

**LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD  
AND NORTH WEST OF LOWER ROAD, HOOK GATE  
DESIGN CONSTRUCTION MANAGEMENT SERVICES LTD 15/00448/OUT**

The Application is for outline planning permission for the erection of up to 16 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 application site lies within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. It comprises three fields and is approximately 1.13 hectares in total.

**The 13 week period for the determination of this application expires on 2<sup>nd</sup> September 2015.**

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## **RECOMMENDATION**

**A). Subject to your Officer confirming that the submitted Unilateral Undertaking secures the required planning obligations, or if that is not so, subject to applicant entering into a further appropriately worded Section 106 obligation by 28<sup>th</sup> August 2015 securing the following:**

- i. A contribution of £2,943 per dwelling for the improvement and development of the Burntwood View/Hugo Way play area and open space**
- ii. A contribution of £33,244 (on the basis that the development as built is for the full 16 dwellings and of the type indicated) towards the provision of education places at Madeley High School**
- iii. In perpetuity, provision of 25% of the dwellings as affordable units**

**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. Implementation of recommendations of noise assessment**
- 5. Construction hours**
- 6. Construction management plan**
- 7. Waste storage and collection arrangements**
- 8. Arboricultural Impact Assessment**
- 9. Arboricultural Method Statement**
- 10. Tree Protection Plan**
- 11. Boundary treatments**
- 12. Landscaping scheme to include retention of existing trees and hedgerows**
- 13. Layout of site including disposition of buildings and provision of adequate parking, turning and servicing within the curtilage**
- 14. Completion of accesses**
- 15. Provision of visibility splays**
- 16. Widening of the carriageway on Pinewood Road and provision of 2m wide footway on both Pinewood Rd and Lower Road**
- 17. Provision of dropped kerb pedestrian crossings**
- 18. Closure of existing access crossings made redundant**
- 19. Surface water drainage scheme**
- 20. Dwellings to be a maximum of 2 storeys**
- 21. Retention of hedgerows that currently divide the site into 3**

**B) Should the matters referred to in (i), (ii), and (iii) above not be secured by 28<sup>th</sup> August 2015, 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, and an appropriate level of affordable housing; 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. The adverse impact of the development - principally some limited local impact on the character and appearance of the area – do not significantly and demonstrably outweigh the benefits of this relatively sustainable development which would make a contribution towards addressing the undersupply of housing in the Borough and the provision of some 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 16 dwellings. Access from the highway network (but not the internal access 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 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 1.13 hectares in extent, is within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Loggerheads. Contrary to the view expressed in many representations, the site is not within the Green Belt.

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 best and most versatile agricultural land lost as a result of the proposal?
- 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 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?

2.0 Is the principle of residential development on the site acceptable?

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 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 seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

2.5 As indicated above this site is not within a village envelope nor would the proposed dwellings serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by housing policies in 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 as a whole, or specific policies in the Framework indicate development should be restricted.

2.8 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.

2.9 The site lies approximately 790m from the village envelope of Loggerheads which 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.

2.10 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 a bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury.

2.11 Although this site lies outside the village envelope, it would still be relatively close to existing facilities. The village centre of Loggerheads, i.e. the food store, post office and library, would be approximately 900m walking distance from the site, and the primary school – often a key destination for pedestrians – is quite a bit closer. The nearest bus stop is located on Eccleshall Road adjacent to the site frontage which provides a limited service to such locations as Stafford and Market Drayton. The bus stops in Loggerheads which provide an hourly service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury, are located on the A53 in the vicinity of the double mini roundabouts. These bus stops would be approximately 950m from the site and therefore fall outside of the 400m national recommended distance for a suitable walking distance from a property to a bus stop). However, 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 some 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.

2.12 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.

2.13 In terms of the implications of the development on the economy, 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 issue of the environmental impact of the scheme will be considered fully below.

2.14 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.

### 3.0 Would the proposed development have a significant adverse impact on the character and appearance of the area?

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 16 dwellings are proposed, and it is suggested within the Design and Access Statement that the dwellings would comprise a mix of two and three storey houses. The density of the proposed scheme would be approximately 17.7 dwellings per hectare.

3.4 There is a mix of dwelling size and style in the area. There are primarily detached bungalows to the north on Heathcote Avenue and Birch Rise, relatively modern detached two-storey properties to the south-west on the opposite side of Eccleshall Road as well as some more traditional two-storey cottages in the vicinity.

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. Although objections have been raised on the grounds that the density of 17.7 dwellings per hectare would be approaching three times the existing densities in the area, it is the case that there is a variety of density currently in the village. In allowing the appeal at land off Gateway Avenue (Ref. 13/00426/OUT), the Inspector stated that density alone is not a good indicator of the character and appearance of a development. He went on to acknowledge that "*The Council would have control over the detailed design, form and materials of the development at reserved matters stage...*" and that he had no reason to doubt that a development of suitably high design quality could be achieved. In this case, it is considered that the layout of the proposed scheme, as shown on the indicative layout drawing respects local character and that the density proposed would strike an acceptable balance between reflecting the character of the village housing and optimising the potential of the site to accommodate development. Although the applicant suggests that the development could comprise both 2 and 3 storey dwellings, given the style of dwellings in the vicinity, it is considered that 3-storey houses would be unacceptable. On this basis a condition limiting the dwellings to a maximum of 2 storeys is considered necessary.

3.8 A scheme for 14 dwellings with a very different layout to the illustrative layout now submitted was commented on by MADE Design Review Panel at the pre-application stage. In commenting on that layout, MADE recommended that the houses be arranged in three small cul-de-sacs with houses facing each other in a horse-shoe arrangement. It was considered that this would create small communities of neighbours and a sense of arrival into each of these cul-de-sacs. The comments of MADE have been taken on board by the applicant and it is considered that the scheme as now shown on the indicative layout drawing would respect local character and create a sense of place.

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 This site is within an Area of Active Landscape Conservation and NLP Policy N18 states that development that will harm the quality and character of the landscape will not be permitted. Within

these areas particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.

3.11 The site is bounded by hedgerows and trees. Loggerheads Parish Council has objected on the grounds that the applicant intends to destroy most of the hedge on the Eccleshall Road frontage. This is not the case however and other than the removal of a small section of the frontage hedge to increase the width of the vehicular access, the hedgerow could be retained if the indicative layout were adopted. There is a substantial grass verge and a footway to the front of the hedge and therefore it would not be necessary to remove any of the hedge to provide the required visibility splay. Although not clear on the indicative layout, the applicant has confirmed that the hedgerows that currently divide the site into 3 would be retained. The retention of these hedgerows could be secured via a condition.

3.12 -Due to the topography of the surrounding area, and the existing hedgerows, views of the site would be limited to those gained in the short distance. Although the development would encroach into the open countryside, it would not extend beyond the built development that currently exists on the opposite side of Eccleshall Road. Subject to a good quality layout and design and subject to conditions, 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.

#### 4.0 Is best and most versatile agricultural land lost as a result of the proposal?

4.1 The applicant has advised that the application site comprises some 1.13ha of 'horsicultural' land which is land that has been developed for pasturing or exercising horses. The land was purchased in 1977 and has been used since that date for the keeping of horses. It is the case that if horses are given supplemental feed and kept in a field for exercise and accommodation, then the use of the land is not regarded as agricultural. No planning permission has been granted for the change of use of the land for the purposes of keeping horses but there is a field shelter on the site that is evident on an Ordnance Survey plan of 2002. The applicant's claim that the land has been used for many years for the keeping of horses has not been disputed in any representations and indeed, reference has been made in at least one objection letter to the land being used for the grazing of Shetland ponies. It does appear that the land has not comprised agricultural land for many years and on this basis, no assessment of whether it comprises best and most versatile agricultural land is required.

#### 5.0 Would the proposed development have any adverse impact upon highway safety?

5.1 The site is bounded by Lower Road to the south-east, Pinewood Road to the north-west and the B5026 Eccleshall Road to the south-west. Vehicular access to the development would be provided at three points: from Eccleshall Road to serve six dwellings, via a private driveway off Pinewood Road approximately 40m east of the junction with Eccleshall Road to serve a maximum of five dwellings and a further private driveway onto Lower Road approximately 30m east of the junction with Eccleshall Road to serve a maximum of a further five dwellings. A 2m wide footway would be provided on the southern side of Pinewood Road which would provide a link between the private driveway and the existing footway on Eccleshall Road. In addition Pinewood Road would be widened to a minimum of 4.8m along the site frontage to accommodate 2-way traffic movement.

5.2 Concerns have been raised by residents on the grounds that the locations of the proposed entrances are dangerous. It is stated that Pinewood Road and Lower Road are both narrow resulting in cars having difficulties passing and the location of the access on Lower Road is on a bend. Although Eccleshall Road recently had the speed limit reduced to 30mph, it is suggested that the majority of vehicles still speed and evidence to this effect has been provided.

5.3 The application is accompanied by a Transport Statement (TS) which states that visibility requirements have been assessed and are achievable and that the increase in traffic from 16 dwellings would be imperceptible when having regard to the daily fluctuations in traffic and will not have a material impact on the operation or safety of the local highway network. It concludes that there is no highway-related reason to withhold planning permission for the scheme.

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.

#### 6.0 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. Particular reference is made to the location of the site adjacent to the Turner Hodgkiss nature reserve, although the agent casts doubt upon the status of that reserve. Your officer considers the possible implications of the development on the SWT affiliated reserve to be an appropriate material consideration notwithstanding the comments received.

6.2 An Ecological Survey submitted to accompany the application has assessed the site for bats, breeding birds, mammals and amphibians. In relation to bats, foraging habitat could be provided by hedgerows and the woodland edge could hold some importance for colonies of roosting bats in close proximity to the site. Mitigation is therefore recommended in the landscape proposals and the proposed buildings. It states that the potential of the site for bird species is relatively low but because of the possible presence of nesting birds, it is recommended that any necessary removal of vegetation takes place outside of the bird-breeding season. No badger activity was recorded and therefore it is considered that direct impact on badgers is unlikely. In relation to Great Crested Newts (GCNs), two ponds within 250m of the site were subject to amphibian surveys and a small population of GCNs was recorded in one of the ponds. Mitigation is therefore considered necessary.

6.3 Subject to the imposition of a condition requiring the agreement of mitigation measures, it is not considered that a refusal could be sustained on the grounds of adverse impact on protected species.

#### 7.0 Would there be any issue of flood risk?

7.1 Concerns have been expressed by objectors referring to groundwater problems which manifests as poor drainage and water run off onto local roads. A Flood Risk Assessment (FRA) has been submitted to accompany the application which concludes that there will be a low risk of groundwater flooding across the site and a very low surface water/sewage flooding risk across the site. It proposes that surface water is infiltrated using permeable paving and soakaways.

7.2 Staffordshire County Council as Lead Local Flood Authority (LLFA) has no objections subject to a condition requiring submission of a detailed surface water drainage scheme for the site.

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

#### 8.0 What planning obligations are considered necessary and lawful?

8.1 A signed Unilateral Undertaking has been submitted by the applicant that provides for 25% affordable housing and for financial contributions towards education and the provision and maintenance of public open space. 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 5<sup>th</sup> 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. Affordable housing provision is not subject to this restriction

8.2 No obligations have been entered into since April 2010 providing for improvements to Burntwood View/Hugo Way play area as requested by the Landscape Development Section. Staffordshire County Council has requested an education contribution towards the provision of spaces at Madeley High School. Including the Unilateral Undertaking now received no more than 5 obligations have



been entered into since April 2010 providing for a contribution to places at Madeley High School. On this basis, it is considered that the education and public open space obligations would comply with CIL Regulation 123 and are lawful considerations.

8.3 As already indicated the applicant has submitted a signed Unilateral Undertaking that is accordingly "on the table" and must be taken into account by the authority in its decision. The Unilateral Undertaking is being considered by your officers and those of the County Council and it may be possible to advise on its substance – i.e. whether it achieves the contributions referred to above and which are required by policy. If this is not possible your Officer would seek a delegated authority to secure these obligations in an appropriately worded manner prior to the end of the 13 week period.

8.4 Concerns have been expressed by residents that the local doctor's surgery and schools are full and that there are no community centre or sports facilities locally. Similar concerns were expressed by Loggerheads Parish Council regarding application Ref. 15/00202/OUT (for the site off Mucklestone Road) and in relation to that application your Officer sought the views of Staffordshire Public Health and the Council's Leisure Strategy Section. Whilst Public Health confirmed that there is an ageing population in Loggerheads and Whitmore Ward, they did not provide any evidence of a need for improvement of the existing health facilities in the area and Leisure Strategy did not provide any evidence of a need for sports or community facilities to be improved. On this basis, it is not considered that the contributions requested by Loggerheads Parish Council would comply with Section 122 of the CIL Regulations.

9.0 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?

9.1 In consideration of the above points, the development would result in some limited local impact on the character and appearance of the area. However, the proposal represents sustainable development and would make a not insignificant contribution towards addressing the undersupply of housing in the Borough. It would also provide affordable housing for the rural area, albeit relatively few in number. 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 and affordable housing 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 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 N18:	Areas of Active Landscape Conservation

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 Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014) – as amended following the West Berks and Reading BC v SoS High Court judgement on 31<sup>st</sup> July 2015

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** has no objections subject to conditions regarding noise levels, hours of construction, construction method statement, protection of highway from mud and debris, dust mitigation during construction, waste storage and collection arrangements and contaminated land.

The **Landscape Development Section** has no objections subject to conditions regarding retention of trees and hedgerows, provision of a layout specific Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement, agreement of a landscaping scheme and a financial contribution of £2,943 per dwelling for improvement and development of the Burntwood View/Hugo Way play area and open space.

The **Education Authority** states that the development falls within the catchments of Hugo Meynell CE (VC) Primary School and Madeley High School. A development of 16 dwellings could add 3 primary-aged pupils and 2 of secondary age. Madeley High School is projected to be full for the foreseeable future and therefore a contribution of £33,244 (2 x £16,622) is requested towards Secondary provision. Hugo Meynell CE (VC) Primary School is currently projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request is made towards Primary School provision.

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 types of properties sought will be based on the principle that the affordable housing should be proportionately

reflective of the development as a whole and the design and standard of construction should as a minimum be the same as the open market dwellings.

The **Crime Prevention Design Advisor** has no objections to the outline proposals. Although only illustrative, the layout indicates that crime prevention principles have been considered and a development built accordingly would incorporate elements aimed at 'designing out crime'.

The **Lead Local Flood Authority** having received further information during the course of the applications has no objection subject to a condition requiring a detailed surface water drainage scheme for the site.

The **Highway Authority** has no objections to the proposal subject to the imposition of conditions regarding submission of details of layout, surface water drainage and surfacing materials, completion of access from Eccleshall Road and provision of visibility splays at that access, completion of access from Pinewood Road, widening of the carriageway on Pinewood Road frontage and provision of a 2m wide footway and provision of visibility splays at that access, completion of access from Lower Road, provision of a 2m wide footway and provision of visibility splays at that access, submission of details of off-site highway works, closure of existing site accesses on Lower Road and Pinewood Road and submission of a Construction Method Statement.

The views of the **Waste Management Division** are being sought, and if received will be reported to the Committee

**Stafford Borough Council** neither objects to nor supports the proposal. They comments as follows:

- The development appears to score poorly in terms of sustainability but only Newcastle can assess whether there are other factors such as housing need/supply that outweigh such concerns.
- Their records indicate protected species and BAP species within 100m of the site.
- Any land contamination and drainage could affect the nearby land drain.
- Neighbours within Stafford Borough as well as those within Newcastle may require safeguards in terms of noise/dust arising during any development.

**Loggerheads Parish Council** objects on the following grounds:

- Three-storey houses are totally out of keeping with the surrounding area.
- The Borough Council has recently demonstrated that it has a 5 year supply of land for housing and this should be used to refuse this application as the Saved Local Plan Policies and the Core Spatial Strategy now still apply under paragraph 49 of the NPPF.
- The applicant has overlooked the fact that there are up to 100 properties for sale within 2 miles of this site.
- The applicant intends to destroy most of the hedge on the Eccleshall Road frontage.
- The visibility splays may have to be enlarged as the Community Speed Watch has recorded 50% of drivers exceeding 30mph, 37mph was the average speed with a maximum of 74mph recorded.
- In a recent refusal of a scheme in Baldwin's Gate it was stated that the bus service is inadequate. This is the same bus service that operates once an hour on weekdays through Loggerheads. The bus service to Stafford only operates on 2 days each week. There is no effective bus route to the north or south. This will result in even more unsustainable single-occupancy car trips than there is at present.
- The reference to a housing density of 17.7 dwellings per hectare is approaching three times the existing densities in the area.
- It is considered that some of the proposed planning conditions should actually be matters to be resolved before any consideration of the application by the Planning Authority.
- The Ecological Report raises a number of issues when read in conjunction with the other documents. Most of the hedgerow will be destroyed yet there is no reference to mitigation measures for birds.
- The Parish Council agrees with the comments of MADE that the layout appears very contrived and confusing. It is not considered that the proposal reflects the character of rural

development in this area. The Council is pleased to note that MADE agree with its view that even 14 units is too many for the site and the layout is poor.

- It is considered that a detailed application should have been submitted.
- The application should be refused for the many reasons set out above as it is totally out of keeping with this rural area, it does not comply with the policies in force following confirmation of a robust 5 year housing land supply and above all it is a wholly unsustainable proposal due to its major dependency on the car as the only reliable means of transport available.

### Representations

Approximately 70 letters of objection have been received. Objection is made on the following grounds:

- The site is outside the development zone for Loggerheads.
- Impact on wildlife – the site is adjacent to the Turner Hodgkiss nature reserve
- Precedent for further development
- No infrastructure to support the development – doctors and school are full
- There is no bus service and the nearest bus stop is half a mile away in Loggerheads along a narrow dimly lit pavement or at the other end of Pinewood Road along which there is no lighting or pavement. The service is infrequent and only serves Newcastle or Market Drayton.
- There are no community centre or sports facilities.
- There is no main drainage (many houses are served by septic tanks).
- This is Green Belt and so should be protected from development.
- Extending the outer edge of the village
- There are no opportunities for employment in the village.
- There is no demand for housing in this bracket and there are many houses in the area already on the market.
- The locations of the proposed entrances are dangerous. Pinewood Road and Lower Road are both narrow resulting in cars having difficulties passing. The location of the access on Lower Road is on a bend. Eccleshall Road recently had the speed limit reduced to 30mph but the majority of vehicles still speed. The volume of traffic is already too much for this road.
- Impact on the character of the area.
- Impact on privacy
- Light pollution
- Contrary to the suggestion in the Tree Report, the hedgerow along Pinewood Road is not in poor condition. It is an ancient hedge and should be preserved.
- The area suffers from groundwater problems which manifests as poor drainage and water run off onto local roads. The envirocheck report is not considered to be accurate.
- Three storey houses are not in keeping with the local housing.
- The proposed development is not in accordance with the Parish Council's Development Plan.

**Sir Bill Cash M.P.** objects to the proposal for the following reasons:-

- The proposals, in particular the three-storey houses, are out of keeping with this rural area.
- The Borough Council has recently demonstrated that it has a 5 year supply of land for housing and therefore Saved Local Plan Policies, in particular H1 and the Core Spatial Strategy now still apply.
- There are up to 100 properties for sale within 2 miles of this site providing a choice of accommodation and tenure. The "one market segment" referred to is already adequately catered for by existing properties for sale. This concept seems to preclude the 25% affordable housing content required.
- The proposals will destroy most of the hedge on the Eccleshall Road frontage. There is reference to a replacement hedge but this will take many years to establish.
- There is no effective bus service.
- The additional traffic will add to the congestion on all local roads
- The proposed density is approaching 3 times higher than the densities that apply in most of the area, particularly to the north of the site.
- There is a history of foul drainage problems.

- There is a need for a Protected Species License to deal with Great Crested Newts but no evidence that Natural England will actually approve a license.
- There are likely to be surface water problems given the type of soil.
- There is a Nature Reserve bordering the site which would be significantly affected.
- Fourteen units is too many for the site.

Approximately 14 letters of support have been received stating the following:

- The development would help the Council in its 5 year housing targets.
- The development would benefit the locality in providing affordable housing in a rural area.
- The area will benefit from the widening of the end of Pinewood Road which has been required for a long time.
- The hedges will remain intact thus reducing the aesthetic impact.
- The houses will not be highly visible due to topography and landscaping.
- Traffic flow will be split into three so should not be a significant factor.
- The development will contribute to the local economy.
- Many of those submitting objections are doing so from properties that have been built on green fields.
- It is ideal infill development and will complete a run of properties along Eccleshall Road on both sides.

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design & Access Statement
- Tree Survey
- Transport Statement
- Contaminated Land Risk Assessment
- Ecological Report
- Noise Survey
- Flood Risk Assessment
- MADE Design Review Report

These documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1500488OUT](http://www.newcastle-staffs.gov.uk/planning/1500488OUT)

#### Background papers

Planning files referred to  
 Planning Documents referred to

#### Date report prepared

5th August 2015