

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.

The 13 week period for the determination of this application expires on the 23rd June 2016.

RECOMMENDATION

A. Subject to the applicant entering into a Section 106 obligation by 21st June 2016, securing the following:

- i. A management agreement for the long-term maintenance of the open space on the site**
- ii. A contribution of £530,545 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 the catchment school 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**
- v. A financial contribution of a sum yet to be agreed towards the provision of a travel plan for St. Mary's CE Primary School, Mucklestone**

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. Provision of pedestrian connection from the site to Rock Lane**
- 20. Surface water drainage scheme**
- 21. Details of the disposal of surface water and foul sewage**
- 22. Approval of details of play facilities and timing of provision of open space and these facilities**
- 23. 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% buffer supply of deliverable housing sites, 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 sizeable 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

This is considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

Key Issues

1.1 Planning permission was refused earlier this year for the residential development of up to 128 dwellings (Ref. 15/00015/OUT) at Tagedale Quarry. The reason for refusal is as follows:

The development of this site would constitute unsustainable development by reason of its location in relation to the built-up area of Loggerheads and its lack of accessibility to key services and facilities, including the catchment Primary School St. Mary's Mucklestone Church of England (Voluntary Aided) Primary School, there being no suitable and safe footpath access to that school from the development. The proposed development would result in a high level of private car use having regard to its location and limited bus services and therefore would be contrary to the requirements and guidance of the National Planning Policy Framework (2012).

1.2 A very similar scheme has now been resubmitted with the addition of a footpath in the north-eastern corner of the site linking the site to Rock Lane, and additional information to seek to address the above reason for refusal. This is the application here being considered.

1.3 Outline planning permission is sought for 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.

1.4 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.

1.5 There have been no material changes in planning circumstances since the consideration of the previous application and therefore, it is not considered necessary to comment upon matters of impact on the setting of Listed Buildings, impact on the landscape, highway safety, residential amenity or flooding. Given the previous reason for refusal, the issues for consideration in the determination of this application are as follows:

- Is there appropriate pedestrian access from the site to village facilities, including to St. Mary's Mucklestone Church of England (Voluntary Aided) Primary School, to ensure a sustainable development?
- 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 there appropriate pedestrian access from the site to village facilities, including to St. Mary's Mucklestone Church of England (Voluntary Aided) Primary School, to ensure a sustainable development in terms of its location?

2.1 Loggerheads is identified within the Core Spatial Strategy as being one of the three Rural Service Centres within the Borough 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.

2.2 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 1600m (1.6km) from the catchment primary school. The equivalent distance to the nearest non-catchment area primary school is about 1,400 m. The nearest bus stops are located on the A53 in the vicinity of the double mini roundabouts and are approximately 800m from the centre of the site.

2.3 In response to the reason for refusal of the previous scheme, the applicant has submitted supporting information as follows:

- It is important to consider that there are three strands to sustainable development: environmental, social and economic. Accessibility to services is only one of a wide range of considerations in the overall planning balance that needs to be considered;
- There is a good range of local services available within reasonable proximity of the site;
- Whilst Loggerheads does not have a high school, there is a high school in Market Drayton, which is a 10 minute bus journey from Loggerheads and Madeley High School also serves the catchment;
- A greater range of facilities are available within Market Drayton which are also located within a 10 minute bus journey from Loggerheads. Bus stops are within walking distance of the site;
- In terms of walking distances, Manual for Streets states that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (around 800m) walk time of residential areas which residents may access comfortably on foot. However, it goes on to state that this is not an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2km. Guidance contained in the Chartered Institution of Highways and Transportation (CIHT) document "Guidelines for Journeys on Foot" states that the preferred maximum walking distance for commuters and education is 2km. In relation to the distance that a child is expected to walk to and from school, the Department for Education and Skills states that the "statutory walking distance" is two miles for children aged eight, and three miles for children aged eight and over. All of the local facilities within Loggerheads can be accessed within a reasonably short walking distance, and such distances fall within those highlighted in the various guidance documents. The 2km distance is referred to within recent Planning Appeals and four decisions are highlighted for consideration;
- With regard to access to the catchment Primary School St. Mary's Church of England Primary School, Mucklestone, access on foot from the site to the school can be gained via Rock Lane, which is located to the north of the site, and a footpath from the site provides linkages to Rock Lane. A letter from the school Headteacher confirms that a 'walking bus' along Rock Lane has operated previously and the school are looking to obtain more volunteers to re-start the 'walking bus' initiative along this route, with the school having the equipment required to do so.
- Staffordshire County Council approved the use of Rock Lane for the 'walking bus' previously and trained parents and staff to operate as 'conductors'. It is not considered that there has been any material change in the condition of the route that justifies the County Council taking an alternative stance on the suitability of this route today.
- The 'walking bus' is controlled by adults and it is not expected that children will walk along the route alone. The route has been used in the past without incident.
- The revised indicative masterplan shows a direct pedestrian link onto Rock Lane at the north east corner of the site to allow prospective residents of the site to walk their children to the Primary School at Mucklestone, which is considered to be a safe and suitable route as demonstrated by its previous use as a 'walking bus' route to the school from Loggerheads and the Headteacher's support for re-using this route.
- With the exception of the small number of homes within Mucklestone itself, the proposed homes at the application site would be the closest and most accessible homes to St. Mary's Primary School (including homes both within and outside the school's catchment area). The application site is both closer and more accessible to/from St. Mary's than the site of the approved homes on the west side of Mucklestone Road, which the Committee approved (Ref. 15/00202/OUT) in July 2015.

- There are very few houses within the school's catchment area and even fewer that are accessible to the school on foot. The application site is clearly more accessible to the school than the vast majority of other homes where pupils come from, particularly mindful that the Headteacher has confirmed that 96% of existing pupils live outside the school's catchment area.

2.4 Your Officer can confirm that it is the case that in the appeal decisions referred to by the applicant's agent 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. 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. There are a reasonably wide range of facilities and services that are well within a 2km walking distance from the site.

2.5 Although concerns have been expressed that there is no safe, direct footpath access to the centre of Loggerheads due to flooding of a section of the footpath, any such flooding would only occur on occasion and for much of the year access would be unhindered. In any event, 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. The introduction of a pedestrian/cycle access linking the site to the existing footway on Eccleshall Road, the pedestrian refuge at the junction of Eccleshall Road (B5062) with Mucklestone Wood Lane and the introduction of a controlled pedestrian crossing on the A53 will improve linkages from the site to the village and will help to reduce the requirement for residents to use their cars.

2.6 Access by foot from the application site to St. Mary's Primary School in Mucklestone, could only be gained via Rock Lane (walking along the main road with its lack of footway would be ill-advised given the speed of passing vehicles). Concerns have been expressed by residents and by the Parish Council that Rock Lane is for a greater part of the year a dark, muddy and dangerous lane that would be an inappropriate route to school. It is stated that a 'walking bus' ceased to operate in the winter months as the children became wet and muddy or there were concerns about pedestrian visibility at the point where Rock Lane joins the B5026 in Mucklestone. The Crime Prevention Design Advisor has commented that in his view Rock Lane is far from ideal in terms of safety, being isolated with no lighting or natural surveillance. Your Officer acknowledges that for part of the year conditions underfoot along Rock Lane may be difficult, but the letter from the Headteacher of the school confirms that a walking bus along Rock Lane has operated in the past and it would appear that there is a realistic possibility that it could operate again in the future, even if it is only for part of the year. A direct pedestrian link onto Rock Lane is proposed at the north east corner of the development site. Given the location it is difficult to see why use of Rock lane should be considered dangerous – it carries very limited traffic indeed and this is a quiet rural location with a presumed relatively low crime rate. An opportunity would exist therefore, for residents of the development site to access this primary school by means other than car. That opportunity at least to some degree is likely to reduce the degree of car use by those residents who have primary age children who attend that particular school – which is likely to be a limited proportion of the residents anyway – the County predicting that for 128 houses there will be approximately 27 primary age children. Although the point can be made that St Marys Primary School is nowhere near other facilities, other than the Church in Mucklestone, and therefore there is no likelihood of linked trips being made in that direction, as could be the case in walks into Loggerheads, access to the catchment primary school is only one of the considerations in assessing the accessibility of the site.

2.7 The applicant has offered to make a financial contribution towards the preparation of a travel plan for St. Mary's Primary School and this could be secured via a Section 106 Agreement. Clearly the proposed development will inevitably put additional pressure on the school and it is considered that a financial contribution towards a travel plan for the school will 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. Further advice will follow regarding the sum required.

2.8 On a wider scale, this is not a remote, rural location and distances to higher order settlements and facilities are relatively short. 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.

2.9 The applicant's agent highlights that there are three strands to sustainable development - environmental, social and economic - and accessibility to services is only one of a wide range of considerations in the overall planning balance that needs to be considered. The three aspects of sustainable development were considered in relation to the previous application and it is not thought necessary to consider them again now. Members may wish to review the report that came to the 5th January meeting.

3.0 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?

3.1 Subsequent to the previous decision on the 5th January the Planning Committee on the 13th January received a Mid-year update on the 5 year housing land supply position in the Borough, which took into account evidence on housing needs contained within the Joint Strategic Housing Market Assessment (SHMA). The report indicated that in order to understand (and to demonstrate) the ability of the supply of housing land to meet the full, objective assessment of housing needs identified in the SHMA, it would be necessary to measure the supply of housing land across both local authority areas rather than within the Borough of Newcastle-under-Lyme alone. In the absence of such information it provided an interim and indicative picture of potential housing land supply in the Borough only. Considering the lower and upper ends of the range of projected household needs in the Borough alone, and accepting a requirement to provide a 20% buffer on the basis that there had been persistent under-delivery, the conclusion reached was that the Borough cannot demonstrate a five year supply of housing land against any part of the housing needs range. Even against the lowest housing need figure the Borough could only demonstrate 3.97 years' worth of supply, and against the highest housing need figure 1.9 years' worth.

3.2 Paragraph 49 of the NPPF states that housing applications should be "considered in the context of the presumption in favour of sustainable development" and that "relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a 5-year housing land supply of deliverable housing sites.

3.3 This is the position the Borough is at present in, notwithstanding the assertions of Loggerheads Parish Council as referred to in the consultation section. Taking into account the national Planning Practice Guidance the Core Strategy "requirement" based as it was on evidence that informed the now revoked West Midlands RSS no longer is an appropriate basis for assessing the adequacy of supply. Secondly the Parish Council's approach also assumes disaggregation into rural and urban supply calculations is possible, but it is not – the focus should be on the housing market area as already indicated.

3.4 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. The latter situation does not apply to this case, so the key test to be applied is do the adverse impacts of the development significantly and demonstrably outweigh its benefits.

3.5 The applicant has undertaken their own assessment of the 5 year housing land supply and they suggest that the position is even worse than your officers consider to be the case. The applicant suggests that relative to the higher end of the housing need range there is a supply equivalent to 1.87 years and relative to the lower end a supply equivalent to 3.48 years. They calculate that a 1.87 year supply represents a shortfall of 3414 dwellings. The difference relates to the inclusion of past shortfall against the CSS target for the years preceding 2013.

3.6 As the report to the 13th January meeting advised, the position set out in the latest 5 Year Housing Land Supply Statement suggests that an even greater weight (in the balancing exercise that must be

undertaken) will at least for the immediate future have to be given to the contribution a site makes to housing land supply.

3.7 It is the case that this 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. As referred to in the report on the previous application however, 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, it is considered 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.

APPENDIX

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
- 15/00015/OUT Outline planning application for the erection of up to 128 dwellings (including details of access) – Refused – copy of notice of appeal received

Views of Consultees

The **Education Authority** states that the development falls within the catchments of St. Mary's CE (VA) Primary School (Mucklestone) and Madeley High School. Excluding the Registered Social Landlord (RSL) dwellings from secondary only and assuming 109 of the units would be open market houses, a development of 128 houses could add 27 Primary School aged pupils and 17 Secondary School aged pupils. Both Madeley High School and St. Mary's CE (VA) Primary School are projected to have limited 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 14 secondary school places (14 x £16,622 = £232,708). This gives a total request of £530,545.

Regarding the walking bus, the Headteacher of St. Mary's has confirmed that the school do not operate a walking bus any longer mainly due to the fact that the children who were on it were the children whose parents had to go to work. The school offered a breakfast club instead which is very popular and there is no need for the walking bus currently. The school wish to be flexible to the idea of a walking bus but would not wish to be bound by a planning condition now. The Connectivity Team at Staffs County Council would be able to support the school with a travel plan if required by a condition. They also comment that Rock Lane may not be fit for purpose for a walking bus, although the Headteacher does not agree. If there was a walking bus in the future they would suggest a S106 contribution to enhance the lane.

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, the provision of a pedestrian refuge on the B5026 Eccleshall Road/Mucklestone Wood Lane junction and the County Council legal and technical fees in respect of preparing and engraving the agreement.

The **Crime Prevention Design Advisor** has no objection to the principle of housing on the site and states that the layout possesses many sound crime prevention principles. However concern is raised regarding the use of Rock Lane as a primary pedestrian route to school and back. It is narrow, used by farm machinery, muddy under foot and therefore would be hard work and unpleasant with children and pushchairs. It is far from ideal in terms of safety, being quite a long route which is isolated, has no natural surveillance, has no lighting and can feel quite enclosed in places where an individual on their own would feel and could be potentially vulnerable. It seems likely that many mothers would be too unhappy about using the lane on their own and consequently might resort to driving the short distance instead.

Loggerheads Parish Council objects to the current application on the following grounds:

- The LPA's site notices state that the proposal "does not accord with the provisions of the Development Plan in force in the area".
- Their own Loggerheads Housing Needs Assessment prepared in April 2016, based in part on the Borough Council's Joint SHMA indicates that supply of housing already substantially exceeds demand
- Furthermore in the context of the CSS and the rural target of a maximum of 900 dwellings between 2006 to 2016, as a result of decisions, the provision to date is far ahead of that required to achieve the 2026 projection. The Rural Area is far ahead of requirement thus negating the requirement for any further development in the wholly unsustainable locality of Loggerheads.
- The land has not been a quarry for 40 years; rather it has been a tip for various materials. In spite of being advised of this the applicant seems to be ignoring the fact that the site will not be viable for housing development which will require piles and other expensive foundations to considerable depths. The development is undeliverable and thus will make no contribution to actual housing supply.
- The applicant's interpretation of the letter written by the Head Teacher of St. Mary's School at Mucklestone is misleading and seriously flawed. The walking bus has only ever been used in the summer months. It is not a year round route and therefore the reason for refusal must stand.
- The crossing point at the school end of Rock Lane (of the B5026) is close to a blind bend on a narrow road with an unrestricted speed limit. Recent observations have not noted any pedestrian access to the school with all journeys observed by car.
- The current application shows a pedestrian access to Rock Lane at the north end of the site but fails to point out that this will not be available for use for at least 6 years from the start of work on the site.
- A License to tip to achieve the required levels will be necessary and there is no record of the County Minerals and Waste Department having been consulted on this aspect.
- Contributions towards education and open space have been omitted. There is no requirement to consider whether such contributions comply with the CIL Regulations.
- There is no safe walking route to the school and most journeys to and from the school will be by car.
- This is not previously developed land and much of the site has not been developed in the past.

- The highway consultants have overlooked a Technical Note they prepared for LPC in 2010 in which they state that the existing junction arrangements at the Muckleston Road/A53 junction did not conform to the then correct design standards. In particular they state that the A53 is effectively severing the two halves of the community and is likely to dissuade pedestrian and cycle movements.
- The Design Review Panel was correct to state that this is not a natural extension of the existing village.
- With respect to the 5 year housing land supply position there is no direct relationship between the number of consented plots and the delivery of completed houses. Delivery of houses is a direct result of market and financial forces and the perceived shortfall – underdelivery - is not actually related in any way to the five year land supply. Indeed the records of delivery confirm that the original assumptions for housing requirements were flawed.
- There are a number of references, in the submission, to Loggerheads having been designated as a Key Rural Service Centre when the only additional development it had to support was to be on brownfield sites within the village envelope, not extensions outside of the village envelope. It is contended that Loggerheads should cease to be regarded as such forthwith as it is no longer accurate (and the BC can produce no record that LPC was consulted at the time).
- With regard to the impact on the Listed Building, White House Farm, the Planning Authority should arrange for an independent authoritative assessment.
- There is no safe, direct footpath access to the centre of Loggerheads. The route does not comply with minimum disabled route widths and has a dip which floods making the crossing on foot impossible.
- The pedestrian crossing at the east side of the roundabouts is unsafe, in that it means that pedestrians will have to then cross Eccleshall Road to reach the village's main facilities.
- Given the prominent position of this site in the landscape and the potential for light pollution, the applicant should provide an assessment.
- The Parish Council's objection to the original application 15/00015/OUT should also be considered as part of their objection to this application.

The comments of **Loggerheads Parish Council** regarding Application No. 15/00015/OUT were as follows:

- 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 Muckleston 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 been 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.
- 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.
- 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 Muckleston 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 Muckleston 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.

Representations

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

- Unresolved pollution issues
- Unsustainable
- Outside of the village envelope
- No facilities and schools and doctors are full
- Only a few buses
- Highway safety concerns
- Not a Key Rural Service Centre due to a lack of facilities
- Rock Lane is for a greater part of the year a dark, muddy and dangerous unlit 'passage'. It would be an inappropriate route to school.
- The walking bus ceased to operate in the winter months as the children became wet and muddy. It has not run for the last 3 years due to parents' concerns over the volume of traffic at the Muckleston end of the lane.
- The drainage on Muckleston Road is incapable of handling the current excess of water, making the main pedestrian access to the site from the village via Muckleston Road often impossible at times due to flooding
- The proposed crossing of Muckleston Wood Lane would be still be dangerous even with a pedestrian refuge, because pedestrians have poor visibility of vehicles turning into the lane from the B5026.
- In excess of 100 dwellings have already been granted planning permission in Loggerheads
- It should not be assumed that the inability to demonstrate a 'robust' 5 year housing supply should outweigh all other considerations
- Impact on views
- Impact on wildlife
- Noise, light and air pollution
- Impact on the setting of a listed building, White House Farm, has not been properly considered

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Urban Design Appraisal
- Phase I Geo-Environmental Site Assessment
- Phase II Geo-Environmental Site Investigation
- Drainage Strategy
- Flood Risk Assessment
- Heritage Assessment
- Tree Survey Report
- Landscape and Visual Appraisal

- Transport Assessment
- Travel Plan
- Economic Benefits Report
- Draft Head of Terms

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 via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00202/OUT>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

12th May 2016