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## Appeal Decision

Hearing held on 30 September 2025

Site visit made on 30 September 2025

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

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**Appeal Ref: APP/P3420/W/25/3369116**

**Land East of Woodside, Baldwins Gate, Newcastle-under-Lyme, Staffordshire ST5 5DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Jones Homes (North West) Limited and Renew Land Baldwins Gate Limited against the decision of Newcastle-under-Lyme Borough Council.
  - The application reference is 22/01105/FUL.
  - The development proposed is 40 dwellings with associated landscaping, car parking, drainage, and other necessary supporting infrastructure.
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### Decision

1. The appeal is allowed, and planning permission is granted for 40 dwellings with associated landscaping, car parking, drainage, and other necessary supporting infrastructure, at Land East of Woodside, Baldwins Gate, Newcastle-under-Lyme, Staffordshire ST5 5DA in accordance with the terms of the application, reference 22/01105/FUL, subject to the conditions set out in the schedule at the end of this decision.

### Preliminary Matters

2. When the application was originally submitted 52 dwellings were proposed. The scheme was however revised during the course of the Council's assessment in order to reduce impacts on peat and wet woodland. I have therefore assessed the scheme on the basis of the revised proposal for 40 dwellings.

### Main Issues

3. The main Issues are:
  - whether the site is a suitable location for the proposed development having regard to (a) access to services, facilities and employment, (b) best and most versatile agricultural land, and (c) ecology; and
  - whether the use of waste collection points would be acceptable.

### Reasons

#### *Access to services, facilities and employment*

4. The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (the Core Strategy) identifies Baldwins Gate as a village within the settlement

hierarchy within which no further growth is planned. Within this context, saved Policy H1 of the Newcastle-under-Lyme Local Plan 2011 (the Local Plan) and Policy HG1 of the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan 2019 (the Neighbourhood Plan) each restrict residential development to within the tightly drawn 'village envelope'. This partly serves the purpose of ensuring that development is sustainably located. As the site is located outside the village envelope, the appeal scheme would conflict with both policies. In this regard the Council's specific concern is that future occupants of the development would be reliant on use of private vehicles to access services, facilities and employment.

5. As the Core Strategy nears the end of its plan period, the village envelope increasingly serves to constrain development in accordance with housing figures which are out of date. Moreover, the Council's supply of deliverable housing sites (5YHLS) currently stands at just 3.08 years. These considerations act to limit the weight I can attach to the policy conflicts identified above. That said, I have been provided with no reason to believe that the settlement hierarchy is itself out of date, and seeking to achieve a sustainable distribution of development remains an objective which is consistent with the National Planning Policy Framework (the Framework).
6. With the above in mind, I note that much the same issue was previously considered by the Inspector who allowed an appeal for 200 dwellings on land at Baldwins Gate Farm in 2023. That site lies immediately to the north of the current appeal site, is similarly located outside the village envelope, and is currently in the process of being developed. In that case the Inspector found the location to be suitable, observing the existence of a range of local facilities including primary school, doctors, pub, filling station and shop, and a regular bus service to Market Drayton and Newcastle-under-Lyme. A private bus service serving a local secondary school was also noted. The Council confirmed at the Hearing that nothing has changed since 2023. All the above would be similarly accessible, and in most cases walkable from the current site. Though the day-to-day needs of future occupants of the development would not be wholly sustained in this way, they would equally not be reliant on the use of private vehicles. Within this context the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account.
7. The Council additionally confirmed at the Hearing that the cumulative effect of further growth would not affect the role of Baldwins Gate or its position within the settlement hierarchy. It might instead have the positive effect of helping to sustain local services. Though it was nonetheless claimed by interested parties that the increased population may cause overcrowding of the buses, I have been provided with no evidence regarding current bus use and capacity. I am therefore drawn to reach the same conclusion as the Inspector in the Baldwins Gate Farm appeal.
8. For the reasons outlined above I conclude that the site would be a suitable location for the proposed development having regard to access to services, facilities and employment by future occupants. Whilst conflict would nonetheless arise with the relevant parts of saved Policy H1 of the Local Plan and Policy HG1 of the Neighbourhood Plan, no unacceptable harm would be caused. The scheme would otherwise comply with Policy CSP1 of the Core Strategy which requires new development to respect the settlement pattern created by the hierarchy of centres.

For this reason, and given my findings above, I attach very limited weight to the scheme's conflict with saved Policy H1 and Policy HG1.

### *Agricultural land*

9. Policy HG1 of the Neighbourhood Plan additionally restricts development that would involve loss of best and most versatile agricultural land (BMVL). As the site contains some Grade 3a land, it falls within the scope of the policy. Grade 3a land however makes up only 22% of the site and falls within 2 separate parcels, with Grade 3b land of lesser quality between. The majority of the site does not therefore contain BMVL.
10. The land itself is pasture which has most recently been used for grazing horses. It is unclear whether it has ever been used for growing crops. Even in the event that it was, cultivating the 2 small parcels of Grade 3a land in isolation would be challenging. Cultivated as a whole, Grade 3b land would in effect form the baseline given the smaller range of crops it could support, and lesser yields it could produce. It is therefore improbable that the agricultural value and related economic benefits of BMVL within the site would ever be fully realised.
11. For the reasons outlined above I conclude that the site is an appropriate location for the proposed development having regard to its effects on BMVL. Whilst conflict would nonetheless again arise with the relevant part of Policy HG1 of the Neighbourhood Plan, no unacceptable harm would be caused. For this reason, such conflict attracts very limited weight.

### *Ecology*

12. Policy HG1 of the Neighbourhood Plan additionally restricts development where this would encroach onto or impact sensitive habitats. Policy NE1 of the Neighbourhood Plan more specifically restricts development that would affect Habitats of Principal Importance (HPI). These policies are more stringent than saved Policy N3 of the Local Plan, which, consistent with the mitigation hierarchy set out within the Framework, allows for habitat loss to be compensated. Though Policies HG1 and NE1 postdate saved Policy N3, given that the latter is more consistent with current national policy, it attracts greater weight in relation to the issues in question.
13. As demonstrated by the submitted calculations, the development would result in an overall loss of biodiversity on site. This would include some destruction of wet woodland established over an area of lowland bog which is classified as an HPI, and of high ecological value. Whilst conflict would therefore arise with Policies HG1 and NE1, insofar as the impact could not be avoided within the context of the development proposed, acceptability in relation to saved Policy N3 depends upon the delivery of compensation.
14. The scheme pre-dates the statutory requirement for mandatory biodiversity net gain (BNG). The need for compensation and the loss of biodiversity can nonetheless be addressed by requiring delivery of a measurable net gain in line with paragraphs 187 and 193 of the Framework. As the net gain proposed cannot be delivered on-site, the use of credits from a registered biodiversity gain site would be required.
15. The parties propose that a Biodiversity Gain Plan (BGP) would provide a suitable means by which to secure this. However, BGPs form part of the statutory regime,

and as the development falls outside it, none of the related requirements nor national policy governing BGPs would be directly applicable. Some uncertainty and scope for confusion thus exists. The matter could instead be addressed by requiring provision of certification that any credits required by the submitted BNG Assessment have been secured. Management of retained wet woodland, and other retained and new habitats could be separately covered by a Landscape Environmental Management Plan covering the operational lifetime of the development.

16. The site is located within a red zone for the Great Crested Newt (GCN), indicating the suitability of the habitat it contains to support this protected species. It has therefore been assumed that GCN are present, and authorisation through the District Level License (DLL) has been applied for via the Naturespace Partnership. As set out within the submitted District License Report, this process secures compensatory measures and provides authorisation of works, with the Council playing a role in the latter.
17. Naturespace has indicated that 3 planning conditions would be required in the event that the appeal was allowed. One of these conditions requires the development to be in accordance with the DLL, and another requires it to be in accordance with the conditions that the DLL imposes. But insofar as the matter is covered by separate legislation, it would be an offence for a developer to do other than comply with the terms of the DLL. There is therefore no need to impose these conditions. Required measures and working methods can however be usefully incorporated within a broader Construction Environmental Management Plan (CEMP), the need for which has been separately identified.
18. Neither main party considered the conditions sound when invited to comment at the Hearing. Though subsequent comments from Naturespace appear to have persuaded each to change their view, it remains the case that no evidence of necessity has been provided. Whilst I also acknowledge some very limited evidence that other Inspectors have imposed the conditions in the past, their rationale for having done so is unclear. My view therefore remains that the conditions are unnecessary.
19. With adjustments to improve precision, the proposed restrictive condition securing certification that required compensation has been dealt with would however be appropriate. This is because acceptability of the scheme partly depends upon compensatory measures being secured as part of the process of obtaining authorisation through the DLL, as opposed to any other route. On that basis I am satisfied that there would be no overall adverse effect on GCN.
20. The submitted Ecological Impact Assessment covers a wide range of species, many of which have not been recorded either on or close to the site. This includes such species as polecats, otters and dormice. Therefore, whilst in most cases it is highly improbable that any adverse impacts would arise, general avoidance and mitigation can be secured during the construction phase through implementation of the CEMP. Enhancements, including nesting and roosting boxes, can be separately secured by condition.
21. Interested parties have raised additional concerns regarding increases in ground level within the root protection areas (RPAs) of trees. This is required in relation to drainage, but would be at odds with the submitted arboricultural evidence which

indicates that ground levels must not change within RPAs, and that the latter are construction exclusion zones. I do not accept the appellant's suggestion that straight forward prescriptions of this kind can be interpreted in more than one way.

22. It is however apparent that some affected trees have since been felled. The appellant has also suggested satisfactory ways in which increased ground levels within RPAs could be accommodated without harm to those trees which remain. The matter could therefore be addressed by condition requiring a revised Arboricultural Impact Assessment, Method Statement and Tree Protection Plan.
23. For the reasons set out above I conclude that the site is a suitable location for the proposed development having regard to ecology. Whilst conflicts would nonetheless arise with Policies HG1 and NE1 of the Neighborhood Plan, I attach greater weight to the scheme's compliance with saved Policy N3 of the Local Plan. The scheme would otherwise comply with saved Policy N4 of the Local Plan which requires use of native species in landscaping and saved Policy N12 which requires protection of trees. Whilst Policy CSP4 of the Core Strategy is also cited within the decision notice, its relevance is questionable. This is because it sets out few criteria against which to assess development, and insofar as it does, they specifically apply to that planned and delivered through the Core Spatial Strategy.

### *Waste*

24. The decision notice sets out the Council's objection as being 'poor design in relation to bin stores'. However, the Statement of Common Ground confirms that no bin stores have been proposed. This reason for refusal is therefore irrelevant.
25. The Council has instead sought to suggest that its objection relates to inconvenience arising from use of waste collection points. As this is a matter unrelated to the design of bin stores it is in effect a new reason for refusal.
26. Whilst it might be more convenient for a householder to place a bin outside their dwelling rather than wheeling it to a collection point elsewhere, the Council has no policy or guidance which governs where bins should be collected. Waste collection is itself a matter covered by the Building Regulations.
27. The Building Regulations are a separate regime. To the extent that compliance affects design, the Building Regulations do not prohibit use of waste collection points, and the scheme layout appears to have taken relevant distances into account. The matter can therefore be appropriately addressed through Building Regulations approval. That and the above being so, I have no reason to find that the use of waste collection points would be unacceptably inconvenient.
28. For the reasons outlined above I conclude that, insofar as it is relevant, the use of waste collection points would be acceptable.

### *Conclusion on the Development Plan*

29. The scheme would conflict with saved Policy H1 of the Local Plan and Policies HG1 and NE1 of the Neighbourhood Plan as outlined above. But in each regard no unacceptable harm would arise, and I have placed very limited weight on the conflict. In relation to ecology, I have placed greater weight on the scheme's compliance with saved Policy N3 of the Local Plan than its conflict with Policies HG1 and NE1. These findings provide an indication that the proposed development would be acceptable despite its conflict with the development plan.

## **Other Matters/Considerations**

### **(a) *Other concerns***

30. A number of concerns not shared by the Council have been raised by interested parties. These include flooding and traffic, privacy and overbearing due to layout and ground levels, and harm to the character and appearance of the area. Concerns relating to flood risk have however been addressed to the satisfaction of the Lead Local Flood Authority, and traffic to the satisfaction of the Highways Authority. No conflict with local design guidance has been identified, it appears that the development would generally integrate with the form of the existing settlement, and a condition can be imposed covering materials. That being so I see no reason to reach a different view.

### **(b) *Housing land supply***

31. I have outlined the Council's 5YHLS position above. Based on my findings in relation to the main issues it is apparent that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Alongside my conclusion on the development plan above, this provides an additional indication that the scheme would be acceptable.

### **(c) *Planning obligations***

32. A range of planning obligations have been secured within a submitted Section 106 Agreement (S106). These obligations include the provision of affordable housing, and contributions towards local medical facilities, schools and provision of off-site public open space. Having regard to justification set out within the Council's CIL Compliance Statement, together with supplementary evidence, I am satisfied that the obligations contained within the S106 meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended), and paragraph 58 of the Framework.

## **Conditions**

33. A list of conditions was discussed at the Hearing, including those already considered above. Insofar as various conditions were separately proposed by Staffordshire Wildlife Trust (SWT), these were taken into account by the parties in drafting the list discussed. The topics covered by SWT are otherwise largely accommodated by Conditions (7), (11) – (13) and (15) below.
34. Conditions (1) and (2) set the time period for commencement of the development and identify the approved plans for sake of certainty.
35. Condition (3) secures certification of compensation for loss of GCN habitat under the District License as outlined above. It is written in the negative form given that certification is from an outside body.
36. Condition (4) secures a phased archaeological investigation of the site, which is required given identified potential, and in the absence of any prior investigation. The extent to which it will be necessary to progress through all phases would be governed by the nature of any archaeological evidence identified. It is necessarily a pre-commencement condition given that the process of constructing the

- development will lead to destruction of deposits.
37. Condition (5) secures design details of the surface water drainage scheme in the interest of ensuring that the site properly drains without adverse effect. It is a pre-commencement condition given the early stage at which drainage works will take place.
  38. Condition (6) secures a revised Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) which are required as outlined above. The condition is pre-commencement given that impacts to retained trees and hedges could occur from the outset of works.
  39. Condition (7) secures a CEMP in the interests of ensuring no adverse effect of construction works on wildlife and habitats including GCN. Mindful that the Council appears to use the term 'CEMP' in relation to more general construction management plans, 'ecology' is added after CEMP to minimise scope for confusion. The condition is pre-commencement given that impacts could arise from the outset.
  40. Condition (8) secures a Construction Management Plan, specifically relating to management of construction works in the interests of neighbour amenity and highway safety. The need for this to be closely aligned with the CEMP, AIA, AMS and TPP is emphasised within the condition to ensure proper coordination. The condition is pre-commencement given that impacts could again arise from the outset.
  41. Condition (9) secures provision and maintenance of visibility splays prior to the approved access being brought into use in the interest of highway safety.
  42. Condition (10) secures remedial measures in relation to any unexpected contamination in the interests of health and safety.
  43. Condition (11) secures a Landscape Environmental Management Plan through which new and existing habitats and landscaping on site will be managed in the interests of biodiversity. Though a landscape management plan has been submitted, its focus is on more general maintenance.
  44. Condition (12) secures a number of construction details in the interests of ensuring high quality design, and supporting biodiversity. There is no need for this to extend to boundary treatments given that these are already detailed on the plans.
  45. Condition (13) secures a bat sensitive lighting scheme in the interests of helping to mitigate the effects of the development on bats.
  46. Conditions (14) and (16) secure the provision of secure parking facilities for cycles and a Travel Plan in the interests of promoting sustainable travel.
  47. Condition (15) restricts occupancy of the development until it has been certified that suitable credits in a registered off-site biodiversity gain site have been secured. As outlined above, this will ensure that required compensation is delivered within the context of a gain in the interests of biodiversity.
  48. Condition (17) secures provision of vehicular parking spaces in the interests of ensuring that the development makes appropriate provision for parking.
  49. Condition (18) secures completion of roads and footpaths to a serviceable standard

prior to first occupation in the interests of highway safety and general amenity.

50. Condition (19) secures noise mitigation measures in the interests of safeguarding the living conditions of future occupants.

### **Conclusion**

51. For the reasons set out above, material considerations indicate that a decision other than accordance with the development plan is appropriate in this case. I therefore conclude that the appeal should be allowed.

*Benjamin Webb*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Proposed Site Plan: 1435-P-SITE-1.002 Rev. X
  - Site Layout Boundary Treatment Plan: 1435-P-SITE-1.003 Rev. H
  - Site Layout Materials and Hard Landscaping: 1435-P-SITE-1.004 Rev. K
  - Air Source Heat Pump Locations Plan: 1435-P-SITE-1.006 Rev. E
  - Proposed Site Plan: 1435-P-SITE-1.032 Rev. C
  - Plan and Section Northern Boundary Hedge: 1435-DEV-SECT-001 Rev. P5
  - Bentley Housetype: 1435-HT-PLAN-BENT-02
  - Birch Housetype: 1435-HT-PLAN-BIR-01 Rev. A
  - Birch/Mottram Housetype: 1435-HT-PLAN-BIR-MOTT-01
  - Bowdon Housetype: 1435-HT-PLAN-BOWD-01 Rev. B
  - Buckley Housetype: 1435-HT-PLAN-BUCK-01 Rev. A
  - Buckley Housetype (Corner Turner): 1435-HT-PLAN-BUCK-02 Rev. A
  - Buckley Housetype: 1435-HT-PLAN-BUCK-03
  - Buckley Housetype (Corner Turner): 1435-HT-PLAN-BUCK-04
  - Connaught II 'B' Housetype: 1435-HT-PLAN-CONN-II-B-01 Rev. A
  - Connaught II 'B' Housetype: 1435-HT-PLAN-CONN-II-B-02 Rev. A
  - Connaught II 'B' Housetype: 1435-HT-PLAN-CONN-II-B-03 Rev. A
  - Hollin Housetype: 1435-HT-PLAN-HOLL-01 Rev. A
  - Hollin 'B' Housetype: 1435-HT-PLAN-HOLL-02 Rev. A
  - Kendal Housetype: 1435-HT-PLAN-KEND-01 Rev. A
  - Lincoln Housetype: 1435-HT-PLAN-LINC-01 Rev. A
  - Stratton II Housetype: 1435-HT-PLAN-STRAT-01 Rev. A
  - Lincoln Housetype: 1435-HT-PLAN-LINC-01
  - Detail of SF10 & SF11 1.8m High Vertical Close Boarded Fence: 1435-P-DT-5.001

- Details of SF13 Brickwork Wall & SF17 Timber Fence: 1435-P-DT-5.002
  - Detached Single Garage: 1435-P-DT-5.003
  - Detached Double Garage: 1435-P-DT-5.004
  - Paired Single Garages: 1435-P-DT-5.005
  - Preliminary Longitudinal Sections: 6637-01-02 Rev. G
  - Banbury Housetype: 1435-HT-PLAN-BANB-01 (B)
  - Bentley 'S' Housetype: 1435-HT-PLAN-BENT 'S'-01
  - Bentley Housetype: 1435-HT-PLAN-BENT-01(B)
  - Substation Details: 1435-P-5.07(-)
  - Landscape Proposals Sheet 1 of 2: 6799.03 Rev. H
  - Landscape Proposals Sheet 2 of 2: 6799.04 Rev. H
  - Preliminary Levels Layout Sheet 1 of 2: 01-04-01 Rev. J
  - Preliminary Levels Layout Sheet 2 of 2: 04-04-02 Rev. G
- 3) No development hereby permitted shall commence until a certificate from the Delivery Partner (as set out in the District Licence WML-OR148, or any license which replaces it), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt has been submitted to the Local Planning Authority, and the Local Planning Authority has provided authorisation for the development to proceed under the District Licence.
- 4) Prior to the commencement of the development hereby permitted:
- a) a preliminary programme of archaeological investigation shall be implemented in accordance with a written scheme which has first been submitted and approved in writing by the Local Planning Authority;
  - b) a mitigation/preservation strategy which addresses the further treatment of any features of archaeological interest identified during implementation of the written scheme shall be submitted to and approved in writing by the Local Planning Authority; and
  - c) timetabled arrangements for reporting and analysis, together with archival deposition of any finds shall be submitted to and approved in writing by the Local Planning Authority.
- The approved mitigation/preservation strategy shall then be implemented, as applicable, and reporting and archival deposition of finds shall be carried out in accordance with the approved timetable.
- 5) Prior to the commencement of the development hereby permitted the detailed design of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the scheme summarised within the Flood Risk Assessment Ref. 6637/R Rev.F, shall include details of driveway drainage, and shall be accompanied by a timetable for implementation. Surface water drainage shall then be provided in accordance with the approved design and timetable.
- 6) Prior to the commencement of the development hereby permitted a revised Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) prepared in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, shall be submitted to and approved in writing by the Local

Planning Authority. The development shall then be carried out in accordance with the approved AIA, AMS and TPP.

- 7) Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan - Ecology (CEMP - Ecology) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP-Ecology shall be prepared in accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and the measures set out within the submitted Ecological Impact Assessment Ref. 25397.002. The CEMP shall include the following details:
- a) a risk assessment of potentially damaging construction activities;
  - b) identification of biodiversity protection zones;
  - c) mitigation method statements;
  - d) protected species licensing conditions/requirements;
  - e) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
  - f) the location and timing of sensitive works to avoid harm to biodiversity features, including protective fences, exclusion barriers and warning signs;
  - g) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP-Ecology, and the actions that will be undertaken;
  - h) responsible persons and lines of communication; and
  - i) the role and responsibilities on site of an ecological clerk of works or similarly competent person.

Construction of the development shall then proceed in accordance with the approved CEMP-Ecology.

- 8) Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall be fully compatible with the AIA, AMS and TPP approved in relation to Condition (6), and CEMP-Ecology approved in relation to Condition (7) and shall include details of:
- a) parking for site operatives and visitors;
  - b) areas for loading, unloading and storage of plant and materials;
  - c) details of hoardings/security fencing;
  - d) measures to control the emission of water, dust, dirt and odour;
  - e) measures to minimise light spill, noise and vibration;
  - f) waste management measures;
  - g) hours of work, including deliveries;
  - h) management of arrivals and departures including HGV routing; and
  - i) a point of public contact.

The construction phase of the development shall then proceed in accordance with the approved Construction Management Plan.

- 9) The site access hereby permitted shall not be brought into use until the visibility splays shown on the approved plans have been provided. At all times thereafter,

the visibility splays shall be retained and kept free from obstructions >600mm above the level of the adjacent highway.

- 10) If any unexpected contamination is encountered whilst implementing the development hereby permitted, this shall be immediately reported to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out, submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall then be carried out before the development is resumed or continued.
- 11) The development hereby permitted shall not proceed above slab level until a Landscape Ecological Management Plan (LEMP) produced in accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include management measures covering retained wet woodland and hedges, and new habitats and landscaping to be provided on site in accordance with the submitted Ecological Impact Assessment Ref.25397.002 and Bird and Bat Survey Report Ref.CW20-3122 Rev.3. The LEMP shall cover the operational lifetime of the development and include the following details:
- a) a description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions;
  - f) a work schedule including an annual work plan;
  - g) ongoing monitoring and remedial measures; and
  - h) identification of the body or organisation responsible for the long-term implementation of the LEMP.

The development shall then be implemented and shall thereafter be managed in accordance with the approved LEMP.

- 12) The development hereby permitted shall not proceed above slab level until:
- a) samples of all external materials/finishes to be used for construction of the approved dwellings; and
  - b) the location and type of all in-built and other bat and bird boxes to be installed, which shall otherwise be in accordance with the requirements of paragraphs 5.1.9 and 5.2.5 of the submitted Bird and Bat Survey Report Ref.CW20-3122 Rev.3;

have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall then proceed in accordance with the approved details.

- 13) The development hereby permitted shall not proceed above slab level until scheme of bat sensitive external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all external

lighting, shall be informed by the recommendations of the submitted Bird and Bat Survey Report Ref.CW20-3122 Rev.3, and shall include existing and proposed lux levels and lighting contour plans, together with operational details. External lighting shall then be installed and thereafter operated in accordance with the approved scheme.

- 14) The development hereby permitted shall not proceed above slab level until details of the provision of secure parking facilities for bicycles in relation to each dwelling have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the first occupation of each dwelling to which they relate.
- 15) The development hereby permitted shall not be occupied until the Local Planning Authority has been provided with certification that any credits in a registered off-site biodiversity gain site required to deliver the gain outlined within the Biodiversity Net Gain Assessment Ref.20281 V5.0 have been secured, that these credits meet the Net Gain requirements, and that the trading rules are met.
- 16) The development hereby permitted shall not be occupied until a Residential Framework Travel Plan (RFTP) setting out ways in which use of sustainable transport will be promoted to all new occupants of the development has been submitted to and approved in writing by the Local Planning Authority. The RFTP shall then be implemented as approved.
- 17) Prior to the first occupation of any individual dwelling hereby permitted the related vehicular parking spaces shown on the approved plans shall be provided and made available for parking. The parking spaces shall thereafter be retained and kept available for the parking of motor vehicles at all times.
- 18) Prior to the first occupation of any individual dwelling hereby permitted the roads and footpaths linking it to the public highway shall be constructed to at least base course level.
- 19) Prior to the first occupation of any individual dwelling hereby permitted all applicable noise mitigation measures as set out within the Environmental Noise Assessment Report Ref.16235865-02/R1 shall be fully implemented.

## **APPEARANCES**

### **For the Appellant**

|                  |                                          |
|------------------|------------------------------------------|
| Satnam Choongh   | (Counsel for the Appellant) No5 Chambers |
| Ian Gilbert      | (Planning) Stantec                       |
| Samantha Grange  | (Legal) Eversheds Sutherland             |
| Stuart Ireland   | (Ecology) Cura-terrae                    |
| Richard Nicholas | (Flooding) Betts Associates              |
| Kerren Phillips  | (Planning) Emerson                       |
| Iain Tavendale   | (Trees) Iain Tavendale                   |
| James Walsh      | (Engineering) Emerson                    |

### **For the Local Planning Authority**

|                |                         |
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| Rachel Killeen | Newcastle-under-Lyme BC |
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### **Interested parties**

|                                             |                         |
|---------------------------------------------|-------------------------|
| Julie Walker (including o.b.o. Neil Walker) | Whitmore Parish Council |
| Gavin Donlon                                | Local Resident          |

### **Documents presented at the Hearing**

Appeal decision APP/P3420/W/25/3363903.

Annotated photo of boundary hedge.