

The application is for outline planning permission for the erection of up to 128 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 on the north side of Eccleshall Road which is a B classified road outside the village envelope of Loggerheads and within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map. The site area is approximately 5.83 hectares.

A decision on the application was deferred at the meeting of the Committee held on 8th December to enable the Committee to visit the application site. This report has been revised principally to take into account new material received since the previous report was prepared or that referred to by various parties at the Committee meeting.

The 13 week period for the determination of this application expired on the 10th June 2015 but the applicant has currently agreed an extension to the statutory period until 12th January 2016.

RECOMMENDATION

A. Subject to the applicant entering into a Section 106 obligation by 5th February 2016, securing the following:

- i. A management agreement for the long-term maintenance of the open space on the site**
- ii. A contribution of £513,923 towards education provision ((on the basis that the development as built is for the full 128 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. 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. Status of various plans and drawings**
- 4. Contaminated land**
- 5. Construction hours**
- 6. Construction management plan**
- 7. Waste storage and collection arrangements**
- 8. Internal and external noise levels**
- 9. Arboricultural Impact Assessment**
- 10. Tree retentions and removals plan**
- 11. Boundary treatments**
- 12. Details of Root Protection Areas (RPA)**
- 13. Details of all special engineering within the RPA**
- 14. Levels details**
- 15. Travel plan**
- 16. Pedestrian crossing and speed reduction features on the A53**
- 17. Pedestrian/cycle only access to the site linking to existing footway**
- 18. Pedestrian refuge on the B5026 Eccleshall Road/Mucklestone Wood Lane junction**
- 19. Surface water drainage scheme**
- 20. Details of the disposal of surface water and foul sewage**
- 21. Approval of details of play facilities and timing of provision of open space and these facilities**
- 22. Any reserved matters application to comply with the Design and Access Statement and the Landscape and Design Character Study**

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. The key adverse impacts of the development - namely the fact that the development of the application site would not form a natural or logical extension to the village of Loggerheads, would involve development in part on open countryside and the likelihood of a somewhat high level of private car use - do not significantly and demonstrably

outweigh the key benefits of this sustainable development - the making of a significant contribution towards addressing the undersupply of housing in the Borough, the provision of affordable housing in the rural area, and the visual improvement of a gateway to Loggerheads. 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

Additional information has been requested and provided where necessary to progress the determination of the application. This is now considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

Key Issues

1.1 Outline planning permission is sought for residential development of up to 128 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 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 5.83 hectares in extent, is within an Area of Landscape Restoration, in the open countryside outside the village envelope of Loggerheads, all as indicated on the Local Development Framework Proposals Map.

1.3 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 through a process of consultation with the local community 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.

1.4 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 development be contrary to policies on the development of employment land for other uses?
- Would the proposed development have any impact on the setting of any Listed Buildings?
- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Would the proposed development have any adverse impact upon highway safety and does it provide appropriate pedestrian access to village facilities?
- Would land contamination have an adverse impact upon either residential amenity or water quality?
- Would there be any issue of flood risk?
- What planning obligations are considered necessary, directly related to the development, fairly and reasonably related in scale and kind to the development, and lawful?
- Would some lesser or nil contributions towards the cost of addressing the above issues be justified given issues of viability?
- 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 Newcastle Local Plan (NLP) 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 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 The site is outside the village envelope of Loggerheads. Whilst the applicant's agent states that the site immediately abuts the village boundary of Loggerheads it is only the south-eastern corner of the site that adjoins the village envelope at the junction of Eccleshall Road with Mucklestone Wood Lane.

2.9 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. 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 hairdressers, a veterinary surgery and a bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury.

2.10 The centre of the site would be approximately 1100m (1.1km) walking distance from the village centre of Loggerheads, i.e. the food store, post office and library, and approximately 1500m (1.5km) from the primary school. The nearest bus stops are located on the A53 in the vicinity of the double mini roundabouts and are approximately 1000m from the site.

2.11 In the Transport Assessment that accompanies the application, it is concluded that the development is sustainable with good accessibility to the site provided to those travelling by foot and by bicycle and is served by a good bus service. It states that Manual for Streets advises that walkable neighbourhoods are typically characterised as having facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. It goes on to say however that this is not an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2km (2000 m).

2.12 A further Technical Note has been submitted by the Transport Consultant. It highlights guidance within the Chartered Institution of Highways and Transportation (CIHT) document, "Guidelines for Journeys on Foot" which states that the preferred maximum walking distance for commuters and education is 2km. It goes on to refer to guidance issued by the Department for Education which states that the "statutory walking distance" is 3.22km (two miles) for children aged under eight and 4.83km (three miles) for children aged eight and over. The applicant's Transport Consultant notes that the guidance regarding the 2km distance is referred to within recent Planning Appeals and highlights four decisions for consideration.

2.13 It is the case in the decisions referred to that where consideration is given to walking, the key distance referred to by Inspectors is 2km. In relation to an appeal decision for 270 dwellings on a site just under 2km from Clitheroe town centre, the Inspector referred to the CIHT walk distance guidance. He went on to state that in assessing accessibility, a degree of realism must be applied and he argued that most journeys of less than a mile (1.6 km) are undertaken on foot.

2.14 In an appeal decision relating to residential development of up to 75 dwellings at Shepshed, Leicestershire, the Inspector stated that the 2km distance may indeed prove a deterrent to those with small children but to adults, as an alternative to the car, it still offers a reasonable distance for walking.

2.15 Your Officer has been unable to find any appeal decisions that take a contrary view in relation to a reasonable walking distance.

2.16 There will be at least a realistic opportunity for occupiers of the development to access the quite extensive range of facilities and services to be found in Loggerheads, as recognised by its designation as a Rural Service Centre, by means other than the private motor car. On a wider scale, this is not a remote, rural location and distances to higher order settlements and facilities are relatively short and taking all of the above into account it is considered that the site is in relatively sustainable location. That there is likely to be a somewhat high level of the use of the private car, is however a factor which weighs against the proposal and it needs to be taken into account in the planning balance.

2.17 Taken as a whole these points overall 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.

2.18 The applicant states that in terms of the economic dimension, the proposal would have positive economic effects on the local economy, not only through direct job creation but also through the supply of goods and services to the construction activity on site. It is also stated that the creation of up to 128 dwellings would deliver additional spending power within the local retail sector and would support existing local full time employment positions within the local retail sector. Furthermore the delivery of dwellings would result in New Homes Bonus contributions to the area along with further contributions through a section 106 agreement.

2.19 The applicant states that there would also be social benefits in supporting local services and in addition, the proposal includes the provision of 10% affordable housing which would assist in creating a mixed and sustainable community. The proposal would also make a valuable contribution to the five year housing land supply position.

2.20 In terms of the environmental dimension of sustainable development, the applicant states that great care has been taken to ensure that the proposed development can take place in a manner that would respect environmental considerations and without causing material harm to the environment. The site currently has an untidy appearance and the proposal represents an opportunity to improve its appearance. Housing would be more in keeping with this edge of village location. The removal of the heavy goods vehicle movements from the local highway network associated with the existing use of the site would benefit the environment. It is argued that the proposal comprises the redevelopment of a brownfield site (at least in part) thus alleviating pressure to release other greenfield sites. The Landscape and Design Character Study concludes that the development would deliver an attractive and sustainable neighbourhood and the Transport Assessment concludes that the site is located within walking distance of the majority of the local services within Loggerheads.

2.21 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 it is not unreasonable to consider that it will at least support the retention of existing services within Loggerheads, by the provision of more custom. These factors are difficult to quantify in relation to relatively small scale developments such as this. Set against them is the more quantifiable loss of an employment site as a consequence of this development. Indications are that the existing offices and workshop on the site provide employment for in the order of 15 people. In the sense that the development involves the loss of one of the larger employers in Loggerheads and thus a reduction on local employment choice there is an argument that this is not “sustainable”. This aspect is however considered in more detail below in the next Key Issue.

2.22 An undoubted benefit is the construction of housing in the rural area in a district that does not have a five year supply of housing. Whilst the site is not the easiest to deliver, independent assessment suggests a build out period of in the order of 43 months (3.6 years) and that the site would, if approved, fully contribute to the next 5 years housing land supply.

2.23 In terms of the New Homes Bonus (NHB), expenditure of the Bonus in the Borough is not related to the residential developments that generate the Bonus and cannot therefore be anticipated to help to make the development acceptable in planning terms. Taking into account the National Planning Practice Guidance on this point it is not considered that the receipt of such money is a material consideration that can be given any weight in the determination of this application. A number of appeal decisions that have made reference to the NHB have not given any significant weight to such a local finance consideration in the absence of a direct connection between the payment of the NHB and the proposed development.

2.24 The development would fulfil a social role by delivering a mix of market housing and affordable housing in the rural area. The public open space would be able to be used by both the residents and the wider population as well. They already have reasonable closer provision (which will be added to yet further if the development approved on Muckleston Road (15/00202/OUT) proceeds), but fundamentally the open space should be seen as providing the appropriate required mitigation for the development rather than as a benefit per se. The same is true of the additional school places that are proposed – they are the appropriate required mitigation, not a benefit. The issue of the environmental impact of the scheme will be considered fully below.

2.25 In commenting on this proposal at pre-application stage, the Urban Vision Design Review Panel considered that the site is not a ‘natural’ extension of the existing village, and that there is an area of farmland between the site and the village which may come under pressure for development if the site is developed for housing. As to the latter point there is no substantive reason to consider that granting permission for this development would materially alter the consideration of any such proposals and in any case that is not the proposal that is here before the authority for determination. Whilst the site is contained on most sides by roads, trees and hedgerow features given that only the south-eastern corner of the site adjoins the existing development boundary and that the majority of the site is separated from the village by fields, the development of the application site would not form a ‘natural

or logical' extension to the village of Loggerheads which has a nucleated form. This is a material consideration which weighs against the proposal but whether this and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report

3. Would the development be contrary to policies on the development of employment land for other uses having regard to both the policies of the development plan and the NPPF?

3.1 As already indicated part of the site is in active employment use. NLP Policy E11 states that development that would lead to a loss of good quality employment land and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available. The criteria for what constitutes 'good quality' business and general industrial land and buildings include the following:

- 1) Accessibility to and from the primary road network
- 2) Size
- 3) Topography and configuration
- 4) Ground conditions
- 5) Its location and relationship to adjoining uses

3.2 Strategic Aim 5 of the CSS refers to the need to foster and diversify the employment base of all parts of the plan area, both urban and rural, including the development of new types of work and working lifestyles, and supporting the office development sector, new technologies and business, capitalising on the inherent advantages of North Staffordshire. In identifying certain Rural Service Centres the CSS did so on the basis that they were those rural settlements that provided retail and other services to meet local needs. Whether or not they provided employment opportunities was not a specific factor in that designation.

3.3 CSS Policy ASP6 (2), setting out the Rural Area Policy, states that the Council will take a positive approach towards rural enterprise relating to the availability of the local workforce. In particular opportunities will be sought to encourage:

- The sensitive and sustainable diversification of traditional rural economies
- A positive contribution towards enhancing local landscape and biodiversity
- Appropriate re-use, conversion or replacement of existing buildings in sustainable locations
- Provision of essential rural services

There is no express reference to the retention of existing employment sites in the Rural Areas

3.4 The core planning principles of the NPPF include proactively driving and supporting sustainable economic development. It is stated that every effort should be made objectively to identify and then meet the housing, *business*, and other development needs of an area.

3.5 However paragraph 22 of the NPPF states that planning permission should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses of land and buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

3.6 The applicant has confirmed that there are fourteen people currently employed at the site and that should the proposed development be implemented, then those employees would be relocated to another site in Shropshire. Whilst there would be no redundancies therefore, the proposed development would result in the loss of a local employment site. Whilst there are relatively few employment opportunities in Loggerheads and the site might be considered, in comparison with other rural employment sites, to meet the criteria of a "good quality" site, as set out in NLP, demonstrating a need for rural employment sites is not at present possible and there are significant employment opportunities in the nearby Market Drayton. Loggerheads is not a remote, rural location and distances to other employment locations are not excessive. .

3.7 In conclusion it is not considered that the loss of the site as in part employment land would be contrary to policies of either the development plan or the NPPF.

4. Would the proposed development have any impact on the setting of any Listed Buildings?

4.1 There is a Grade II Listed milepost on Eccleshall Road to the south-west corner of the site. NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building and this would include such a feature. Given that the proposed access would be further to the east on Eccleshall Road, and taking into account the associated widening of the carriageway that is proposed it is not considered that the setting of the milepost would be adversely affected.

4.2 Objections have been received from the occupiers of White House Farm, a Grade II Listed building to the east of the site on Mucklestone Wood Lane, on the grounds that the proposal would affect the setting of that Listed Building. The listing description for the property states that it is "included partly as an imposing and prominent feature in the landscape". Given the considerable distance of the development site from White House Farm (approximately 450m), the tree lined nature of Rock Lane, and the lack of a planned or designed setting to that building extending to this site, it is considered that White House Farmhouse would remain "an imposing and prominent feature in the landscape" and that its setting would not be adversely affected.

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

5.1 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.

5.2 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*

5.3 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.

5.4 Although an indicative layout has been submitted to show how the site may be developed, layout, scale, appearance and internal access arrangements 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 128 dwellings are proposed comprising a variety of house types, which would be limited to 2 storeys in height. The gross density of the proposed scheme (taking into account the whole site area including its open space) would be 22 dwellings per hectare. The net density (excluding the areas of open space) would still be relatively low at 27 dwellings per hectare.

5.5 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.

5.6 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.

5.7 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. There is a mix of dwelling size and style in the area and 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.

5.8 The main principles of the proposed design and layout of the site are outlined in the Design and Access Statement and Landscape and Design Character Study. The content of those documents 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 and the Landscape and Design Character Study.

5.9 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.

5.10 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 Hills and Heaths' landscape character type. It states that this is a landscape varying from intensive arable and pastoral farming. The SPG was used in the NLP to set policies for landscape consideration. This site is within a Landscape Maintenance Area and NLP Policy N19 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.

5.11 A Landscape and Visual Appraisal (LVA) has been submitted to accompany the application. The LVA states that the site is currently well screened by the undulating landform and existing mature vegetation and as development will sit lower than the existing landform, this helps to lower the average ridge lines of the proposed buildings and therefore limits the effect the development of the site will have on the wider countryside and landscape character. Therefore the highest effects would be localised to the immediate vicinity of the quarry. Effects on the wider landscape are considered to be slight. It states that as the site has previously been used for quarrying, it can be considered as a damaged landscape. There are no landscape elements or features of value within the site apart from the trees and hedgerows that form the boundaries. It concludes that the proposed development would not erode the quality of the existing landscape and it could actually provide an overall benefit by causing an improvement to the site with appropriate landscape mitigation.

5.12 As stated in the LVA, due to the topography and the existing mature woodland and hedgerows that surround the site, views would be limited. The development would sit generally lower than the existing prevailing and surrounding landform, although it should be noted that part of the proposal is to increase the ground level at certain points and this needs to be taken into account.

5.13 From Rock Lane, which with the exception of two dwellings, forms the eastern boundary, views of the site would be filtered by mature trees and hedgerows and given that the development would be set down below the Lane, the proposed development would not be prominent in such views.

5.14 From Eccleshall Road the most visible part of the site is currently hardstanding occupied by some office and workshop buildings, parking and disused lorries. Previous planning consents for buildings on this part of the site (including one which has not been completed) included currently unsatisfied conditions requiring some additional landscaping particularly in the western part of the site, and the site is not being used in the same manner that it has historically (one of the accesses

having been blocked by lorries) As a consequence the site is particularly unattractive at present but even if such planting had been undertaken, the approved development completed and the site used more as it has been in the past, it still would have a detrimental impact on the landscape

5.15 Associated with the access proposals is some loss of trees on the Eccleshall Road frontage including ones categorised as of high and moderate quality and value (Categories A and B). Nevertheless travelling from the west it is a gateway site on the approach into Loggerheads and it is considered that the proposed development would overall have a positive impact on views. Taken as a whole, and allowing for the fact that there would be long distance views of the site from the west (from the Mucklestone direction), the topography and existing landscaping would limit the effect that the development of the site would have on the wider countryside and landscape character. Impact on the immediate surroundings could, over time be mitigated with the use of landscaping. In conclusion 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.

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

6.1 Vehicular access to the development would be provided from the B5026 Eccleshall Road through the provision of a new access and the closure of the two existing accesses, and an associated widening of the carriageway to provide a priority controlled ghost island right turn lane junction. The proposal includes a pedestrian/cycle only access to the site from the south-eastern corner in the vicinity of the Eccleshall Road/Rock Lane/Mucklestone Wood Lane junction which will link onto the existing footway on Eccleshall Road. A pedestrian refuge is proposed at this junction. In addition an improvement scheme is proposed involving the introduction of a controlled pedestrian crossing to the west of the A53/Eccleshall Road/Mucklestone Road double mini-roundabout junction.

6.2 Concerns have been raised by residents on the grounds that the road network serving Loggerheads is already substandard and any significant increase in traffic would exacerbate this. The mini-roundabouts are, they say, notoriously dangerous and further traffic would further risk the safety of residents.

6.3 The application is accompanied by a Transport Assessment (TA) which states that the access and the surrounding network will operate within their practical capacity during peak hours with the additional development traffic. 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”.

6.4 The Highway Authority (HA) has no objections to the application subject to the imposition of conditions, indeed they comment that the access junction and surrounding network will operate within their practical capacity during peak hours in future years with the development traffic added, and that the site is well located in terms of walking distances to most services within the village. The Highway Authority has confirmed that the provision of a right hand turning lane is essential in highway safety terms for a development of this size at this location.

6.5 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 and having critically considered the Transport Assessment, 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.

6.6 With regard to the proposed introduction of a controlled pedestrian crossing to the west of the A53/Eccleshall Road/Mucklestone Road double mini-roundabout junction, your Officer has queried with the applicant whether the suggested crossing would actually enhance pedestrian safety in

crossing the A53 because the new crossing would require the majority of pedestrians, to make two additional crossings - one across Mucklestone Road to reach the proposed crossing, and a second across Eccleshall Road to reach the shops and the school. In response, a further Technical Note has been submitted by the applicant's Transport Consultant which states that the location was selected because it would still be possible for the mini roundabouts to operate in a safe and satisfactory manner with the pedestrian crossing signals in place. It goes on to state that there is insufficient footway width available to locate such signals to the east of the double mini roundabouts on both Mucklestone Road and Newcastle Road and locating the signals in between the mini-roundabouts would require a wholesale redesign of the junction and the cost would be unreasonable. Whilst the Note accepts that pedestrians would need to cross back over Eccleshall Road to the south of the mini-roundabouts to access the local facilities it states that flow along Eccleshall Road, which is a B classification, is significantly lower than that on the A53 and the road is narrower. As such it is stated that the proposed location for the signalised crossing would offer significant benefits.

6.7 The HA stated in its initial consultation response that such a pedestrian crossing would be of benefit to both prospective residents and current residents of Loggerheads. Your Officer has sought the further views of the HA on the matter following receipt of the applicant's Technical Note. The HA has confirmed that whilst it would be advantageous to have a crossing point on the eastern side of the double mini-roundabouts, without doing any major re-design work it appears that a crossing on the western side would be the preferred location as a crossing on the eastern side would need to be located too far from the junction to be fully used.

6.8 The HA have confirmed previously that the provision of a crossing is desirable but not necessary to make the scheme acceptable. Therefore, although it may be preferable for the crossing to be located to the east of the junction, given the difficulties in designing an acceptable scheme as referred to by both the applicant and the HA, it is accepted that a crossing to the west would provide some benefit including to other residents. It is a proposal associated with the development and therefore falls to be considered in the balancing exercise.

6.9 In terms of the accessibility of the site to the services within the village, the introduction of a pedestrian/cycle access linking the site to the existing footway on Eccleshall Road, the pedestrian refuge at the junction with Mucklestone Wood Lane and the introduction of a controlled pedestrian crossing on the A53 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.

6.10 Loggerheads Parish Council note that the proposal could involve the importation of 47,000 cubic metres of fill from off-site resulting in, they estimate, approximately 7000 large HGV return movements through Loggerheads village and along Mucklestone Road. This issue is being considered by your Officer and a further report will be given to Members on this matter.

7. Would land contamination have an adverse impact upon either residential amenity or water quality?

7.1 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."

7.2 Given the historic use of Tagedale Quarry as a landfill site and a haulage depot, land contamination is a potential issue. Representations have been received highlighting public health concerns and Loggerheads Parish Council has stated that the Geo-Environmental Report is inadequate and that a full soil investigation should be carried out.

7.3 In relation to residential amenity, the Council's Environmental Health Division (EHD) raises no objection to the application subject to the imposition of conditions. Whilst further intrusive investigations will need to be undertaken as acknowledged in the Phase I Assessment, the EHD is satisfied that those investigations can be required by condition and that an appropriate remediation scheme can be agreed to ensure that the development can be safely achieved.

7.4 A report has been submitted by a Consultant employed by the former owner of the site. A brief summary of the main points of the report is as follows:

- Tagedale Quarry was operated between 1977 and 1994 as a licensed landfill site which received liquid wastes from the pottery industry and other wastes from industrial sources, construction and demolition.
- The waste was received into open settlement lagoons in the central area of the site and a large proportion of the settled solids were placed in the northern area of the site. The solids were contaminated with various toxic metals such as lead, zinc, copper, chrome and cadmium.
- The landfill had no lining system and the free liquid was allowed to evaporate and drain through the base and sides of the lagoon.
- The fine particulate clay residues had the effect of providing an impermeable 'lining' to the site floor.
- The undisturbed residues have remained stable since the site closed in 1994 following an incident of phenol contamination of a lagoon
- A conceptual model of the site has been developed using data from Phase I and Phase II Studies produced by the applicant's consultants. The model has been based on incomplete material characterisation, site setting and risk assessment. There is a complete lack of understanding of the extent and nature of the former landfilling which has contributed to the defective conceptual model.

7.5 The EHD has considered the report and has confirmed that their comments remain the same, i.e. that they have no objections in principle to the development subject to additional site investigations and appropriate remediation.

7.6 Regarding the potential impact on watercourses, the site overlies a Principal Aquifer which has high vulnerability to surface contamination at this location. The EA is satisfied that subject to a condition requiring further site investigation, the development would not pose an unacceptable risk to the water environment. Although they state in subsequent correspondence that they have only recently been made aware of a Phase II Contamination Report, the report was on the Council's website along with the Phase I Report at the time that they were consulted. In any event, the Environment Agency maintains their position that they have no objections to the proposal subject to conditions.

7.7 Subject to conditions, it is not considered that an objection can be sustained on the grounds of land contamination concerns.

8. Would there be any issue of flood risk?

8.1 A Flood Risk Assessment and a Drainage Strategy have been submitted to accompany the application. 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. Loggerheads Parish Council states that there are a number of factual errors in the assumptions made in the Drainage Strategy.

8.2 The site is located within Flood Zone 1 as designated by the Environment Agency (EA) which is an area with a low probability of flooding. The EA raise no objections to the proposal. Staffordshire County Council as Lead Local Flood Authority (LLFA) initially objected to the application on the grounds that the submitted documents do not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. A revised Drainage Strategy has now been received and the LLFA has no objections subject to a condition requiring submission of a detailed surface water drainage scheme for the site.

8.3 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, directly related to the development, fairly and reasonably related in scale and kind to the development, and lawful?

9.1 Certain contributions are required to make the development acceptable. These are, in no particular order, the provision of 25% affordable housing, a contribution of £513,923 towards education provision and a travel plan monitoring fee of £6,300. These contributions are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

9.2 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.

9.3 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 has been just one planning obligation entered into since April 2010 providing for a contribution towards St Mary's Primary School but more than 5 obligations have already been entered into providing for a contribution to Madeley High School. The first five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, will be utilised towards a project to provide 2 additional classrooms, which will be attached to the dining room, which will also need to be expanded. Any subsequent planning obligations, including the one now being sought, will be for a different project or projects than mentioned above. On this basis, it is considered that the contributions comply with CIL Regulation 123.

9.4 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 have been derived.

9.5 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. Would some lesser or nil contributions towards the cost of addressing the above issues be justified given issues of viability?

10.1 A Viability Appraisal has been submitted with the application which concludes that a policy compliant development would not be viable. That appraisal states that the development could support the required developer contributions but just 10% on-site affordable housing (rather than the 25% required by policy).

10.2 The NPPF states in relation to viability that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to

be deliverable. It goes on to state that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled.

10.3 It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable.

10.4 The Council's position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council's requirements are too onerous is provided in the Developer Contributions SPD and it is indicated that negotiations over the level of and nature of contributions will be assessed on a 'site by site' basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

10.5 The applicant in this case has submitted financial information to substantiate their claim that the Council's requirements as an LPA would render a policy compliant scheme unviable. The information submitted has been sent by your officers to the District Valuer (an independent third party who has the skills required to assess financial information in connection with development proposals) for further advice. There have been discussions between the District Valuer and the applicants' agents with a range of supporting material being provided.

10.6 The District Valuer's report has now been received and it concludes that the proposed residential scheme is viable and can therefore provide policy compliant affordable housing and Section 106 contributions. The principal reason for the difference in the conclusions of the applicant's consultant and of the District Valuer is the site value assumed by the two parties with the District Valuer considering that the site value submitted by the applicant is excessive. Your Officer has considered the report of the District Valuer and is satisfied with the advice given. On this basis therefore, it is considered that the full contributions towards education provision and travel plan monitoring as well as 25% affordable housing provision should be required.

11. 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?

To summarise, the development would not form a natural or logical extension to the village of Loggerheads, would involve development in part on open countryside and would result in the likelihood of a somewhat high level of private car use. However as explained above, this sustainable development would make a significant contribution towards addressing the undersupply of housing in the Borough, would provide affordable housing in the rural area, it provides a safer pedestrian crossing of the A53, and would result in the visual improvement of a gateway to Loggerheads. 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 CSP2	Historic Environment
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 B5: Control of Development Affecting the Setting of a Listed Building
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 N19 Landscape Maintenance Areas
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

77/04237/N Erection of a workshop and a lorry park in connection with haulage business - Approved
97/00122/CPO Staged infilling of quarry and use as agricultural land on completion – Approved
01/00308/CPO Variation of conditions 6, 23, 24, 25 and 28 of 97/122/CPO to extend time limits on restoration, submission of noise monitoring and aftercare and landscaping schemes and the erection of marker posts at Tagedale Quarry - Approved
01/00350/CPO Storage of soil prior to use for restoration purposes - Approved
04/00389/CPO Application not to comply with condition 1 of permission 97/122/CPO to extend the date of commencement by 2 years to 16 June 2006 – Approved
05/00356/ELD Certificate of Lawfulness for use of site as a lorry park/haulage yard for the parking, repair and maintenance of heavy goods vehicles, fuel storage and associated offices – Granted
05/01166/FUL New office building, workshop extension, alteration of two accesses and closure of further access – Withdrawn

- 06/00214/FUL New office building, workshop extension, alteration of two existing accesses and closure of existing access – Refused
- 07/00114/FUL New offices and replacement workshop – Refused and allowed on appeal
- 08/00659/FUL New offices and workshop (revised scheme to 07/00114/FUL) – Approved
- 10/00537/FUL Retention of two static mobile homes for residential use for security staff – Refused and a subsequent appeal against an Enforcement Notice was dismissed and the enforcement notice upheld, however planning permission for one mobile home was granted
- 11/00543/FUL Retention of portal framed building/amendments to previously approved application ref. 08/00659/FUL and associated landscaping – Approved
- 12/00004/FUL Retention of new basement area for new offices previously approved under planning application 08/00659/FUL – Approved
- 12/00498/FUL Retention of mobile home for storage associated with security purposes - Approved
- 14/00080/FUL Erection and retention of a canvas covered temporary building for a period of 2 years – Refused
- 14/00369/FUL Erection of a building for storage and workshop associated with the current use - Approved

Views of Consultees

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

The **Environment Agency** has no objections subject to conditions regarding contamination, surface water drainage and piling or other foundation designs. Subsequent comments have been received stating that they have recently been made aware of a Phase II Report submitted in support of this application, along with comments from members of the public and other consultees. They state that their original response was based on the contents of the Phase I report only and as such they agreed that development could take place on the site in principle, subject to conditions. They confirm that whilst their position remains unchanged they are not satisfied with the contents of the Phase II report.

Severn Trent Water has no objection to the proposal subject to the submission, approval and implementation of drainage plans for the disposal of surface water and foul sewage.

The **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 County Council as the **Mineral and Waste Planning Authority** confirms that there is no extant restoration or aftercare conditions relating to the site and therefore has no objections to the proposal.

The **Landscape Development Section** has no objections subject to conditions requiring a tree retention and removal plan, an Arboricultural Impact Assessment, details of all special engineering within the RPAs, details of boundary treatment, full landscaping proposals including detail of hedgerow proposals and SUDs treatment, full levels proposals and proposals for open space and play on-site, and its long term maintenance (secured by a S106).

The **Education Authority** states that the development falls within the catchments of St. Mary's CE (VA) Primary School (Mucklestone) and Madeley High School. Assuming that 25% affordable housing is obtained and excluding the Registered Social Landlord (RSL) dwellings from the secondary calculation only, a development of 128 houses could add 27 Primary School aged pupils and 16 Secondary School aged pupils. St. Mary's Primary School would be full in all year groups and Madeley High School is projected to have insufficient places available in one year group only. The education contribution for a development of this size would be 27 primary school places (27 x £11,031 = £297,837) and 13 secondary school places (13 x £16,622 = £216,086). This gives a total request of £513,923. If the amount of affordable housing reduces the required education contribution will increase

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. The existing access from the B5026 Eccleshall Road will be upgraded to provide a priority controlled ghost island right turn land junction. The site is well located in terms of walking distances to most village services and the developer is proposing to improve this facility by providing a controlled pedestrian crossing on the A53 west of the Eccleshall Rd/Mucklestone Rd double mini-roundabout junction. The proposal will provide a safe crossing point over the A53 which will be of benefit to both current and prospective residents. This and associated measures will reduce the traffic speeds on this section of the A53. It is also proposed to introduce a pedestrian refuge on the B5026 Eccleshall Road/Mucklestone Wood Lane junction to assist pedestrians in crossing Mucklestone Wood Lane, although turning manoeuvres for large vehicles need to be checked to stop encroachment. 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. It is requested that the developer enters into a Section 106 Agreement to secure a £6,300 travel plan monitoring fee, a controlled pedestrian crossing and speed reduction features on the A53 west of the A53/Eccleshall Rd/Mucklestone Rd double mini roundabout junction, the provision of a pedestrian/cycle only access to the site linking to the existing footway and the provision of a pedestrian refuge on the B5026 Eccleshall Road/Mucklestone Wood Lane junction.

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.

The **Urban Design and Conservation Officer** is not concerned, given where the proposed access to the site is proposed, that the listed milepost will be harmed or compromised by the proposal.

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.
- The land has not been a quarry for 40 years; rather it has been a tip for various materials. The Geo-Environmental Report draws attention to potentially serious health risks but the report is wholly inadequate and the consideration of the application should be suspended to allow for the provision of a full soil investigation.
- The site is 800m from the village centre not 700m as suggested. The time to walk from the site entrance to Loggerheads is 15 minutes, not 5 minutes as claimed. Walking from the northern end of the proposed site will take considerably longer.
- The Visual Analysis fails to take account of the very open views from Rock Lane and Mucklestone Road to the west of the site.
- The bus service is limited and one of the reasons for refusal of a recent planning application at Baldwin’s Gate was based on the very poor bus service. Loggerheads is served by the same infrequent, unreliable service. It cannot be used by anyone seeking employment to the south.
- The site is considered incapable of being delivered as a housing development due to the very high costs of chemical remediation and specialist foundations to deal with the substantial amounts of tipped materials.
- This is not previously developed land and much of the site has not been developed in the past.
- A number of financial contributions as set out in LPC’s Neighbourhood Statement have been omitted.
- Most of the traffic information in the Transport Assessment appears to be out of date having being recorded in May 2013.
- Nearly half of drivers exceed the 30mph speed limit. There is a very active Speed Watch Group in the area and the 85th percentile is 37mph.

- A considerable length of Mucklestone Wood Lane has no footpath.
- The Design Review Panel was correct to state that this is not a natural extension of the existing village.
- There is not considered to be sufficient carriageway width for a pedestrian refuge at the junction with the B5026 and Mucklestone Wood Lane.
- Drainage concerns as there is a pronounced dip in Mucklestone Road where it crosses the Tadgedale Brook which is subject to continuous flooding whenever it rains. This has a resultant constraint on pedestrians crossing to the western side of the road which has the only footpath on this stretch of road. Vehicular traffic is also often restrained by the same regular flooding.
- The whole of the foul drainage system in Loggerheads south of the A53 needs an overhaul.
- The Tree Report is two years out of date and it is recommended that a Tree Preservation Order is made to prevent further destruction of the tree belt on the north side.
- The Parish Council has re-run the calculations in the Viability Report making a number of adjustments to determine whether the site is deliverable and a viable development. A revised calculation demonstrates that the site has a negative land value demonstrating that the development of the site for housing is a totally unrealistic proposition.
- There have been five major developments in Loggerheads in the recent past producing approximately 540 new houses. There are regularly upwards of 100 properties for sale within 2 miles of the centre of Loggerheads. The housing market in Loggerheads is being satisfied by existing stock.
- There are a number of factual errors in the assumptions made in the Waterco Consultants Drainage Strategy.

Further comments have been received relating specifically to the issue of land contamination. They state that the original agenda report fails to address the following issues:

- The 'quarry' was in fact a 'tip' for landfill between 1977 and 1994 and this is not referred to in the Committee report. A report has been submitted by a consultant but it is on the website as a representation from neighbouring residents.
- The geo-environmental reports fail to address all of the known history of the site and they haven't explored all relevant sources of local knowledge.
- The applicants are proposing a cut and fill exercise including importation of approximately 65,000 cubic metres. This would result in significant lorry movements and would risk mobilising contaminants that could pose a threat to the underlying aquifer. Neither of these aspects has been fully considered by the Planning Officer and should require Environment Agency approval and a separate planning approval from the Waste Planning Authority, in this case, Staffordshire County Council, and there is no evidence that the County has been consulted.
- Piling is being proposed to secure foundations but the Environment Agency has stated that piling shall not be permitted. The Committee report fails to address this.
- The Environmental Health Officer's response states that further site investigations are required that could result in additional remediation being recommended. Planning Officers are seemingly ignoring this.
- The Council appear to be ignoring the NPPF advice to take into account the cumulative effects.

Further correspondence has been received indicating that the Parish Council is concerned that many factors relevant to the application and the site visit have not been included in the Officer's report. The following is a summary of the points made:

- The yard stands on top of approximately 35 feet of unregulated fill
- The field to the west of the site is in fact fill material
- On the other side of the road is an area of designated landscape value
- The large depression in the ground is not a "quarry base", rather it is an area of fill
- The base has been described as 'gravel' but it is in fact road planings, a hazardous waste
- Beyond the small bungalow on the top of the bank is a lagoon seriously contaminated by phenol. The whole tip lies above the major drinking water aquifer on the area.

- Beyond the depression is an embankment topped by a plateau. This is processed waste overlying unregulated tipping.
- The former County Council Officer in charge of this tip before he closed it down following an incident involving phenol, has identified a number of chemicals present or permitted in the tip.
- Officers consider Rock Lane as a safe pedestrian route for unaccompanied children attending St. Mary's School in Mucklestone. Members will draw their own conclusions about this muddy and unlit route.
- There is no complete footpath route from the site to Loggerheads and this would be a danger to people who would have to cross Mucklestone Road.
- White House Farm is a Listed Building to the east and above the site with views down in to the site.
- There is insufficient health and well-being support within a reasonable distance of this site
- The applicant proposes to relocate 17,000 cubic metres of compacted waste material from the northern end of the site to the depression in the centre and then import 47,000 cubic metres of fill from off-site resulting in approximately 7000 large HGV return movements through Loggerheads village and along Mucklestone Road
- The County Council Minerals and Waste Department have confirmed that the relocation of waste fill and importation of approved additional fill will require a separate planning application to the County. Only after the County grant permission can the applicant then apply for a site license to the Environment Agency. Without Environment Agency approval this work cannot be carried out.

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 **Waste Management Section**, and the **Crime Prevention Design Advisor**. Given that the period for comments has ended it should be assumed that they have no comments to make upon the proposals.

Representations

Approximately 38 letters of objection have been received. A summary of the objections made is as follows:

- The development would be outside of the village envelope.
- Part of the site is greenfield.
- The village is not well served by public transport and most journeys are by car. As such the proposal is wholly unsustainable.
- This would not be a logical infill nor a ribbon development and is totally disconnected with any amenities in the village.
- There is a lack of a continuous footpath into Loggerheads.
- 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 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 no employment opportunities in the village.
- 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 property values
- The Loggerheads Parish Plan does not include this site for development.
- Public health concerns given that the quarry has been used in the past as a refuse tip. A variety of hazardous waste has been tipped. A full detailed survey of ground conditions is required to reveal exactly what has been dumped there.
- It would be better for the developer to make a contribution to affordable housing via commuted sum so that affordable housing can be directed at developments in areas of demonstrable need and/or sustainable urban locations.
- Impact on privacy
- Impact on the peaceful countryside.
- Impact on wildlife on or near the site.
- Increase in flooding
- The sewerage system is already unable to cope.
- Impact on White House Farm, a listed building.

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 as associated documents to the application in the Planning Section of the Council's website

Background papers

Planning files referred to
 Planning Documents referred to

Date report prepared

16th December 2015