would be an unreasonable walking distance. As such, this provides a further opportunity to maximise the use of non-car modes of transport to access a key service (secondary education) which is not otherwise available in the village.
13. Paragraph 105 of the National Planning Policy Framework (the Framework) states, amongst other things, that significant development should be focussed on locations which are or can be made sustainable, through offering a genuine choice of transport modes. The services and facilities available within the village would enable future occupiers to purchase a limited range of top-up supplies from the local shop, access the primary school and utilise the bus to higher order settlements. However, the appeal proposal would undoubtedly result in some additional private vehicle trips for employment, larger weekly shopping trips and leisure activities. This is because the bus services would not be able to meet every individual's particular needs nor would a bus taking a pre-defined route be able to stop directly at every conceivable major employment, shopping or leisure facility in the area. It would also be challenging to utilise the bus service to undertake a larger weekly shopping trip.

14. However, paragraph 105 of the Framework goes on to reflect the fact that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The existing bus service would enable acceptable peak-time services, weekend services and sufficient off-peak services to higher order centres. Although this level of service may be less frequent than in a larger urban area such as Newcastle Under Lyme itself, in the context of a rural village the availability of bus services from Baldwin's Gate provides the choice to utilise a non-car mode of transport.
15. The existing level of bus service would therefore provide a genuine choice for future occupiers. The Framework does not require public transport options to be as convenient as private cars, but to offer a genuine choice as well as maximising sustainable transport solutions. I am satisfied that an acceptable level of choice would be available.
16. In light of the above, I conclude that the proposal would be in a suitable location for new housing having regard to the availability of public transport. As such, it would accord with Policy SP3 of the Newcastle Under Lyme and Stoke on Trent Joint Core Spatial Strategy (2009) (the CSS) which seeks to maximise the accessibility of, amongst other things, new residential development. The proposal would also accord with paragraph 105 of the Framework in this regard for the reasons set out above.

Character and appearance

17. The appeal site is currently a working dairy farm including a farmhouse and courtyard associated with the farmstead. The appeal site also includes a large area of farmland which at the time of my visit was predominantly laid to pasture. A large mature tree is located within the centre of the site and there are several large specimen trees located on or close to the northern and western site boundaries. The site is adjacent to residential development to the east, including the site known as Meadowbanks which I refer to above. The site is bounded to the south by the A53 road which exerts visual and audible influences over the frontage of the site.
18. The Council's Landscape Character Assessment (2022) (the LCA) identifies the site as being within an area defined as settlement fringe. The LCA goes on to subdivide each character area down to a more granular character type level and the appeal site falls within Local Character Area C3 – Whitmore Ancient Redland Farmlands (LCT3). LCT3 has been identified within this assessment as having a 'medium sensitivity' to change, one of 9 character areas which have this designation in the LCA.
19. The site includes a number of features including part of the historic field pattern and a network of hedges separating the field parcels which make a positive contribution to the character of the area. These features along with the pasture land itself, the extensive inward and outward views and the openness of the landscape are features which indicate that the site would be more susceptible to change. However, the poorly integrated settlement edge arising from adjacent residential development, the limited other historic features present on the site along with the condition of hedgerows are factors that would make the landscape less susceptible to the development scenario considered by the LCA.

20. The appeal site is adjacent to residential development at Meadowbanks and Sandyfields which exert a significant visual influence over the eastern part of the site. In particular, the rear gardens, visible roof planes and domestic paraphernalia of the adjacent properties at Meadowbanks visually dominate the land to the east of the main central farm track. I therefore disagree with the Council's position that the site, as a working farm, is wholly rural. I find the eastern part of the site has a clear sense of settlement fringe due to the visual effects of the adjacent residential development and the extent of visibility.
21. The larger area of pasture to the west of the site has a distinctly more open rural character and does not experience the level of dominance resulting from the development at Meadowbanks and Sandyfields as the eastern part of the site. As such, the sense of settlement fringe to the west is lessened and consequently the impact of the proposal on the western extent of the site would be greater than that for the east. The presence of a farm might usually indicate the presence of a strong rural character, however in this specific case, I find that the influence of the adjacent settlement to the east, the A53 road, and the linear development along Madeley Road diminishes the extent of the rural character of the site. As such, I do not ascribe high value to the site within the landscape as the Council does, and I fall closer to the appellant's position of moderate.
22. The Council considers that Baldwin's Gate Farm provides a gateway characteristic to the village contributing to its sensitivity. The farm would be one of the first features visible when travelling along the A53 into Baldwin's Gate from the west. The illustrative masterplan shows that residential development would be sited to the west of the farmhouse, altering the visibility of the farmhouse and courtyard when approaching by road. The parties do not consider the residential development on Madeley Road to the west of the site to be characterised as part of the settlement. However, the linear alignment of residential properties nonetheless frame part of the western extent of the site partially impacting the ability for glimpsed views into the appeal site from the A53. The proposed block of residential development to the west of the site shown on the illustrative masterplan would obscure the farmhouse when arriving from the west. However, the proposed access roundabout in combination with the retention of the farmhouse and courtyard would nonetheless provide a gateway reference point when arriving into the village. As a result, the proposal would still provide a gateway characteristic and therefore there would be no harm in this regard.
23. The Council considers that LCT3² identifies farmsteads arranged around a loose or rectangular courtyards as being characteristic of a working rural farm which contributes to its sensitivity. Baldwin's Gate farmhouse is locally listed and the illustrative plan shows that the farmhouse would be retained along with the courtyard. The more modern milking barns and silo on site also provide visual reference points indicating the site's use. Although the appeal development would result in the older milking barns to the east of the farmhouse, the modern barns and the silo being removed, the indicative masterplan shows that the frontage of the site following the removal of these buildings and structures would be more visually open. This would allow views of the farmhouse and courtyard when travelling away from Baldwin's Gate towards the south-west on the A53. The farmhouse and courtyard would still be visually

² CD10.17 landscape proof of evidence - paragraph 4.23

distinct as historic features and thereby able to be read as a former farmstead when appreciated against the context of the proposed development. I do not therefore accept that the appeal development would diminish the legibility of the farmhouse and courtyard as the Council maintains but would still provide some visual reference to its past use. As such, the proposal would not be harmful in this respect.

24. The Council's assessment of the sensitivity of the proposal on LCT3 raised concerns that at years 0 and 15, the proposal would result in the harmful continuation of a harsh straight edge to the settlement by projecting a similar built form as per the Meadowbanks scheme. The illustrative masterplan, which could be subject to a condition for reserved matters to accord with, shows residential development in two distinct parts of the site with landscaped areas and open spaces to the north of the site. Although significant open space would be provided through the central areas of the scheme, this would be interpreted as being open space as part of a housing scheme rather than as an area of undeveloped farmland. However, the open space would nonetheless break up the residential development and would allow some views deeper into the site. Furthermore, the northern edges of the proposed residential block on the illustrative masterplan would not be completely linear, with the western block having a curved northern tip and a significant area of open space up to the site boundary. I find that these measures in combination would not result in the harmful continuation of a straight edge to the settlement. Furthermore, the Council would also have the ability to address matters relating to design and layout as part of the future consideration of reserved matters.
25. The Council considers the magnitude of change on the site from the appeal proposal to be at the highest level on their assessment scale. The proposal would introduce residential development adjacent to existing residential development. Whilst the proposal would significantly alter the character of the site, residential development would over time, experience some reduction in effect. The proposed open space and landscaping on site would become more established and serve to soften the effect of the proposal. Notwithstanding this, over the longer term there would nonetheless remain a residual level of effect by virtue of the presence of the proposed development and the permanent loss of pastureland. As a result, I do not consider the magnitude of change to be at a level of harm commensurate with the highest scale level and would fall closer to a moderate effect.
26. The appeal proposal would undoubtedly result in a significant change to the landscape. I find that the effect on the appeal site would be closer to moderate rather than large (the top of scale used by the Council) due to the existing impacts on the eastern part of the site and the presence of features demonstrating a lower level of susceptibility to change than the Council identifies. However, even a moderate effect on the appeal site at year 0 and the resultant effect at year 15 post-completion would still be at a level that would result in conflict with Policy CSP4 of the CSS which seeks to ensure that development avoids and mitigates the impact on landscape character.
27. In light of the above, the proposal would result in harm to the character and appearance of the area. It would therefore conflict with Policies CSP1 and CSP4 of the CSS, Policies N17 and N21 of the Newcastle Under Lyme Borough Council saved Local Plan (2003) (LP) and Policy NE1 of the Chapel and Hill Chorlton, Maer, Aston and Whitmore Neighbourhood Plan (2019)(NP) which

seek to avoid adverse impacts on landscape character, avoid unacceptable visual harm and the loss of landscape elements that contribute to local distinctiveness. Furthermore, it would fail to support the restoration of the landscape and ensure new development compliments the landscape setting and character of the area.

28. The proposal would also conflict with paragraph 174(b) of the Framework which seeks to recognise the intrinsic character and beauty of the countryside.

Best and Most Versatile Agricultural Land (BMVAL)

29. The appeal site is located on an area identified as being comprised of grades 2 and 3a agricultural land. Agricultural land within Grades 1, 2 and 3a are classified as being 'Best and Most Versatile Agricultural Land' (BMVAL) and paragraph 174(b) of the Framework requires recognition of the economic and other benefits of BMVAL when considering development proposals.
30. The BMVAL found at Baldwin's Gate Farm is used for pasture in connection with the existing Dairy Farm business and thereby the growing of grass rather than other crops. The BMVAL is of value to the economy as it is currently supporting the dairy industry which is part of our wider food chain. The BMVAL also performs a visual role in the rural landscape through the pastureland and this would form an 'other' benefit of BMVAL that paragraph 174(b) of the Framework requires consideration of.
31. The BMVAL identified on the Agricultural Land Classification (ALC) Extract Map³ shows the main area of best grade land (grade 2 – very good) within the holding being focussed on Baldwin's Gate farm. Despite the loss of around 11 hectares of BMVAL that would arise because of the appeal proposal, a further significant amount of land (around 77 hectares) would remain within the same landholding at Baldwin's Gate that could support dairy farming.
32. Evidence presented by the appellant demonstrates that there are parts of the appeal site which are shown on the soil maps as being grade 3 (not subdivided). Following a more detailed classification survey by the appellant, around 84% of the site was found to be consistent with grades 2 and 3a BMVAL. Although much of the land to the west of the Borough including that outside the site boundary is identified on the ALC maps as a mix of grade 2 and grade 3 land, it has not been subject to further survey. Therefore, the evidence does not indicate how much of the remaining landholding might or might not be BMVAL. However, the evidence does indicate that the quality of land found at Baldwin's Gate farm is not unusual for the west of the Borough and that many sites adjacent to communities are likely to contain a proportion of BMVAL.
33. Therefore, I do not find the Council's argument credible in regard to whether all or the bulk of BMVAL within the landholding would be lost as a result of the appeal proposal. The Council has provided no contrary evidence to suggest that the appellant's evidence from its agricultural expert is inaccurate. Furthermore, the Council state in closing submissions at paragraph 59 that they accept there will likely be areas of grade 3(a) land and even grade 2 land not identified in the ALC maps in their general vicinity.

³ CD10.11 – Appendix B

34. During the Inquiry the Council raised concerns that the loss of BMVAL would result in the closure of the dairy farm. The appellant has provided evidence to indicate that the dairy farm activity may cease in future for other reasons regardless of the outcome of this appeal. The retention of the farm for dairy uses rather than for the raising of beef cattle or other agricultural uses as a component of landscape character would have limited distinction in terms of its value. In visual terms, raising cattle for beef or for dairy would be difficult to distinguish in terms of the role that the BMVAL plays in maintaining an agricultural landscape.
35. Turning to the harm arising from the loss of BMVAL across the wider Borough, I find this would be more limited. Whilst the loss of BMVAL on the appeal site itself would be significant in isolation, the Council considers that the loss of BMVAL would not be inevitable in delivering the emerging Local Plan's housing strategy. Although the Council presented evidence to demonstrate the potential number of dwellings that could come forward through the emerging Local Plan process on land not identified as BMVAL, this was undertaken on a 'policy off' basis. Therefore, it did not reflect the fact that a number of sites presented as not being BMVAL were also within designated Green Belt or may have other policy reasons for not being appropriate.
36. Despite the extent of BMVAL that may remain in the area, the appeal proposal would nonetheless result in the loss of around 11 hectares of BMVAL (around 8 hectares of grade 2 and 3 hectares of grade 3a) on the site out of a total site area of around 13 hectares. This would represent a significant proportion of the overall site area that would be lost which would not contribute or enhance natural capital, including BMVAL that paragraph 174 of the Framework requires.
37. In light of the above, the proposal would result in some harm arising from the loss of BMVAL. As such, it would fail to accord with Policy HG1 of the NP which indicates that in order to be considered in a sustainable location, development must not, amongst other things, involve the loss of BMVAL.
38. It would also fail to accord with paragraph 174(b) of the Framework due to the effect of the loss of the BMVAL on food production and its contribution to the landscape.

Other Matters

Spatial strategy

39. Baldwin's Gate is identified in the CSS as a village within the settlement hierarchy and the appeal site would be located outside of the village envelope. Policy ASP6 of the CSS sets out the approach to locating new housing in the rural area and identifies a maximum of 900 net additional dwellings to be provided on brownfield land within the village envelopes. However, Baldwin's Gate was not identified as a settlement to accommodate any of these dwellings. Similarly, Policy H1 of the LP indicates that permission for residential development in the countryside will only be given where it is located within one of the village envelopes. Due to the proposal being located outside the village envelope, it would fail to accord with Policy ASP6 of the CSS and Policy H1 of the LP.

40. During the Inquiry the Council sought to exclude consideration of Policy HG1 of the NP as a policy for the supply of housing from the agreed position in the statement of common ground. However, Policy HG1 clearly sets out a list of policy requirements which include that housing would be supported within the village envelope or for infill housing within a built frontage. As such, I do not accept the Council's position in this regard and Policy HG1 is clearly one of the policies for the supply of housing as it provides locational guidance which would restrict residential development to particular locations. The proposal's location outside of the village envelope would therefore contradict Policy HG1 of the NP. However, due to the age of the plan being over 2 years old, the parties agree that paragraph 14 of the Framework is not engaged and the NP is not afforded any greater protection by the Framework.

Housing Land supply

41. There is agreement between the parties that the Council is currently unable to demonstrate a 5 year housing land supply of deliverable sites as required by paragraph 74 of the Framework. The Council's stated position during the Inquiry is that 4.84 years can be demonstrated. However, there is disagreement as to the extent of the shortfall, which the appellant considers to be closer to 3.66 years as a result of the inclusion of a proportion of student accommodation, the inclusion of sites where the evidence for their deliverability is questioned and the justification for the rate of windfall allowance that the Council has adopted.
42. The Council has included an allowance of 349 dwellings from student accommodation in the Borough and has provided evidence⁴ that student numbers at nearby Keele University have been rising since 2013/14. The appellant has provided evidence which indicates that plans by the University expect further rises in student numbers in future. Although the PPG does not explicitly state that it is necessary to take into account the growth in student numbers in calculating the contribution from student accommodation, such information is capable of being a valid component of an assessment of the amount of accommodation remaining or to be released into the general housing market. In the context of a rising student population, any new student accommodation provided could be outpaced by future growth in student numbers.
43. The Council's evidence shows growth in full-time students at Keele University has increased by around 1,400 students between 2013/14 and 2021/22. As such, the increasing number of students would take up the additional capacity created in student accommodation. Whilst this may limit further losses of residential accommodation in Newcastle Under Lyme for student use, in this case there is insufficient evidence to conclude whether new purpose built student accommodation would result in any meaningful contribution to housing being released back into the general housing market.
44. In relation to the disputed sites within the land supply, the proposed Care Home at Langley House, Sandy Lane, accounts for a contribution of 11 homes. I recognise that the site can provide accommodation under Class C2 of the Use Classes Order for residents with long-term need bedspaces as well as short-term respite care. However, there is no clear evidence before me that even the long-term bed spaces indicated would release a resident's home back into the

⁴ CD10.18 - figure 6 – Housing Land Supply proof of evidence

housing market as such residents may have partners or family remaining in their homes.

45. In relation to the redevelopment of the Seabridge Community Education Centre site for 55 dwellings⁵, I note that outline planning permission has been granted, that the site is in public ownership and that demolition has taken place. The existence of pre-application correspondence, whilst giving a positive indication of development aspirations for the site, does not provide sufficient evidence that there is a clear timetable for the submission of reserved matters. Furthermore, there is no indication that any progress has been made in relation to the discharge of any of the pre-commencement conditions or any agreement to confirm the delivery intentions of the development such as anticipated start on site or build-out rates which the PPG⁶ suggests.
46. The Council's windfall allowance of 93 dwellings per annum in years 4 and 5 relies upon windfall from 2016 which, according to the appellant and not disputed, included three large-scale office to residential conversions totalling 211 dwellings. However, there is no clear evidence before me that windfalls of such scale have occurred since or are likely to come forward again at a similar rate. If the windfall completions were averaged over the full period they are available (2008-2022)⁷, this would equate to around 60 dwellings per annum. Even with the inclusion of the 2016 year which contained the large office to residential conversions described above, the rate currently relied upon by the Council would be higher than the long-term average for which the completion rate is known.
47. Taking all of these points in the round, whilst there is some evidence which points to the Council's land supply shortfall being greater than their current stated position, there is insufficient evidence to conclude, even if it were necessary, on what the figure should be.

Non-designated heritage asset

48. Baldwin's Gate Farmhouse is identified as a locally listed building and thereby a non-designated heritage asset. The Farmhouse is being retained along with its courtyard barns. Whilst the proposed access road would remove one of the barns to the east of the site which has previously been altered, there would be sufficient separation between the access and the farmhouse and courtyard to avoid any adverse effect on its setting. In light of these factors, I am satisfied there would be no harm to the significance of non-designated heritage assets.

Other Material Planning Considerations

49. Concerns have been raised by interested parties that the proposal would place additional pressure on public services including on the local Doctor's surgery and on the availability of pupil places in the local Primary school. Additional school places and primary care capacity would be addressed via contributions secured by the unilateral undertaking.
50. Concerns were also raised that opportunities for wildlife would be lost. However, proposals for biodiversity net gain could be secured by the suggested conditions if I were to allow the appeal.

⁵ Council planning reference 19/00515/OUT

⁶ Paragraph: 007 Reference ID: 68-007-20190722

⁷ CD10.12 - table 6.2 - appellant's proof of evidence - Housing Land Supply

51. My attention has also been drawn to comments from Severn Trent Water which it is alleged do not relate to the appeal scheme. However, the connection of the proposal's water supply would be a matter for the water utility provider to ensure connection, whilst the approach to wastewater discharge and foul drainage could be addressed through the imposition of a planning condition to secure their details and subsequent agreement. As such, this has not altered my decision.

Planning balance

52. There is common ground between the parties that the Council cannot currently demonstrate a 5 year housing land supply. A significant amount of Inquiry time was spent debating various inclusions within the 5 year land supply. Whilst there is disagreement over the extent of the shortfall, the evidence on the shortfall is inconclusive. However, for the purposes of my decision even if I take the Council's best-case position, only 4.84 years housing land supply can be demonstrated. Where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, the policies which are most important for determining the application are deemed out of date for the purposes of paragraph 11 of the Framework. The presumption in favour of sustainable development therefore applies. For decision-taking, this means granting planning permission unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or, 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.

Benefits

53. The appeal proposal would provide a number of benefits. It would make a significant contribution to meeting housing needs in the Borough where there is currently an identified shortfall. The proposal would also provide 25% of the proposed dwellings as affordable housing in an area where there is significant unmet need for affordable housing. There are around 1,677 households on the Council's waiting list for homes and completions for affordable dwellings have not fully met this need. I therefore afford substantial weight to the provision of both market and affordable housing that would be delivered by the proposal.
54. The proposed Primary School contribution would provide additional school places, which would allow the school to become a full single form entry school rather than the current situation which has mixed age classes and thereby has a wider benefit to the school. The scheme would also provide funding for primary care at Baldwin's Gate surgery. Public open space above policy requirements would also be provided. The scheme would provide highway safety improvements albeit these are of limited weight as ensuring highway safety would be a requirement of all development.
55. The appeal proposal would result in economic benefits by virtue of the jobs created through the construction of the proposed dwellings and in the accompanying materials supply chain, albeit these would last only for the duration of the construction period. Social benefits would occur through future residents contributing to village activities and supporting the existing services within Baldwin's Gate. Environmental benefits would arise through the proposed biodiversity net gain (BNG) which the appellant identifies at around 42% for habitats and 34% for hedgerow units. This would be significantly in

excess of the Government's expectations that development secures at least a 10% increase in BNG which I afford moderate weight. Due to the scale of the proposal, I afford the economic, social and environmental benefits moderate weight.

Adverse effects of the proposed development

56. Whilst the proposal is acceptable in terms of the opportunities to utilise non-car modes of transport via the local bus service, adverse effects would still arise as a result of future residents of the proposal out-commuting by private vehicles for employment, leisure and shopping which cannot be met within the village. This is because although the use of the bus service remains a choice, there would still be future residents who will choose to use private vehicles for trips regardless of the public transport on offer.
57. As identified in the main issues, the proposal would result in harm to the character and appearance of the area. Further adverse effects would also arise due to the loss of BMVAL on the site, as well as the effect of the loss of BMVAL on the economy and its use as pastureland.
58. There would be further adverse effects as a result of the conflict with policies of the development plan in relation to the supply of housing and the spatial strategy for the area including those of the made Neighbourhood Plan.
59. Collectively, the adverse effects of the proposal are afforded moderate weight.

Conclusion

60. The appeal proposal would accord with Policy SP3 of the CSS in relation to the suitability of the location in relation to public transport. However, there would be conflict with Policies CSP1 and CSP4 of the CSS, Policies N17 and N21 of the LP and Policy NE1 of the NP in relation to the harm to the character and appearance of the area. Having regard to the findings of the LCA which identifies a moderate capacity for change, the effect of adjacent development and the extent of open space and landscaping proposed, the extent of harm would be moderate. There would also be conflict with Policy HG1 of the NP regarding the loss of BMVAL, and conflict with Policies H1 of the LP, ASP6 of the CSS and HG1 of the NP due to the location of the site outside the village envelope boundary of Baldwin's Gate. As a result, the proposed development would fail to accord with the development plan for the area when read as a whole.
61. However, having regard to the agreed position that that the Council cannot demonstrate a 5 year housing land supply, I find that the conflict with the policies for the supply of housing and the spatial strategy carries limited weight in this instance.
62. Whilst the proposal would not accord with paragraph 174(b) of the Framework in relation to the landscape impacts, it is common ground that the appeal site does not fall within any statutory or local designation relating to landscape quality. Although there would also be conflict with paragraph 174(b) in relation to the loss of BMVAL, the proposal would otherwise accord with the Framework when read as a whole.
63. The Council considers that the shortfall in housing supply will be short-lived and therefore not persistent as a result of the emerging Local Plan seeking to

rectify this position. However, the Council's timetable for the adoption of the plan appears optimistic on the basis that the pre-submission consultation period has not yet commenced and the plan has not been submitted for examination. As such, I afford limited weight to the emerging Local Plan at this time. Furthermore, any sites that may eventually be allocated through the new Local Plan to meet identified housing needs will still require progression through the development management process and thereby take some time to come on-stream. As such, the duration of the shortfall is likely to be more persistent than promoted by the Council.

64. On the other hand, the appeal proposal would result in substantial benefits in terms of the overall contribution that the dwellings would make to addressing the identified shortfall in housing land and from the contribution to meeting affordable housing needs in the Borough. The proposal would also have moderate economic, social and environmental benefits. The proposal would also provide for additional school pupil places which would support the creation of a full single form entry Primary School and is afforded moderate weight. There would also be highway safety improvements and a contribution towards bus passes for future residents, albeit these are afforded limited weight as ensuring highway safety is an expectation for all development, whilst the bus pass scheme will only be of relevance to some future occupiers.
65. Therefore, I find that the adverse effects of the proposal arising from harms to character and appearance of the area, loss of BMVAL, extent of potential out-commuting and the conflict with policies for the supply of housing and the spatial strategy are not sufficient to significantly and demonstrably outweigh the benefits as set out above.
66. I therefore conclude overall that the other material considerations arising from the substantial and other benefits justify a decision not in accordance with the development plan in this case.

Legal undertaking

67. The appeal is accompanied by a unilateral undertaking made under section 106 of the Town and Country Planning Act (1990) that would secure 25% of the dwellings as affordable housing (50 units). A contribution of £620 per dwelling would be made to primary healthcare. Contributions would also be made on a per dwelling basis to primary and secondary education utilising an agreed formula. These are all required in order to provide mitigation towards local infrastructure and are necessary to make the development acceptable.
68. As I find there would be no harm in terms of the suitability of the location having regard to public transport, the proposed sustainable travel obligation to bus service enhancements is not necessary to make the development acceptable in planning terms. The proposed contribution of £3,000 for the County Council to provide a County Monitoring Fee is necessary in order to ensure that the progress of the scheme in relation to the timing of obligations is kept under review. The monitoring fees are necessary to make the development acceptable in planning terms and fairly and reasonably related in scale and kind.
69. The undertaking includes an obligation of £10,000 towards the monitoring of a travel plan. Notwithstanding my findings in relation to the bus contribution, the travel plan is necessary in order to minimise private vehicle usage arising from

the proposal. As a result, the Travel Plan is required by condition and consequently it is necessary for this to be monitored. The travel plan monitoring fee is therefore necessary to make the development acceptable in planning terms and fairly and reasonably related in scale and kind.

70. The obligation would also provide for open space maintenance obligations and land which would accord with adopted planning policy and secure the ongoing management of the proposed open space which is necessary in order to make the development acceptable in planning terms and fairly and reasonably related in scale and kind. A proposed contribution of £100,000 towards an off-site Multi-Use Games Area (MUGA) is necessary in order to mitigate the effects of the development and accords with the Council's Open Space Strategy Supplementary Planning Guidance which reflects the Fields in Trust (FiT) guidance that developments of this scale contribute towards a MUGA.
71. Having regard to the evidence before me, including the Council's Community Infrastructure Levy (CIL) compliance statement, I am satisfied that with the exception of the bus service contributions the submitted legal undertakings are necessary to make the development acceptable, are directly related to the proposal and fairly and reasonably related in scale and kind to the development. As such, they would accord with the requirements of paragraph 57 of the Framework and Regulation 122 of the CIL Regulations (2010).

Conditions

72. I have considered the conditions included in the schedule which were discussed and updated following a round table session during the Inquiry against the tests set out at paragraph 56 of the Framework, only including those which meet those tests subject to any minor amendments for clarity, consistency and enforceability. There are a number of pre-commencement conditions necessary which the appellant has agreed to in writing as required by the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
73. In addition to the standard requirements for the identification of the approved plans, and the timing of commencement of development, a condition requiring the submission of Reserved Matters is necessary in order to provide an acceptable form of development. A condition is also required to provide a phasing plan if there is to be more than one phase of development which is necessary due to the way the site may come forward.
74. Conditions 6, 7 9 are necessary in the interests of pedestrian and highway safety. Having regard to the first main issue above, condition 8 is required in the interests of securing sustainable travel measures.
75. In order to ensure that the proposal does not result in harm to the living conditions of nearby occupiers, conditions 9, 10, 11 and 12 are necessary to secure a Construction Environmental Management Plan, to control the use of machinery and construction traffic, to secure noise and air quality mitigation measures. I have amended condition 11 to include a suitable trigger. I have also amended condition 12 to remove the costs for the requirement for the bus pass as this is not necessary. Whilst I find that the proposal would be in a suitable location having regard to available public transport, the provision of a bus pass is necessary in order to maximise the usage of the existing bus services, and is thereby necessary to make the development acceptable.

- 76. Conditions 13, 14, 15, 16 and 17 are necessary in the interests of human health in regard to contamination.
- 77. Condition 18 is required to ensure appropriate infrastructure is provided for electric vehicle charging.
- 78. Condition 19 is necessary to ensure that foul and surface water drainage details are provided. In the interests of flood risk, condition 20 is necessary to ensure that the proposed development would not result in flooding on or beyond the site.
- 79. In the interests of archaeology, condition 21 is necessary to secure a scheme of investigation, and depending on results, carry out a programme of works.
- 80. In the interests of ecology, condition 22 and 23 are necessary to secure a tree protection plan has been provided and approved, and that an arboricultural method statement has been similarly submitted and approved. Condition 26 is also necessary to ensure that biodiversity mitigation measures are secured.
- 81. Condition 24 is necessary to specify the minimum amount of open space to be provided on the site, whilst condition 25 is necessary to provide the details of the open space.

Conclusion

- 82. For the reasons given above I conclude that the appeal should be allowed.

Philip Mileham

INSPECTOR

APPEARANCES

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FOR THE APPELLANT:

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Mr Stuart Ryder BA (Hons) CMLI

Mr Adam Bennett

Mr Christopher Whitehouse BSc (Hons) MRICS – Managing Director - NextPhase

INTERESTED PARTIES:

Councillor Neil Walker – Vice Chairman, Whitmore Parish Council

Mrs Walker – Resident of Baldwin's Gate

DOCUMENTS

Appellant's opening statement

Council's opening statement

Newcastle Under Lyme Borough Council - Rural Area Topic Paper – June 2021

Copy of Decision Notice - 19/00254/FUL – Langley, Sandy Lane, Newcastle Under Lyme

Technical note No.5 – Number 64 Bus service provision

Extract of Map 33 – Proposed village envelope for Baldwin's Gate

Appellant's closing submissions

Council's closing submissions

Schedule of draft conditions – updated

Signed Unilateral Undertaking

Annex A

Schedule of Conditions

1. Details of the appearance, layout, scale and landscaping of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development hereby approved is commenced and the development shall be carried out as approved.
2. Application for approval of the reserved matters must be made to the Local Planning Authority not later than three years beginning with the date on which this permission is granted.
3. The development hereby permitted shall begin not later than the expiration of two years from the date of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with Drawing RE-BWGT-SLP-01: Site Location Plan. Any reserved matters application(s) pursuant to this outline planning permission shall be in accordance with Drawing RCH101-3502 Rev A: Parameters Plan, Drawing RE-BWGT-BP-01 Rev A: Block Plan and the principles set out in the Design and Access Statement prepared by Urban Design Box and dated November 2021.
5. If there is to be more than one phase of development, a phasing plan must be submitted as part of the reserved matters.
6. No greater than 50 dwellings hereby permitted shall be occupied until the access roundabout has been provided in accordance with Drawing No. T21558 001 Rev C, and no greater than 50 dwellings hereby permitted shall be served from the construction and first phase development access as shown on Drawing T21558.016.

The construction and first phase development access, as shown on Drawing T21558.016, shall be stopped-up to traffic on completion of the access roundabout, with the hedgerow and footway along the site frontage reinstated accordingly.

No greater than 50 dwellings hereby permitted shall be occupied until junction improvements have been undertaken for the following junctions:

- A51 Stone Road / A53 Newcastle Road Priority Junction as shown on Drawing T21558 006 Rev A
 - A51 Nantwich Road /A53 Newcastle Road (N) Priority Junction as shown on Drawing T21558 007.
7. Works for the puffin crossing on the A53 identified on Drawing Nos. T21558 001 Rev C & T21558 002 Rev B shall be completed prior to occupation of any dwelling.
 8. No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning

Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

9. Prior to the commencement of any works, a Construction Environmental Management Plan shall be submitted in writing to, and approved by, the Local Planning Authority. This shall include details of any proposed phases of construction and details relating to:
- the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase
 - the control of dust including arrangements to monitor dust emissions from the development site during the construction phase
 - measures to prevent mud deposition offsite on the highway from vehicles leaving the site including wheel wash facilities
 - a site compound with associated temporary buildings
 - the parking of vehicles of site operatives and visitors
 - the loading and unloading of plant and material; and
 - storage of plant and materials used in constructing the development.

Development shall be carried out in compliance with the approved Construction Environmental Management Plan.

10. In relation to the development hereby permitted, no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site between 1800 hours and 0700 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 1300 hours on any Saturday.
11. Prior to the occupation of the development permitted, noise mitigation measures shall be carried out in accordance with the conclusions of the Noise Assessment, Ref. 26380-04-NA-01. These shall include:
- 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.
12. Air quality mitigation measures shall be carried out in accordance with the recommendations of the Air Quality Assessment, Ref. 26380-04-AQA-01. These shall include:

- A shared pedestrian/cycle route throughout the site, connecting to the A53 in the eastern corner of the site;
- Bus stop improvements on the A53, adjacent to Sandyfields – improved shelter at the existing northbound stop, new cantilever shelter for the southbound stop, timetable information and seating;
- A new signalised pedestrian crossing of the A53 just to the south of the bus stops, to facilitate walk trips to/from the village;
- Provision of a single Adult Annual Arriva Bus Pass for the West Midlands Zone;
- Superfast broadband connectivity for each dwelling (Openreach available in the area);
- Information packs containing details such as car share schemes;
- Cycle storage for each dwelling; and
- An EV charge point for each dwelling.

13. Development shall not commence until sufficient site investigation works have been undertaken to adequately assess the nature and extent of any land contamination on the site.

Unless otherwise agreed in writing by the Local Planning Authority, the scope of site investigation works shall be submitted to, and approved in writing by, the Local Planning Authority. The works must be undertaken by competent persons and in accordance with the requirements of:

- BS10175 Investigation of Potentially Contaminated Sites - Code of Practice
- BS8576 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds.

The findings of the site investigation should be used to assess the potential risks from land contamination to:

- Human health
- Controlled water
- Property
- Ecological systems
- Archaeological sites and ancient monuments.

A report of the results of the site investigation works, together with a risk assessment should be submitted to, and approved in writing by, the local planning authority.

14. If the development is to be phased, development of each phase shall not commence until a detailed remediation scheme for that phase, to bring the site to a condition suitable for its intended use by removing unacceptable risks has been submitted to, and approved in writing by, the local planning authority. The scheme must include:

- All remediation works to be undertaken
- Proposed remediation objectives and remediation criteria
- Site management procedures

15. The approved remediation scheme for each phase must be carried out in accordance with the approved remediation statement prior to the occupation of that phase of the development, unless otherwise agreed in writing by the Local Planning Authority.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the approved remediation scheme, a verification report that demonstrates its effectiveness must be submitted to, and approved in writing by, the Local Planning Authority.

16. In the event that the development is phased, prior to occupation of each phase of the development, written confirmation that no contamination was found or suspected should be submitted to the Local Planning Authority.

In the event that contamination is found, or is suspected to be present, at the site when carrying out the approved development for each phase, then development for that phase shall be halted and the suspicion reported in writing to the local planning authority.

If required by the local planning authority, an investigation and risk assessment of the suspected land contamination must be undertaken by appropriately qualified and experienced persons and in accordance with the requirements of:

- BS10175 Investigation of Potentially Contaminated Sites - Code of Practice
- BS8576 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds
- Environment Agency guidance (Land Contamination: Risk Management)

The findings of the investigation, an appropriate risk assessment and, if required, any proposed remediation measures, together with a scheme of validation, should be submitted to, and approved in writing by, the Local Planning Authority.

If remediation is required, then the agreed works must be carried out, together with independent validation of the same (in accordance with the approved validation proposal), the report of which should be submitted to and approved in writing by, the Local Planning Authority.

17. No soils (or soil forming materials) are to be imported to the site until information on their source, the results of any soil analysis, and an assessment of their suitability for use has been submitted to and agreed in writing by the Local Planning Authority.

Prior to their import onto site, a suitable methodology for testing soils following their import and placement on the site should be submitted to and agreed in writing by the Local Planning Authority. The methodology should include:

- The sampling frequency

- Soil analysis schedules
- The criteria against which the analytical results will be assessed.

The agreed methodology shall then be carried out, the results of which should be submitted to, and approved in writing by, the Local Planning Authority.

18. Prior to the first occupation of each dwelling hereby permitted, at least 1 parking space per dwelling must be provided with a fully operational dedicated electric vehicle charging point and thereafter maintained unless otherwise agreed by the Local Planning Authority. All other parking spaces shall be provided with passive wiring to allow future charging point connection. Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections Mode 2 (on a dedicated circuit), or equivalent.
19. The development hereby permitted shall not commence until a scheme for drainage for the disposal of foul and surface water flows has been submitted to and approved by the Local Planning Authority, including plans and a timetable for its implementation, and the scheme shall be implemented in accordance with the approved details.
20. The development shall be carried out in full accordance with the approved Flood Risk Assessment, Ref. 26380-01-FRA-01 including the following measures:
 - Surface water will be conveyed, stored and treated within the proposed features on site. These will include detention basins, permeable paving and infiltration basins.
 - A total storage volume of 7987.2m³ will be available within the site-wide drainage strategy to cater for all events up to and including the 1 in 100-year plus 40% climate change design storm.
 - 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 at Manhole 2001. Given the site levels, a gravity connection can be made into Manhole 2001.
 - The disposal of foul water from Catchments 3 will be via a new proposed connection into the foul water sewer located within the new development east of the site. Given the site levels, a gravity connection can be made into the new development. If a connection can not be made foul water flows will be pumped south of the site where it will connect into the gravity system before discharging into the foul water sewer within the A53 at Manhole 2001.
 - Foul water flows generated by the existing cottage on site will outfall into the wider drainage system. The existing foul water network on site will continue to supply the existing cottage till a connection to the wider drainage system can be made.
21. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation(s) ('the Scheme') shall be submitted for the written approval of the Local Planning Authority as appropriate given the results of evaluation. If required, the Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication. The

archaeological site work shall thereafter be implemented in full in accordance with the approved written scheme of archaeological investigation.

The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the approved written scheme of archaeological investigation.

Prior to the occupation of the final dwelling on the site, provision will be made for analysis, publication and dissemination of the results, and archive deposition will be secured.

22. No development shall commence until a Tree Protection Plan in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
23. No development shall commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
24. A minimum of 5.08ha of green open space shall be provided on site.
25. No development shall take place until details of the proposed open space and children's play area to be provided have been submitted to, and approved in writing by the Local Planning Authority. Such details and scheme to include:
 - the size, location and type of open space and play area;
 - details and specifications for works and materials showing how the open space will be graded, drained, landscaped, seeded, planted, laid out and provided fit for use by the public;
 - details of the design and layout of the play area, the construction specification, the safety surfacing, materials and play equipment, demonstrating that they meet relevant European safety and disability standards, together with details of fencing, seating for supervising adults and a buffer zone landscaped with low level planting including the number and type of pieces of play equipment. These should be in general accordance with the principles shown on Drawing RCH101-SK11: Natural Play Area Proposal;
 - the future management and maintenance requirements of the open space and play area;
 - the proposed ongoing maintenance operations for the open space and play area, specifically identifying the management objective, task and the timing and frequency of the operation for all the features of the open space and play area;
 - the proposed means of funding the ongoing maintenance and management of the open space and play area in accordance with the management plan and, where one is formed, the details of the management company.

The open space and play area shall be provided and thereafter maintained and managed in accordance with the approved details and scheme.

26. Ecological and biodiversity mitigation measures shall be carried out in accordance with the mitigation and enhancement strategy outlined in Section 3 of the Ecological Assessment Ref. 13732_R02a_CA_CW and Section 3 of Bat Survey Addendum Report Ref. 13732_R04_CA_CW.

End of Schedule

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