

**APPENDIX I: Appeal Decision, Appeal Ref. APP/P3420/A/14/221830, Paragraphs 26 to 37 and 68 and Condition 4**

**Paragraph 26** “In considering the environmental impact, I turn first to the effect on the form, character and rural setting of Baldwin’s Gate. CSS Policy CSP1 requires new development to be well designed to respect the character, identity and context of the area. The Council has adopted Supplementary Design Guidance (SPD) on Urban Design which reflects the need to respond to local character. It seeks to locate new development in village envelopes, where possible, and to minimise the impact on local landscape character. One of its key aims is to create a strong green edge for rural settlements where the existing landscape character is not already high quality. Although this is an outline application with all matters reserved, apart from access, the Design and Access Statement indicates key design principles which are envisaged to form part of the proposed development.”

**Paragraph 27** “Save for a small number of older buildings, the development of Baldwin’s Gate has largely taken place in the form of small to medium sized post-War housing estates on either side of the A53. These contain predominantly detached houses and bungalows, in a variety of sizes and styles. Although the densities vary between around 9 to 22 dph, the predominant characteristic is of frontage development; in places dwellings are very closely built together. The size of the appeal site is not greatly dissimilar to the combined area of the Gateway Avenue/Sandy Fields developments, which it abuts, particularly if the proposed area of open space, which amounts to over 20% of the site area, is excluded. The proposed development of up to 113 dwellings would result in a density of up to 26 dph in the developable area and c.20 dph overall, when the proposed open space is included. This appears to me to strike an acceptable balance between reflecting the character of the village housing and making efficient use of housing land.”

**Paragraph 28** “... The Council would have control over the detailed design, form and materials of the development at reserved matters stage and I have no reason to doubt that a development of suitably high design quality could be achieved, so long as the principles set out in the Design and Access Statement are followed. This is a matter that could be controlled by way of a planning condition.”

**Paragraph 29** “CSS Policies CSP1 and CSP4 require regard to be had to the landscape and natural assets of the area. Supplementary Planning Guidance to the former Staffordshire and Stoke-on-Trent Structure Plan identified the site as being within an area of ‘Ancient Redlands’, characterised by landscapes of mixed arable and pasture farming with a rolling landform and woodlands often located on higher ground. It indicated that incongruous features include an expanding urban edge and that the potential value of new planting is very high. The site is identified as an Area of Landscape Restoration under LP Policy N21, which aims to restore the character and improve the quality of the landscape; development should not further erode the character or quality of the landscape.”

**Paragraph 30** “There can be little doubt that the proposal would be a significant encroachment of the village into what is presently open countryside. The site itself is a very gently sloping grassed field, in the valley bottom, bounded to the SE by the edge of the Gateway Avenue/ Sandy Fields development, to the NE by the West Coast main railway line and to the other boundaries by hedges with 2 trees along the SW boundary. Its main role in the landscape appears to be its openness as a foreground to distant views of the hills, when looking outward, and to the village when looking inward.”

**Paragraph 31** “Landscape and Visual Impact Assessments (LVIA) were carried out on behalf of the appellants and the Council. These included photo-montages of the impact of the development and the indicative mitigatory planting, as it might develop for up to 15 years. This is in accordance with

best practice and accords with the principle in para.58 of the NPPF that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. I have carefully examined the LVIA's and also viewed the site myself from all the vantage points suggested by the main parties and by local residents."

**Paragraph 32** "A public footpath runs within the site, alongside the railway line which here is in a shallow cutting but with very obtrusive overhead gantries. The site is also visible from a number of more distant public vantage points in the low hills that contain the valley. It is, of course, visible from Gateway Avenue, Hillview Crescent and Sandyfields and from a number of dwellings adjoining the site boundary. It was very clear at the Inquiry how much the local residents valued the landscape surrounds of their village."

**Paragraph 33** "Looking out from the village, the proposal would result in a considerable impact on the private views from the adjoining dwellings. However, the indicative layout shows that breaks in the built development could maintain visual corridors to extend the public views from the 4 culs-de-sac that lead to the site boundary out into the countryside beyond. Those walking northward out of the village along the public footpath would lose the experience of being in agricultural surroundings for the first 90m or so of entering the site but this would be mitigated to a considerable degree by the proposed landscaped area through which the footpath would pass."

**Paragraph 34** "Walking back along the public footpath towards the village from the open countryside, the present village fringe is a mix of garden vegetation, interspersed with the hard built form of dwellings adjoining the boundary and timber fences. The indicative scheme shows a landscaped perimeter around the proposed dwellings of between 20 to 50m in depth. There was much debate at the Inquiry as to the extent of woodland planting and the degree of screening. However, it appears to me that the Council would be in a position at the reserved matters stage to ensure that a landscaping scheme of appropriate character to the area was designed and implemented. Clearly it would take time for the landscaping to become effective but, in due course the proposal should lead to a more attractive village fringe than at present, consistent with the aims of the SPD."

**Paragraph 35** "From the more distant elevated vantage points to the NE and SW, the visual intrusion of the development would appear to me moderate or slight when the impact of the landscape mitigation is taken into account."

**Paragraph 36** "Accordingly, whilst there would be considerable short term visual harm caused by the new development and the temporary construction access, the proposed mitigatory planting would help to integrate the proposed development into the wider landscape without undue harm to the rural surrounds of the village."

**Paragraph 37** "Furthermore, to some degree offsetting the visual harm would be the potential improvement to the biodiversity of the site by creating more varied habitat and the provision of play facilities, with access for the whole village."

**Paragraph 68** "... It is important to my decision that the reserved matters detail should accord with the principles of the Design and Access Statement (submitted with the outline planning permission by Nicol Thomas dated August 2013)."

**Condition 4** "Any 'reserved matters' applications pursuant to this outline planning permission shall accord with the principles set out in the Nicol Thomas Design and Access Statement dated August 2013 taking into account the comments of the Highway Authority on the indicative layout received on 5th February 2014 and Pegasus drawing ref: BIR.4263\_16 1 (Appendix D5). No more than 113 dwellings shall be provided on the site."