

**LAND SOUTH-WEST OF MUCKLESTONE ROAD, WEST OF PRICE CLOSE AND NORTH OF
MARKET DRAYTON ROAD, LOGGERHEADS
MULLER STRATEGIC PROJECTS LTD**

15/00202/OUT

The application is for outline planning permission for the erection of up to 78 dwellings. Vehicular access from the highway network to the site is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and internal access details) reserved for subsequent approval. The site is subdivided into two parcels by a stream and landscape corridor. The larger portion of the site to the south of the brook is referred to as Area 1 and the smaller area to the north is referred to as Area 2.

The application site lies on the south-west side of Mucklestone Road which is a B classified road, outside the village envelope of Loggerheads and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. The site area is approximately 3.7 hectares.

Trees within the site are the subject of Tree Preservation Order (TPO) no.147.

The 13 week period for the determination of this application expired on the 15th June 2015 but the applicant has agreed an extension to the statutory period until 3rd September 2015, provided the recommendations below are agreed.

RECOMMENDATIONS

A) Subject to

- (a) the Environmental Health Division withdrawing their previous objection to the proposal on odour nuisance grounds,**
- (b) your Officer confirming that it is appropriate to proceed on the basis of an agreement being now entered into directly between the applicant and the Education Authority securing the payment of £116,354 towards the provision of additional spaces at Madeley High School, or such sum as required by the education contributions policy (so as to avoid contravening Regulation 123 of the CIL Regulations), and such an agreement being entered in to by 28th August 2015, and**
- (c) the applicant entering into a Section 106 obligation by 28th August 2015 securing the following:**

- i. Either a maintenance contribution of a sum to be advised or a management agreement for the long-term maintenance of the open space on the site**
- ii. A contribution of £154,434 (on the basis that the development as built is for the full 78 units and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy), towards the provision of education places at St. Mary's CE Primary School, Mucklestone**
- iii. In perpetuity, provision of 25% of the dwellings as affordable units**
- iv. A contribution of £6,300 towards travel plan monitoring**

PERMIT subject to conditions concerning the following matters:

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development**
- 2. Reserved matters submissions**
- 3. Contaminated land**
- 4. Construction hours**
- 5. Construction management plan**
- 6. Waste storage and collection arrangements**
- 7. Further noise assessment**
- 8. Internal and external noise levels**
- 9. Arboricultural Impact Assessment**
- 10. Arboricultural Method Statement**
- 11. Boundary treatments**
- 12. Details of Root Protection Areas**
- 13. Landscaping scheme**
- 14. Full details of accesses**
- 15. Layout of site including disposition of buildings and provision of adequate parking and turning within the curtilage**
- 16. Travel plan**
- 17. Surface water drainage scheme**
- 18. Details of the disposal of surface water and foul sewage**
- 19. Approval of details of play facilities and timing of provision of open space and these facilities**
- 20. Any reserved matters application to comply with the Design and Access Statement**

B) Should the matters referred to in (i), (ii), (iii) and (iv) above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure the provision of adequately maintained public open space, appropriate provision for required education facilities, an appropriate level of affordable housing, and measures to ensure that the development achieves sustainable transport outcomes; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.

Reason for Recommendation

In the context of the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites given that it does not have a full and objective assessment of housing need, it is not considered appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised Rural Service Centre. Subject to the Environmental Health Division withdrawing their objection on odour nuisance grounds, the adverse impacts of the development - principally some limited local impact on the character and appearance of the area and the loss of best and most versatile agricultural land – do not significantly and demonstrably outweigh the benefits of this sustainable development which would make a significant contribution towards addressing the undersupply of housing in the Borough and the provision of affordable housing in the rural area. Accordingly permission should be granted, provided the contributions and affordable housing indicated in the recommendation are secured.

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

No amendments were considered necessary during the course of the application. Additional information has been requested and provided where necessary to progress the determination of the application.

Key Issues

1.1 Outline planning permission is sought for residential development of up to 78 dwellings. Access from the highway network (but not the internal access arrangements within the development itself) is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval. Notwithstanding this, an indicative layout has been submitted together with a Planning Statement and a Design and Access Statement. The layout plans are for illustrative purposes only and such details would be for consideration at the reserved matters stage if outline permission were granted.

1.2 The application site, of approximately 3.7 hectares in extent, is within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map, and in the open countryside outside the village envelope of Loggerheads. The site comprises two parcels of land, divided by a stream and landscape corridor which is covered by a blanket TPO.

1.3 The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications. Paragraph 215 of the NPPF states that following a 12 month period from the publication of the NPPF (i.e. post 29th March 2013) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

1.4 Reference has been made in representations to the Loggerheads Parish Council Neighbourhood Statement. This is a document produced by the Parish Council with no input from the Borough Council and although it has been through a process of consultation with the local community and gained the consensus of the community, it has not been subject to the rigorous procedures of wider consultation, justification and challenge which a Supplementary Planning Document has to go through, has not been adopted by the Borough Council, and accordingly has no formal status in the planning system so it must be considered to be of very limited weight. As referred to above, a further factor that has a bearing on what weight could be given to it is the question of how much it complies with the NPPF. It appears to your officer that it far from accords with the NPPF – for example in its approach to housing development, and its lack of an evidence based approach. It is useful as a statement of local opinion but no more.

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

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

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

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

2.1 The application site lies within the Rural Area of the Borough, outside of the village envelope of Loggerheads, in the open countryside.

2.2 Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

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

2.4 Furthermore, Policy H1 of the Local Plan indicates that planning permission for residential development will only be given in certain circumstances – one of which is that the site is within one of the village envelopes.

2.5 As indicated above this site is neither within a village envelope nor would the proposed dwellings would serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by policies of the Development Plan.

2.6 The Local Planning Authority (the LPA), by reason of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent underdelivery of housing, the LPA is required to increase the buffer to 20%. The Local Planning Authority, in the opinion of your Officer, is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF), because that it does not have a full objective assessment of housing need, and its 5 year housing land supply statement is only based on household projections.

2.7 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47). Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development and that this means, unless material considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole, or specific policies in the Framework indicate development should be restricted. The examples given of 'specific policies' in the footnote to

paragraph 14 indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

2.8 In sustainability terms, although the site is outside the village envelope of Loggerheads, it is immediately adjacent to it. Loggerheads is identified within the CSS as being one of the three Rural Service Centres which are detailed as providing the most comprehensive provision of essential local services. The Borough's Rural Services Survey (2008) which provided the evidence base for the designation, states that Loggerheads, one of the borough's larger rural settlements, "has a wide range of local services and is located within a very sustainable and accessible location along the A53". At that time it confirmed that within the village there was a post office, 2 food shops, a school, a pub, a cash point, a library and other local amenities. It went on to conclude that Loggerheads and the other settlements defined as Rural Service Centres were the best served with a wide range of local services and amenities that ensured the settlements were generally sufficiently equipped to meet the needs of the residents they served.

2.9 Currently Loggerheads has a food store, a primary school, a public house, a pharmacy, a library, a cash point, a post office, a restaurant, a takeaway, a hairdresser, a veterinary surgery and bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury.

2.10 Although this site lies outside the village envelope, it would still be relatively close to existing facilities. The centre of the site would be between approximately 500m and 600m walking distance from the village centre of Loggerheads, i.e. the food store, post office and library. The nearest bus stops are located on the A53 in the vicinity of the double mini roundabouts and fall within 400m of the site (that being the national recommended distance for a suitable walking distance from a property to a bus stop). It is the case that the occupiers of the proposed dwellings will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. Top-up shopping for example, would be obtainable from within the village and accessible from the application site by foot or cycle. The site is actually closer to such services than many of the existing properties within the Loggerheads Village Envelope boundary. Given the limitations to the bus service, it is acknowledged that accessibility to employment is likely to be primarily by car. However there is the opportunity for the use of public transport for some work and/or leisure trips and given that this is not a remote, rural location, distances to higher order settlements and facilities are relatively short. In terms of sustainability therefore, it is considered that the site is in a relatively sustainable location.

2.11 These points undoubtedly weigh in favour of a conclusion that in terms of access to some facilities and a choice of mode of transport, the site can be described as being in a sustainable location. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

2.12 The applicant states that in terms of the economic dimension, the proposal could generate a direct investment of around £7.8 million in the local construction sector, whilst indirect economic activity generated will be in the region of £22 million. These figures are based upon each dwelling representing an average of around £100,000 of construction investment and every £1 spent on construction generating a total of £2.84 in indirect economic investment.

2.13 They say that there would also be social benefits in the provision of both market and affordable housing which would contribute to meeting the housing needs of present and future generations, helping to create a mixed and inclusive community. The provision of public open space and play facilities should benefit the whole village and the influx of new residents should help support local services and contribute to the vitality of this rural community.

2.14 In terms of the environmental dimension of sustainable development, they say that the proposed development would not adversely affect the trees on the site, biodiversity or landscape quality. It is argued that the Council would have control over the detailed design, form and materials of the development and the principles of the Design and Access Statement could be controlled by way of a condition.

2.15 Whilst your officer is in no position to confirm whether the implications of the development for the economy are as suggested the development would undoubtedly create associated construction jobs and the construction of housing in the rural area in a district that does not have a five year supply of housing. The development would fulfil a social role by delivering a mix of market housing and affordable housing in the rural area, the latter which following the Ministerial Statement of 28th November 2014 can now only be expected from sites of more than 10 units in rural areas. The public open space would be able to be used by the wider population as well, but fundamentally should be seen as providing the appropriate required mitigation for the development rather than as a benefit per se. The issue of the environmental impact of the scheme will be considered fully below.

2.16 As paragraph 14 of the NPPF states, the test that has to be applied is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

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

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

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

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

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality.

3.3 Although an indicative layout has been submitted to show how the site may be developed, layout, scale and appearance are all matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail on or consider the layout submitted. Up to 78 dwellings are proposed comprising a variety of house types, which would be predominantly 2-storey but it is indicated that there may be opportunities for a limited amount of higher development to mark important views and corners. The density of the proposed scheme would be approximately 29 dwellings per hectare.

3.4 There is a mix of dwelling size and style in the area with primarily detached dwellings to the north-east of the site and a mix of both semi-detached and detached properties to the south and east. The majority of properties in the vicinity of the site are 2-storey with bungalows on Price Close to the east of the site and some 2 ½ and 3 storey houses on Hemp Mill Walk to the north.

3.5 Paragraph 58 of the NPPF states that decisions should aim to ensure that developments optimise the potential of the site to accommodate development and respond to local character and reflect the identity of local surroundings.

3.6 Section 10.5 of the Urban Design SPD states that new development in the rural area should respond to the typical forms of buildings in the village or locality. It states that in doing so, designers

should respond to the pattern of building forms that helps create the character of a settlement, for instance whether there is a consistency or variety.

3.7 It is considered that the number of dwellings indicated could be accommodated within the site satisfactorily and subject to details, would not have any significant adverse impact upon the character and appearance of the village. Given the variety of dwelling size, density and style currently in the village, it is considered that the proposed scheme, as shown on the indicative layout drawing, both respects local character and optimises the potential of the site to accommodate development. The proposed development would achieve a mix of housing types and would help to deliver a wide choice of homes and create a sustainable, inclusive and mixed community as required by the NPPF.

3.8 The main principles of the proposed design and layout of the site are outlined in the Design and Access Statement. The content of that document is considered appropriate as a basis for the reserved matters submission and therefore should planning permission be granted, a condition is recommended requiring any subsequent reserved matters applications to be in accordance with the principles of the Design and Access Statement.

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

3.10 The site comprises two pasture fields on the north and south slopes of the Tagedale Brook valley on the western edge of Loggerheads. The wooded stream course divides the two areas of the site. Supplementary Planning Guidance to the former Staffordshire and Stoke-on-Trent Structure Plan, which was adopted in 2001, identifies the site as being within a 'Sandstone Estatelands: subtype Farmland' landscape character type. It states that the area is characterised by a landscape of intensive arable farming. The SPG was used in the NLP to set policies for landscape consideration. This site is within an Area of Landscape Restoration and NLP Policy N21 states that within such an area it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

3.11 A Landscape and Visual Impact Assessment (LVIA) has been submitted to accompany the application. It identifies this area as being 'low' in quality with a policy objective of 'landscape restoration' because intensive arable farming has led to the loss of landscape elements that formerly contributed to character and quality and because it is adversely affected by the urban influence of Loggerheads. The Assessment states that the site is enclosed on three sides by surrounding dwellings and on the fourth side by tall hedgerows and a sewage treatment works. As a result, open views of the site are only obtained from the surrounding dwellings and from a short section of Mucklestone Road.

3.12 The LVIA considers that the development of housing on the site represents a minor extension to the overall settlement of Loggerheads and despite being fields at present, the site sits comfortably within the development footprint of Loggerheads without encroaching on open countryside to the west of the existing water treatment works. It concludes that this is an extension to an existing large rural settlement and inevitably occupiers of dwellings currently on the outside of the settlement will experience some loss of visual amenity. However, if the architecture and landscape treatments are appropriate to the setting, then the overall loss of visual amenity to the wider community will be minimal.

3.13 As stated in the LVIA, due to the topography of the surrounding area, views of the site would be limited to those gained from the surrounding dwellings and from a relatively short section of Mucklestone Road. Although the development would encroach into the open countryside, there is an existing dwelling in the north-western corner of the northern site and the proposal would not extend beyond the built development that currently exists to the north of Mucklestone Road. Subject to a good quality layout and design and subject to conditions regarding proposed landscaping, it is not considered that the development would have such an adverse impact on the character or quality of either the village or the wider landscape to justify a refusal.

4. Is the loss of agricultural land acceptable?

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

4.2 Best and most versatile land (BMVAL) is defined as that which lies within Grades 1, 2 and 3a. An Agricultural Land Quality Assessment based upon a field survey has been submitted with the application which concludes that the northern parcel of land (0.71ha) comprises Grade 3b agricultural land (moderate to low value) and the southern area of the site (2.9ha) comprises Grade 2 (very good quality).

4.3 A number of appeal decisions have been considered which assess the *significance of the loss* of agricultural land. In a decision relating to a housing scheme in Selsey, Chichester, where the site was mainly Grade 2 with a small amount of Grade 3a land, the Inspector considered that the weight to be attached to the issue should be towards moderate. However, it was concluded that even so, bearing in mind the modest size of the site which measured 1.75 ha, the consideration was not of sufficient force to prevent the development taking place. In another decision relating to a development of 7 dwellings at Malpas, Cheshire, the Inspector concluded that although the site might constitute Grade 1 and/or Grade 2 agricultural land, the resultant conflict with the saved Local Plan policy would be outweighed by the significant and pressing shortfall in housing land supply. In comparison to these appeals, this proposal would result in the loss of a larger amount of agricultural land.

4.4 In allowing an appeal at land off Gateway Avenue in Baldwin's Gate, the Inspector highlighted that he had no information as to whether the Council was aware of deliverable housing sites that could contribute to the shortfall in the 5 year housing supply which are on lesser quality land. Other than the very broad Land Classification Map (which indicated this site not to be BMVAL) it continues to be the case that there is no such information available.

4.5 The paragraph of the NPPF referred to above refers to 'significant' development of agricultural land but no definition of 'significant' is provided. Nonetheless, your Officer considers that it must be concluded that the loss of this land is a material consideration which weighs against the proposal. Whether this and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report.

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

5.1 Vehicular access to the development would be provided from Muckleston Road through the introduction of two simple priority controlled accesses and a dropped kerb access serving approximately three dwellings. The application includes a proposal for a 2m wide footway along the site frontage linking existing footways, and dropped kerbs and tactile paving at two points on Muckleston Road to assist pedestrian connectivity.

5.2 Concerns have been raised by residents on the grounds that the development would use the junction of Muckleston Wood Lane and the A53 at which there have been several serious accidents and many near-misses and also that the double roundabout configuration in Loggerheads at the Muckleston Road/A53/Eccleshall Road junction is hazardous. It is contended that although Muckleston Road is subject to a 30mph speed limit, many drivers exceed this. Concerns have also been raised that two access points onto Muckleston Road would result in a total of 7 junctions within a distance of only 235m.

5.3 The application is accompanied by a Transport Assessment (TA) which states that a number of junctions have been assessed and they all have sufficient spare capacity to accommodate both this development and that proposed on the Tadgedale Quarry site (Ref. 15/00015/OUT). It states that whilst the Tadgedale Quarry proposal does not yet benefit from planning permission, the traffic generated by the development of 128 dwellings has been taken into account in order to demonstrate that the local highway network will continue to operate satisfactorily with both developments in place. The TA states that visibility at the proposed accesses is acceptable and that the personal injury

accident data does not represent a material concern. It considers that the development is sustainable with good accessibility for those travelling by foot and by bicycle and is served by a good bus service. The TA concludes that:

"..there is no highway or transport related reason to withhold planning permission for the scheme and the proposed development is therefore commended for approval".

5.4 The Highway Authority (HA) has no objections to the application subject to the imposition of conditions.

5.5 The NPPF indicates (in paragraph 32) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are *severe*. Noting that the Highway Authority does not raise objections to the application, your Officer's view is that subject to the imposition of conditions the impact of the proposed development on transport grounds would not be severe and therefore an objection on such grounds could not be sustained.

5.6 The HA refers to concerns of residents regarding the A53/Eccleshall Road/Mucklestone Road double mini-roundabout junction. They state that although mitigation is offered as part of the proposed development at the Tadgedale Quarry site (Ref. 15/00015/OUT) with a controlled pedestrian crossing on the A53 (Market Drayton Road) to the west of the junction, no such improvements are proposed in relation to this application. The HA state that on the assumption that the Tadgedale Quarry development does not proceed or that it takes place after this development, such a pedestrian crossing on the A53 should be required as part of any permission granted for the development referred to in the application here being considered.

5.7 The view of the applicant's agent is that the suggested crossing would not enhance pedestrian safety in crossing the A53 because existing pedestrian flows across the A53 are on the north east (Newcastle) side of the junction via a traffic island and the new crossing would require the majority of pedestrians, to make two additional crossings- one across Mucklestone Road to reach the proposed crossing (although not residents of this particular development who would already be on the southern side of Mucklestone Road), and a second across Eccleshall Road to reach the shops and the school. The agent states that for these reasons and based on independent advice that the existing infrastructure was already compliant with highway traffic management guidelines and has sufficient capacity to take the additional traffic flows, it has been concluded by them that there are no traffic impacts that require such mitigation measures.

5.8 This matter has been discussed with the HA who have advised that a controlled pedestrian crossing on the A53 is not necessary to make the development acceptable, but rather it is, in their view, desirable. Furthermore the point that the agent makes about the inappropriate location of the suggested crossing appears justified. Taking these points into account it is not considered reasonable to require such a crossing as part of this development.

5.9 In terms of the accessibility of the site to the services within the village, the introduction of a footway along the site frontage will provide a continuous pedestrian link to the A53 and centre of Loggerheads. This will improve linkages from the site to the village, will help to reduce the requirement for residents to use their car and to ensure a sustainable development.

6. Would there be any significant impact upon any protected species?

6.1 Representations have been received stating that the development will have an adverse impact on wildlife.

6.2 An Ecological Survey submitted to accompany the application states that the majority of the site has low ecological value. The survey has assessed the potential for bats and bird breeding activity. A small number of the trees have been assessed as having some potential to support roosting bats but the risk of disturbance is negligible and so no further surveys are considered necessary.

6.3 It is not considered therefore that a refusal could be sustained on the grounds of adverse impact on protected species.

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

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

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

7.3 In relation to the existing properties, subject to careful positioning of windows it is anticipated that there would be no significant adverse impact on amenity. Within the site it is considered that adequate separation distances between plots can be achieved and that sufficient private amenity space would be provided.

7.4 Paragraph 109 of the NPPF states:

"The planning system should contribute to and enhance the natural and local environment by... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability."

7.5 The application site lies immediately to the east of the Loggerheads Village waste water treatment works (WwTW) which is operated by Severn Trent Water (STW). A Noise Assessment and an Odour Impact Assessment have been submitted to accompany the application.

7.6 With regard to the original Noise Assessment submitted, the Environmental Health Division (EHD) identified a number of inconsistencies relating to the assessment of noise from the sewage treatment works. A revised Noise Assessment has now been received which concludes that subject to recommended mitigation measures, the site is suitable for residential development. The EHD has advised that subject to conditions the proposed development is acceptable on noise grounds.

7.7 With regard to the Odour Impact Assessment, initial modelling of odour emissions identified potential negligible to slight adverse odour effects across much of the built development parts of Area 1 of the site (the land to the south of the brook), with moderate to substantial adverse impacts at locations to the immediate south and east of the WwTW. Negligible adverse effects are predicted across Area 2. The indicative proposals include a landscaped buffer alongside the boundary with the WwTW in the west of Area 1 with areas of public open space providing a further buffer zone to the built development. The Assessment asserts that although screening may not provide a mitigation option aiding the dispersion of odours, it can offer a psychological effect and minimisation of visual impacts which can reduce the potential for odours to cause annoyance to residents. It concludes that it is considered that the site is suitable for the proposed development with regards to odour considerations subject to the incorporation of an extended and enhanced landscaped area to provide a further buffer zone to the south and east.

7.8 The EHD originally objected to the proposal on the grounds that some of the proposed dwellings would be located within an area where levels of odour would be likely to give rise to pollution or significant detriment to amenity. Although it is argued that this is based on 2010 meteorological data when there were unusual weather conditions, the EHD point out that is quite possible that these conditions could return. Due to uncertainty with the model arising from assumptions made and variability in weather conditions, it was considered quite possible that these dwellings will be exposed to a moderate adverse impact. Concern was also expressed regarding additional impacts that may occur during the emptying of the sludge holding tanks.

7.9 In response to these concerns further information has very recently been received from the applicant's Air Quality Consultant. It is explained the odour modelling was undertaken using 5 years of meteorological data (2009-2013) obtained from the Met Office. An anomaly is identified in the data for

2010 as the winter of that year experienced an unusually prolonged cold period resulting in calm and stable conditions reducing dispersion. The modelling for each of the 5 years was plotted as contours of odour data and on that basis a landscape buffer zone has been included, providing a separation between the WwTW boundary and the houses. Although some of the proposed dwellings do appear to be within an area where levels of odour would be likely to give rise to pollution or significant detriment to amenity, the Consultant goes on to highlight that this is due to the 2010 'anomaly' and the reliance on 'Shawbury' data.

7.10 Additional work in the form of further modelling and site surveys has now been undertaken. Analysis of additional Met Office modelled data now obtained (known as NWP data) - that refers to the site itself - shows the 'risk area' to be significantly smaller than previously modelled. It does not extend to within the proposed built development.

7.11 The Air Quality Consultant also confirms that an additional site visit has been undertaken during the transfer of sewage sludge. This transfer was undertaken during a period of very warm weather but odours that were deemed to pose a significant adverse impact were not noted. Whilst it is acknowledged that the odours may on occasion be different to those experienced, given the short term nature and infrequent operation of the transfer process, these are not considered likely to pose a significant adverse impact on the development. It is concluded that the site is suitable for the proposed development with regard to odour considerations.

7.12 The applicant's agent confirms that they have undertaken consultation with Severn Trent Water but that they have at no stage objected to the proposals. The comments of Severn Trent Water are awaited and will be reported to Members if received.

7.13 Although no formal revised comments have been received from the EHD, they have advised informally that on the basis of the further information received they are now likely to withdraw their objection. It is anticipated that their further comments will be received shortly and a further report will be given to Members on the matter.

8. Would there be any issue of flood risk?

8.1 Concerns have been expressed by objectors referring to a history of flooding in the area and stating that the existing surface water system has no capacity to accommodate the proposed development. A Flood Risk Assessment (FRA) has been submitted to accompany the application. Although the site has low flood risk, flood risk management measures are proposed to mitigate flood risk further.

8.2 The Environment Agency states that the site is located within Flood Zone 1 which is an area with a low probability of flooding and therefore raises no objections but recommends consultation with the Lead Local Flood Authority (LLFA).

8.3 Staffordshire County Council as LLFA initially objected to the application on the grounds that further information was required to enable assessment of the flood risks. Additional information has been submitted and they now have no objections subject to a condition requiring submission of a detailed surface water drainage scheme for the site.

8.4 Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of flood risk.

9. What planning obligations are considered necessary and lawful?

9.1 The applicant has confirmed their willingness to provide 25% affordable housing and to make financial contributions towards the provision and maintenance of public open space, education provision and travel plan monitoring. These are considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the Community Infrastructure Levy Regulations. However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations

providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

9.2 Staffordshire County Council has requested an education contribution towards the provision of spaces at St Mary's CE Primary School in Mucklestone and Madeley High School. There have been no planning obligations entered into since April 2010 providing for a contribution towards St Mary's however 5 obligations have already been entered into providing for a contribution to Madeley High School. Your Officer is considering the implications of this and a further report will be given to Members on the matter.

9.3 In its consultation response, Loggerheads Parish Council states that if this application is to be considered for approval then it must contribute to the identified infrastructure and community facilities requirements set out in its Neighbourhood Statement. It then goes on to list a number of contributions and recommends a monetary sum for each. Your Officers have met with Loggerheads Parish Council who provided some background to why the particular requirements have been set out and how the monetary sums has been derived.

9.4 The list includes a number of highway related contributions but the Highway Authority does not consider that they are necessary to make the development acceptable. A contribution towards an upgrade of the electricity supply is requested but it is the case that a developer has a statutory duty to finance the electricity supply to a housing development in any event. A contribution to the upgrade of the foul and surface water system is requested but again there is a statutory requirement for the statutory undertaker to address any impact. Requests have been made by the Parish Council towards the provision of a community centre, youth facilities and sports facilities. Your Officer has sought the views of the Council's Leisure Strategy Section on this request but they have not provided any evidence of a need for such facilities to be improved. Finally, a contribution is requested towards a doctor's surgery/health centre. Your Officer has sought the views of Staffordshire Public Health on this request. Whilst their comments confirm that there is an ageing population in Loggerheads and Whitmore Ward, they have not provided any evidence of a need for improvement of the existing health facilities in the area. On the basis of the above, it is not considered that the contributions requested by Loggerheads Parish Council would comply with Section 122 of the CIL Regulations.

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

10.1 In consideration of the above points, the development would result in some limited local impact on the character and appearance of the area and there would be a loss of best and most versatile agricultural land. However, the proposal represents sustainable development and would make a significant contribution towards addressing the undersupply of housing in the Borough. It would also provide affordable housing for the rural area.. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are used, as recommended.

Policies and proposals in the approved development plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N17	Landscape Character – General Considerations
Policy N21	Areas of Landscape Restoration
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

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

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

Planning for Landscape Change – SPG to the former Staffordshire and Stoke on Trent Structure Plan

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

Relevant Planning History

None

Views of Consultees

The **Environmental Health Division** object on the grounds of an unacceptable impact from pollution from sewage odours with respect to Area 1 of the development. In the event of approval being granted conditions are recommended regarding noise levels, further noise assessment regarding noise from the sewage treatment works, contaminated land, construction management plan, protection of the highway from mud and debris, details of dust mitigation during construction and waste storage and collection arrangements.

The **Environment Agency** has no objections subject to conditions regarding contamination.

The **Landscape Development Section** is satisfied that subject to the agreement to a final layout the development can be accommodated without the loss of visually prominent TPO'd trees. Information provided in the submission shows that significant TPO'd roadside trees will not need to be removed to accommodate the access routes to the proposed development, the position of the new bridge would appear to avoid Category B trees and sufficient allowance for POS has been provided. Where

shading is identified as a potential problem it is suggested that habitable rooms face away from retained trees. Conditions are recommended requiring an arboricultural impact assessment and method statement, Root Protection Areas (RPAs) of retained trees to be shown on the proposed layout, details of all special engineering works, details of boundary treatments and full landscaping proposals. Either an appropriate play facility should be installed on-site or an appropriate contribution for off-site Public Open Space would be requested. The contribution based on 78 dwellings would be £229,554. The Public Open Space contribution would be required for Burntwood Play Area which is 590m (straight line distance) or 720m (walking distance). There would be preference for the installation of an on-site facility due to the distance of the development site from the main village facility.

The **Education Authority** states that the development falls within the catchments of St. Mary's CE (VA) Primary School (Mucklestone) and Madeley High School. Excluding the 19 RSL dwellings from secondary only, a development of 78 houses (59 at secondary level) could add 16 Primary School aged pupils and 9 High School aged pupils. Madeley High School is projected to have limited places available in one year group only. St. Mary's CE (VA) Primary School is projected to have limited places available in one year group only (excluding taking into account any demand associated with the Tadgedale Quarry development). On the basis that the Tadgedale quarry application has yet to be determined an education contribution for 14 primary school places (14 x £11,031 = £154,434) and 7 secondary school places (7 x £16,622 = £116,354) is required. This gives a total request, from the Education Authority, for an education contribution of £270,788.

The **Waste Management Section** has no comments but notes that the northern part of the development could cause access difficulties for refuse collection vehicles and would require reversing manoeuvres.

The **Highway Authority** state that modelling of the access junction and surrounding network shown in the Transport Assessment (TA) shows that they will operate within their practical capacity during peak hours in future years with the development traffic added. Vehicular access to the site will be provided from the B5026 Mucklestone Road through the introduction of two priority controlled access and a drop kerb access. The site is well located in terms of walking distance to most village services and the developer is proposing a 2m wide footway along the site frontage linking existing footways and dropped kerbs and tactile paving at two points at this location on the B5026 to assist pedestrian connectivity. No objections are raised subject to conditions regarding full details of the site access, full details of the layout of the site, submission of a travel plan and submission of a construction method statement. A £6,300 travel plan monitoring fee is required.

It is stated that concerns have been raised over the safety of the A53/Eccleshall Road/Mucklestone Road double mini roundabout junction, suggesting that it is a barrier to pedestrian movement. This has been mitigated against as part of the neighbouring proposed residential development at the Tadgedale Quarry site but not on this application. Such a proposal should be included in this application on the assumption that the proposed development on Tadgedale Quarry does not proceed or comes after this development.

The **Housing Strategy Section** states that the applicant will need to provide 25% of the dwellings for affordable housing with 60% being social rented and 40% being shared ownership. The affordable housing should not be clustered together on the development and should be sufficiently spread across the development.

Loggerheads Parish Council objects on the following grounds:

- The site notices state that the proposal "does not accord with the provisions of the Development Plan in force in the area".
- The Rural Area is at least 60% ahead of requirement thus negating the requirement for any further development in Loggerheads.
- This site is not brownfield, not within the Village Envelope of Loggerheads and is close to a village which is not a sustainable location for further development.
- The application describes the doctor's surgery in Ashley as "easily accessible by public transport". Although a bus service does pass close to the surgery it runs just once an hour and the bus stop is 650m away.

- The conclusions of the Transport Assessment that there are no highways or transport concerns is totally at odds with the experience of the Parish Council and local residents. The junction of Mucklestone Wood Lane and the A53 has resulted in several serious accidents and many near-misses and the double roundabout configuration in Loggerheads is hazardous.
- Nearly half of drivers on Mucklestone Road exceed the 30mph speed limit. There is a very active Speed Watch Group in the area and the 85th percentile is 37mph.
- The proposal for 2 access points onto Mucklestone Road would result in a total of 7 junctions within a distance of only 235m.
- The schools are consistently full and there is a lack of parking for dropping off and collecting children. That is not a sustainable situation which will deteriorate further if this application is permitted.
- Public transport will not allow people to travel to work from Loggerheads.
- There is no need for housing in Loggerheads, with an average of 100 houses for sale in the immediate area over the past 12 months. In addition, there are nearly 2000 empty houses in the Borough.
- Noise from RAF training helicopters using the adjacent Folly Wood is quite intrusive from Monday to Friday. This has been overlooked in the Acoustics Report.
- The Parish Council has had several complaints about smells and flies from the sewerage works at the rear of the site. Sniff tests undertaken in November 2014 and January 2015 in dry and cold conditions are not accurate tests given that complaints come in warm weather.
- A large area behind the bungalows in Price Close is a permanent bog.
- If this application is to be considered for approval then it must contribute to the identified infrastructure and community facilities requirements set out in the Parish Council's Neighbourhood Statement.
- There have been five major developments in Loggerheads in the recent past producing approximately 540 new houses and all that has been provided has been statutory open space and small areas of play space. There is now a backlog of provision of infrastructure and facilities which must be corrected.
- This is just one of two proposals currently being considered and the Borough Council intends to seek planning permission for its own land at Eccleshall Road and Market Drayton Road in the near future. That would potentially raise the number of new houses to more than 350. It is very important that these sites are considered collectively so that their impact can be truly evaluated.

Staffordshire County Council Flood Risk Team has no objections subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme for the site.

Staffordshire Public Health states that it is important to consider current and long-term demographic changes in the population to ensure that services appropriately meet the needs of local residents. For Loggerheads and Whitmore Ward a key demographic feature is the ageing population and living in a rural area can present difficulties in accessing services. The significantly higher proportion of residents aged 75+ and 85+ who are living in the ward and the significantly higher proportion of these age groups providing unpaid care indicates need for local and accessible health and social care services for the ageing population. This ageing population indicates the need for planning to consider ageing, including the design and planning of local areas – suitable housing, age-friendly environments, accessible outdoor spaces and building design.

No comments have been received from the **Crime Prevention Design Advisor**. Given that the period for comments has ended it could be assumed that he has no comments to make upon the proposals.

The comments of **Severn Trent Water** are awaited.

Representations

Approximately 100 letters of objection have been received. A summary of the objections made is as follows:

- The development would be outside of the village envelope.
- The village is not well served by public transport and most journeys are by car. As such the proposal is wholly unsustainable.
- The road network serving Loggerheads is already substandard and any significant increase in traffic would exacerbate this. The mini-roundabouts are notoriously dangerous and further traffic would further risk the safety of residents.
- The local primary schools have reached capacity and there is no secondary school.
- The offensive smells and fly infestations from the sewage farm would be increased.
- The Ashley Doctor's surgery has reached its capacity.
- The car parking at the local shops has reached capacity and further vehicles would cause problems with health and safety regulations and would make it more hazardous for pupils walking to school.
- There is a large stock of available housing – there is no shortage.
- Loggerheads is lacking in facilities.
- There are 1800 vacant properties in the Borough and a number of brownfield sites in the town that would lend themselves to residential development.
- The bus service is infrequent and unreliable.
- The electricity supply system has been overloaded for years.
- Loggerheads lacks community facilities for all ages.
- The current telephone and broadband availability are struggling to keep up with demand.
- Impact on privacy.
- Impact on views.
- Impact on the character of the site.
- Impact on wildlife including owls.
- Job opportunities are limited.
- There is a history of flooding and the capacity of both the surface water and foul sewer systems need to be updated and enlarged.
- The area is the site of the Battle of Blore Heath.
- The site is close to an intensive chicken unit with the associated smells, noise, dust and flies.
- Impact on property values
- The Loggerheads Parish Plan does not include this site for development.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Planning Statement
- Design and Access Statement
- Assessment of Housing Land Supply
- Noise and Vibration Assessment
- Odour Impact Assessment
- Phase I Desk Study
- Flood Risk and Drainage Strategy
- Archaeology Heritage Assessment
- Arboricultural Report
- Landscape and Visual Appraisal
- Habitat Survey and Ecological Appraisal
- Transport Assessment
- Travel Plan
- Agricultural Land Classification Report

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1500202OUT

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

8 July 2015