

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2017

Agenda item 5

Application ref. 16/00866/OUT

Land off Eccleshall Road, Loggerheads

Your Officer's attention has been drawn to an item of correspondence that has been sent from Loggerheads Parish Council to all members of the Planning Committee. The correspondence is at least in part about the actions of your officers prior to and during the holding of the Tagedale Quarry appeal public local inquiry, and your Officer will be writing to members separately on that aspect. The following is a summary of the comments made within this correspondence as appear to your Officer as material to the determination of the application:-

- At the Tagedale Inquiry last week the Borough Council's evidence focused on the lack of facilities in Loggerheads and presented significant evidence to support the assertions that Loggerheads is not a sustainable location. In the report on this application your Officer continues to use old language that "in terms of sustainability...it is considered that the site is in a sustainable location".
- The other major part of the Borough Council's evidence at the Tagedale Inquiry was to counter the Appellant's assertion that the Borough Council's planning policies are out-of-date. In the report on this application the Officer confirms that "...this site is not within a village envelope nor would the proposed dwellings serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by housing policies in the Development Plan."
- In November 2016 a written response was provided by the Council's agent to the objections submitted by the Parish Council but the Parish Council was not given the opportunity to rebut the criticism. The criticism is factually incorrect. The agent states that the housing needs assessment (HNA) is "fundamentally flawed because it does not consider housing market areas and makes no reference to SHMA" but it does so repeatedly. The agent says that the HNA "focuses solely on affordable housing" but it does not, it analyses and assesses need for all types of housing. The agent suggests that the HNA does not follow Planning Advisory Service guidance but it does.
- In the report the Officer considers the impact on nature conservation interests and in addition a letter was sent to the agent on 24th January confirming that an Environmental Impact Assessment is not required for this application. This conclusion is a direct contradiction to the screening that was done by the Planning Policy Officer for the Loggerheads Neighbourhood Plan in November 2016 making direct reference to this same site. One of these two screenings cannot be correct.
- A buffer zone is recommended but the wording suggests that it is linked to the Phase 1 Habitat Survey which recommends a buffer zone of 5m. The Woodland Trust recommends a buffer of at least 30m wide and they refer to Natural England's Standing Advice which recommends a buffer of at least 15m. The Parish Council consider a 30 m buffer to be appropriate
- The report considers it necessary to restrict the height of the dwellings to a maximum of 2½ storeys. The houses in the surrounding area are one or two storey and it is considered that anything more than 2 storeys would be out of keeping with the area and would have a detrimental impact on the natural landscape so close to ancient woodland.

Your Officer's comments

- Notwithstanding evidence given by the Council's witness at the Tagedale Quarry appeal, your Officer's professional view remains that given the number of shops and services in the village and the choice of modes of transport available, Loggerheads is

a sustainable location and this site lies very close to both the village centre and the catchment primary school.

- Notwithstanding evidence given by the Council's witness at the Tagedale Quarry appeal, your Officer's view remains that in the context of the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites, policies relating to the supply of housing cannot be considered up-to-date. Therefore, 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.
- Whilst the Parish Council's comments regarding their Housing Needs Assessment may be correct, the matter is not material to the determination of this application. Given that the Loggerheads Neighbourhood Plan has not reached the appropriate stage at which it can be given any weight, that Plan and the evidence behind it, including the Housing Needs Assessment, can be given no weight.
- An Environmental Impact Assessment (EIA) differs from a Strategic Environmental Assessment (SEA) in that an EIA assesses the likely impact of an individual project on the environment and an SEA assesses the likely impact of a whole plan on the environment. Although the Parish Council state that the confirmation by the Council that an EIA is not required for this development contradicts the conclusion reached by the Council regarding the Neighbourhood Plan, this is not correct. It is contrary only to the draft opinion of the Borough Council that the draft Loggerheads Neighbourhood Plan is not supported by sufficient evidence to demonstrate that the plan as a whole would promote sustainable development. It is possible that the two screening opinions could come to different positions.
- Although the Woodland Trust recommend a buffer zone around the site of at least 30m, Natural England's Standing Advice on Ancient Woodland and Veteran Trees states that mitigation measures will depend on the development but could include a number of measures including leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland. It states that depending on the size of the development, a minimum buffer should be at least 15 metres. The Phase 1 Habitat Survey that accompanies the application recommends a 5m buffer around the site to protect the integrity of the woodland. It states that the buffer can be planted with native woody species and will reduce the risk of development directly impacting woodland edge habitats. Your Officer is satisfied that a 5m buffer in addition to the other mitigation measures recommended in the Phase 1 Habitat Survey and conditions regarding tree protection measures would provide sufficient protection for the woodland.
- The Planning Statement indicates that the properties would be predominantly 2-storey but potentially rising up to 2½ storeys to articulate key nodes. Although the Parish Council suggests that the dwellings should be a maximum of 2 storeys in height, given the enclosed nature of the site and the mix of dwelling size and style in the area, it is not considered that 2½ storey dwellings would have an adverse impact on the character and appearance of the area.

The recommendations for this application remain as per the main agenda report.