

The application is for outline planning permission for the erection of up to 65 dwellings with associated open space and landscaping. 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 outside the village envelope of Loggerheads and within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. The site area is approximately 3.65 hectares. The site fronts onto the A53.

The 13 week period for the determination of this application expired on the 1st May. The applicant agreed to extend the statutory period until the 30th May.

RECOMMENDATIONS

A) Subject to consideration being given to the expected comments of the Highway Authority, and subject to the applicant entering into a Section 106 obligation by 12th November 2017 securing the following:

- i. A management agreement for the long-term maintenance of the open space on the site**
- ii. A contribution of £132,976 (on the basis that the development as built is for the full 65 units and of the type indicated), towards the provision of education places at Madeley High School**
- iii. Unless an equipped play area is provided on site, a contribution of £5,579 per dwelling to improvements to the Burntwood Play Area; or on other nearby sites, that can be accessed safely and are within an appropriate walking distance, in conjunction with the Parish Council**
- iv. Provision of 25% of the dwellings on-site as affordable units**

PERMIT subject to conditions concerning the following matters:

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development**
- 2. Reserved matters submissions**
- 3. Approved plans**
- 4. Development permitted is for 65 dwellings maximum**
- 5. Contaminated land**
- 6. Construction hours**
- 7. Construction management plan addressing environmental and highway safety issues**
- 8. Approval and implementation of design measures to secure appropriate internal and external noise levels**
- 9. Waste storage and collection arrangements**
- 10. Reserved matters submission to include layout specific Arboricultural Impact Assessment**
- 11. Reserved matters submission to include details, on the layout plans, of root protection areas of all trees to be retained.**
- 12. Full details of the footway along the site frontage and extending beyond the site, and footpath to Kestrel Drive, and implementation of the above**
- 13. Details of proposed boundary treatment and alignment of utility operations to ensure that retained trees are not adversely affected.**
- 14. Schedule of works to retained trees which shall include the better quality trees from the mature group identified as T39-T72 if the layout allows.**
- 15. Visibility splays**
- 16. Foul and surface water drainage scheme**
- 17. Any reserved matters application to broadly comply with the Design and Access Statement in respect of the location of the dwellings and open space.**
- 18. Approval and implementation of mitigation measures to avoid an adverse effects on Burntwood Site of Scientific Interest, as recommended by Natural England**
- 19. Recommendations of Phase 1 Habitat Survey to be complied with**
- 20. Archaeological evaluation**
- 21. Dwellings to be 2 storey with 2½ storey dwellings only at key nodes**
- 22. Any other appropriate conditions as recommended by the Highway Authority**

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 a play area and adequately maintained public open space, appropriate provision for required education facilities and an appropriate level of affordable housing; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.

Reason for Recommendation

In the context of the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites, it is not considered appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised Rural Service Centre. The adverse impacts of the development do not significantly and demonstrably outweigh the key benefits of this sustainable development. Accordingly permission should be granted, provided the contributions and affordable housing indicated in the recommendation are secured. The views of the Highway Authority are however still awaited and will need to be given consideration when received

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 (NPPF).

Key Issues

1.1 Outline planning permission is sought for residential development of up to 65 dwellings with associated open space and landscaping. 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.

1.2 The application site, of approximately 3.65 hectares in extent, is within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Loggerheads. An area of woodland and open space is to be provided within the site and as such it is not intended to build upon the site in its entirety.

1.3 The site is adjoined to the south by Burntwood ancient woodland, parts of which are designated as a Site of Special Scientific Interest.

1.4 The site comprises agricultural land but an Agricultural Land Classification Survey based upon a field survey has been submitted with the application which concludes that it is Grade 3b or moderate quality which is not 'best and most versatile agricultural land' as referred to in the NPPF.

1.5 The main issues for consideration in the determination of this application are therefore:-

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Would there be any significant impact upon any nature conservation interests?
- 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 material adverse impact upon highway safety?
- What planning obligations are considered necessary and lawful?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

2. Is the principle of residential development on the site acceptable?

2.1 The application site lies within the Rural Area of the Borough, outside of the village envelope of Loggerheads, in the open countryside. Loggerheads Parish Council are currently preparing a Neighbourhood Plan for the parish which will become part of the Development Plan and will be material to the determination of planning proposals within the Plan area. At this stage, however, the Neighbourhood Plan has not advanced to a stage where any weight can be given to it.

2.2 CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and

within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

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

2.4 Furthermore, NLP Policy H1 only supports housing in limited circumstances - principally within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

2.5 As indicated above this site is not within a village envelope nor would the proposed dwellings serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by housing policies in the Development Plan.

2.6 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).

2.7 The Council 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). The latest position was reported to the Planning Committee at its last meeting and that report indicated a supply of 1.8 years' worth, in terms of the borough's housing requirements. The starting point therefore is set out in paragraph 14 of the NPPF which sets out that there is a presumption in favour of sustainable development, and for decision taking this means, *unless material considerations indicate otherwise granting 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.*

2.8 The site lies very close to the village envelope of Loggerheads which is identified within the CSS as being one of the three Rural Service Centres which are detailed as providing the most comprehensive provision of essential local services. The Borough's Rural Services Survey (2011), an update of that undertaken in 2008, states that Loggerheads, one of the borough's larger rural settlements, *"has a wide range of local services and is located within a very sustainable and accessible location along the A53"*. At that time it confirmed that within the village there was a post office, 2 food shops, 2 restaurants/takeaways, a school, a pub, a cash point, a library and other local amenities. The Survey went on to conclude that Loggerheads and the other settlements defined as Rural Service Centres offered the most sustainable locations for additional development to meet local needs and to support the vitality and viability of local service provision.

2.9 Loggerheads currently has a food store, a primary school, a public house, a pharmacy, a library, a cash point, a post office, a butcher, a restaurant, a takeaway, a hairdresser, a barbers, a veterinary surgery and a bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury. Although this site lies just outside the village envelope, it is very close to existing facilities, and the village centre of Loggerheads, i.e. the food store, post office and library, is just 400m walking distance from the centre of the site provided that a suitable footway can be provided and the catchment primary school is also very close. The bus stops in Loggerheads currently provide an hourly daytime service on Mondays to Saturdays linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury and are located on the A53 in the vicinity of the double mini roundabouts, approximately 5 minutes walk from the site. It is the case therefore that the occupiers of the proposed dwellings will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. Top-up shopping for example, would be obtainable from within the village and accessible from the application site by foot or cycle.

2.10 The Newcastle Rural Accessibility report (September 2015) concludes that Loggerheads experiences very mixed accessibility in terms of travel times to different services and facilities. The

settlement has good access to GP surgeries, supermarkets and primary schools but longer travel times to secondary schools, further education and a range of employment destinations.

2.11 In the Tadgedale appeal decision (March 2017), which took into account the above, the Inspector acknowledged that in terms of access to services such as bulk food and comparison goods shopping, most evening entertainment, secondary and further education and hospital visits occupiers of that proposed development would rely on trips outside Loggerheads. The Inspector also acknowledged that there is a range of food shopping available only about 8km away at Market Drayton and Newcastle town centres to and from which there are regular daytime buses. Given the limitations to the bus service and the location, it was acknowledged that accessibility to employment is likely to be primarily by car. However there is the opportunity for the use of public transport for some work and/or leisure trips and given that this is not a remote, rural location, distances to higher order settlements and facilities are relatively short.

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

2.13 The applicant's agent states that social benefits are the provision of new housing, especially the affordable housing element, and support for local shops and services. He states that economic benefits are the provision of construction jobs (which is calculated at 279 jobs using the Home Builders Federation (HBF) tool that estimates that value of wider benefits) and training (2 apprentices, graduates or trainees as calculated using the HBF tool) and additional tax revenues (£650,000 in tax revenue, including £83,590 in Council tax as calculated using the HBF tool).

2.14 It is the case that the development would undoubtedly create associated construction jobs and the construction of housing in the rural area in a district that does not have a five year supply of housing. The development would fulfil a social role by delivering a mix of market housing and affordable housing in the rural area and the issue of the environmental impact of the scheme will be considered fully below. Whilst the development could be expected, under current arrangements, to result in the payment to the Council of New Homes Bonus (NHB) – a local finance consideration (unlike Council tax revenue) to which regard must be had in planning decision as far as it is material, such materiality depends upon whether the NHB could help to make the development acceptable in planning terms which given the purposes on which NHB is spent in the Borough would not be the case. The guidance is clear – it would not be appropriate to make a planning decision based on the potential of the development to raise money for a local authority.

2.15 Such benefits as have been identified can only be given their full weight and the development can only be defined as sustainable if safe routes to the village can be secured. At present the footway from the village terminates partially along the frontage of the Fire Station adjoining the application site. The required footway will therefore need to be partially constructed on land outside of the applicant's ownership and control on land which does not form part of the highway. In addition a listed milepost is sited less than 2m from the edge of the highway and therefore would result in a substandard footway width unless it is relocated further away from the highway (requiring listed building consent) or if the required 2m wide footway goes around the milepost.

2.15 In response to this issue the applicant has approached the Fire Authority who has indicated they have no objections to the provision of such a footway on their land. In addition they have indicated that they would not object to the repositioning of the milepost onto a landscaped area more than 2m from the highway. In light of this it can be concluded that a negatively worded condition can be imposed to secure the footway.

2.16 Paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole or specific policies in the Framework indicate development should be restricted. The footnote to paragraph 14 gives examples of such policies and includes those policies relating to sites designated as Sites of Special Scientific Interest.

3. Would there be any significant impact upon any nature conservation interests?

3.1 Burntwood comprises ancient woodland and part of it is designated as a Site of Special Scientific Interest (SSSI). As stated above, paragraph 14 of the NPPF refers to policies relating to sites designated as SSSIs and paragraph 118 states that proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI should not normally be permitted. Paragraph 118 goes on to state that planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats, including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

3.2 Saved Local Plan Policy N3 indicates that consideration of applications for planning permission will take into account the potential effects of development proposals upon wildlife and geological features. In all cases where development or land use change is permitted, development proposals will be expected to avoid or minimise any adverse effects and, where appropriate, to seek to enhance the natural heritage of the Borough by identified measures.

3.3 Saved Local Plan Policy N8 indicates that the Council will resist development that may harm, directly or indirectly, amongst other things an ancient woodland site. Where development affecting such habitats can be approved, appropriate measures will be required to minimise damage, to provide for appropriate habitat restoration and/or re-creation to compensate for any loss, and to assist where possible towards meeting the targets for habitat and species increase set out in the Staffordshire Biodiversity Action Plan.

3.4 Saved Local Plan Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme. Where appropriate, developers will be expected to set out what measures will be taken during the development to protect trees from damage.

3.5 The site adjoins ancient woodland and is separated from a designated SSSI by the intervening Burntwood housing estate. Notwithstanding this, it is important to consider whether the proposed development would have any adverse impact on those designated assets. In addition, whilst not within the designated ancient woodland, woodland extends into the southern sections of the site. Consideration of the impact of the development on trees that do not form part of the designated ancient woodland is considered elsewhere in this report.

3.6 The proposed development has the potential to damage or destroy the interest features for which Burntwood SSSI due to an increase in visitors to Burntwood, which is open access land, arising from this development given it is in walking distance to the SSSI and the non-SSSI areas. Notwithstanding this Natural England has raised no objections to the proposal subject to the securing of mitigation measures.

3.7 Such measures should include the submission of details relating to the design, extent and management of open and greenspace within the development consistent with the NPPF and local policy. A residents' information pack material is required to raise awareness of the SSSI and its vulnerabilities. In addition the provision of circular walking routes from the site using Burntwood open access land that avoids passage through the SSSI areas of the wood.

3.8 It is the case that the Habitat Survey submitted with the application concludes that subject to mitigation, there would be no significant adverse impact within the site which does include areas of woodland. Subject to careful consideration of the detailed layout at the reserved matters stage and subject to the imposition of conditions requiring appropriate mitigation, it is not considered that a refusal could be sustained on the grounds of adverse impact on Burntwood ancient woodland or SSSI.

3.9. The submitted tree survey considered 81 individual trees, six groups of trees and shrubs, three woodland blocks and four hedgerows. It identified that 37 individual trees, three groups of trees and three sections of hedgerow would need to be removed to accommodate the development as indicated on the illustrative Masterplan. Of the trees and hedgerows that have been identified as requiring

removal there are 12 individually surveyed trees and three sections of hedge have been assessed as of moderate quality majority are of low quality (C Category). All trees that have been identified as being of high quality (category A) are to be retained. As such the majority of trees to be lost are those that have been assessed as low quality. Notwithstanding this, whilst additional information has been submitted to support the application the Landscape Development Section has not as yet been satisfied that 65 dwellings can be constructed on the site without further loss of trees to that identified by the applicant. It should, however, be noted that this is an outline application with all details other than the point of access being reserved for subsequent approval. Any layout of the site submitted through a reserved matters application could be designed to minimise the loss of trees and potentially retain more trees that have been shown as being retained.

3.10 In addition it would appear that part of hedgerow that would meet the criteria for 'important' would be lost to accommodate the access visibility splay. A hedgerow could be planted to the rear of the visibility splay but such a hedgerow could not 'replace' what is significant about the hedgerow to be lost.

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

4.1 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.

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

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

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

4.3 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.

4.4 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.

4.5 The only matter for approval as part of this application is access. Therefore, layout, scale and appearance are all matters reserved for subsequent approval. An illustrative masterplan has been submitted which sets out the design principles that will inform the site layout, including establishing development blocks, frontages and articulating corners and points of interest.

4.6 Up to 65 dwellings are proposed which would equate to a density of approximately 18 dwellings per hectare if the entire site area is taken into consideration and about 33 dwellings per hectare when the areas within the site which are not to be developed are deducted. This medium density is

considered appropriate in this edge of village, semi-rural location on a site with generous areas of open space.

4.7 The development extends to the south of the A53 Market Drayton Road in a westerly direction. The extent of the land to be built upon does not extend beyond the current ribbon of residential development on the north side of Market Drayton Road. There is a mix of dwelling size and style in the area and 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. The Design and Access Statement indicates that the site would comprise a mix of detached and semi-detached dwellings and the Planning Statement indicates that the properties would be predominantly 2-storey but potentially rising up to 2½ storeys to articulate key nodes. Given the location of this site on the edge of a village, it is considered necessary to restrict the height of the dwellings to a maximum of 2½ storeys and only at key nodes. Notwithstanding the concerns expressed by the Parish Council with regard to the type of housing proposed not meeting the need that has been identified for small houses for an ageing population, in the absence of policy in this regard the proposal is acceptable and in any event the application is in outline and any development of the site may include small houses.

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

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

5.1 Vehicular access to the site would be via a new access off Market Drayton Road (the A53). Details of the access have been submitted along with a Transport Statement (TS) which states that the access arrangements accord with Manual for Streets and that appropriate visibility splays having regard to surveyed vehicles speeds can be provided. It also states that the proposed development will result in 51 two-way trips in the AM peak hour and 55 two-way trips in the PM peak hour. This is under one vehicle trip per minute, which would not have a severe impact on the local highway network.

5.2 The Highway Authority (HA) are objecting to the proposal because a designer's response to the issues raised in the Stage One Road Safety Audit wasn't provided, nor are any details of how a 2m wide footway could be provided which links to the existing footway on Market Drayton Road. Further information has been submitted and the Highway Authority's response is awaited. It is anticipated that they will withdraw their objection.

5.3 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*. Given the relatively limited number of additional traffic movements that a development of up to 65 dwellings would create and noting that the Highway Authority are unlikely to have objections to the application, following consideration of the additional information, 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. What planning obligations are considered necessary and lawful?

6.1 The applicant has confirmed their willingness to agree to the provision of 25% affordable housing and the making of a financial contribution towards education provision. The submission indicates that there will be no provision of an equipped play area on the site and if that is to be the case a financial contribution to off-site provision is required. There is no reason not to provide both options to the developer. The Landscape Development Section has suggested that such a contribution, if received, could be spent on the existing Burntwood Play area which is 480m (radial distance) or 590m (walking distance) which is acceptable. They have further suggested that if not spent at Burntwood consideration could be given to increasing new playground facilities at the proposed development site south of Muckleston Road. This is not considered to be acceptable, given that it would be up to

1,000m and therefore too far from this development, and may also not be possible given that play area is to be provided and maintained by the developer of that site. Finally they have suggested it could be spent on other suitable nearby sites in conjunction with the Parish Council which may be acceptable if the identified play area can be accessed safely and is not too far away from this development.

6.2 The open space that is to be provided would, it is proposed, be maintained by a management company which can also be secured by a Section 106 Agreement.

6.3 Such obligations are considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the Community Infrastructure Levy Regulations. However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

6.4 Staffordshire County Council has requested an education contribution towards the provision of spaces at Madeley High School. 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.

6.5 In the Planning Statement submitted with the application, it is stated that because the site is Council-owned, a Section 106 is not a legal mechanism that can be applied to this application. Your Officer has received legal advice relating to other sites owned by the Council and whilst the Borough Council cannot enter into a contract with itself (as a matter of law) a planning obligation can be entered into prior to a decision notice being issued which secures in a transparent and appropriate manner the affordable housing and education contribution. It is anticipated that the County Planning Authority would act as the Local Planning Authority for the planning obligations at least until the site has been disposed of.

7. 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?

7.1 In consideration of the above points, subject to the securing of a footway linking the site to the village along Market Drayton Road, the proposal represents sustainable development and would make a significant contribution towards addressing the undersupply of housing in the Borough. It would also provide affordable housing for the rural area.

7.2 The proposal would, however, result in the loss of trees and part of a hedgerow which might be classified as important.

7.3 Given the scale of the development and the scale of the undersupply currently identified considerable weight can be given to the benefits. This would outweigh the weight given to the harm that has been identified even if more category B trees cannot be retained than the submission suggests. As such it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal complies 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 SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N8	Protection of Key Habitats
Policy N12	Development and the protection of trees
Policy N17	Landscape Character – General Considerations
Policy N18	Areas of Active Landscape Conservation
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

National Planning Policy

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[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](#)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

Relevant Planning History

None relevant.

Views of Consultees

The **Highway Authority** indicates that the application should be refused because the submitted application fails to provide adequate information for the Highway Authority to determine the application from a highway safety and transport perspective.

Additional information is required from the applicant as detailed below;

- A designer's response to the problems raised within the stage 1 Road Safety Audit (RSA)
- Provision of details of a footway from the site, crossing over the frontage of the Fire Station and tying into the existing footway. The milepost in the verge which is sited on the route of the footway would need to be addressed because it restricts the width and therefore the pedestrian connectivity from the site to the centre of Loggerheads.
- The proposed design of the gateway feature whether the extended 30mph speed limit will start is not acceptable because the use of coloured surfacing is not supported by the Highway Authority.

Additional information has been provided and the views of the Highway Authority have been sought.

The **Landscape Development Section**, following receipt of additional information, comment as follows:

- The impact of the proposal on retained trees is somewhat unclear and the outline masterplan doesn't provide sufficient details on the location of buildings, roads, earthworks and services in order for the impact of the proposals upon trees to be properly assessed.
- Concerns are raised about the loss of the group of mainly Oaks/conifers identified as T39-T72. This group of mature trees is particularly prominent from Market Drayton Road and makes a significant contribution to the local surroundings. Some of the trees are poor but the better quality trees should be retained.
- The retention and protection of the category A trees on the site and of the younger woodland beyond which will act as a backdrop is welcomed.
- The Hedgerow Assessment provided indicates that hedgerow H4 would meet the criteria for 'important' but historical/archaeological data appears to be missing.
- *Either* an appropriate play facility which would be managed through an agreed management programme should be installed on site *or* a developer contribution for off-site public open space should be secured. The contribution should be £4,427 per dwelling for capital development/improvement of off-site open space and in addition £1,592 per dwelling for 60% of the maintenance costs for 10 years (total £5,579 per dwelling). Such a contribution would be required for the Burntwood Play Area. Consideration may be given to increasing playground facilities at the proposed development site south of Mucklestone Road or to working with the Parish Council to allocate funds to other suitable nearby sites
- Any reserved matters application should provide the following:
 - Layout specific Arboricultural Impact Assessment (to BS5837:2012)
 - Root Protection Areas (RPA) of retained trees to be shown on the proposed layout (to BS5837:2012)
 - Details of all special engineering within the RPA and other relevant 'no dig' construction details.
 - Details of proposed boundary treatment
 - Alignment of utility operations
 - Schedule of works to retained trees
 - Full landscaping proposals including detail of hedgerow replacement behind the new visibility sightlines.

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, noise levels, hours of construction, and a construction and environmental management plan.

The **Education Authority** states that the development falls within the catchments of Hugo Meynell CE (VC) Primary School and Madeley High School. A development of 65 dwellings, excluding the 10 Registered Social Landlord dwellings from secondary only, could add 14 primary-aged pupils and 8 of secondary age and 2 Sixth Form aged pupils. A contribution of £132,976 (8 x £16,622) is requested towards Secondary provision, assuming policy compliant affordable housing is provided on site.

Hugo Meynell CE (VC) Primary School is currently projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request is made towards Primary School provision.

The **Crime Prevention Design Advisor** has no objection to the construction of housing on the application site. Any subsequent reserved matters application should clearly explain and demonstrate in the site layout how crime prevention and community safety measures have been considered in the design of the proposal. Some comments made on the illustrative masterplan.

The **Lead Local Flood Authority** states that the proposed development will only be acceptable if a suitable detailed surface drainage scheme is agreed and implemented.

The **Environment Agency** makes no comment as it is not within their remit to comment on such applications.

The Staffordshire County Council **Environmental Advice Team** comment as follows:

- Bearing in mind the demonstrable archaeological potential of the area and the site, coupled with the scale of the proposed development it is advised that should permission be granted a staged archaeological evaluation be undertaken secured through a condition.
- To ensure landscape effects have been thoroughly considered and, if minded to approve the application, that adequate provision is made in the masterplan to ensure that an acceptable level of mitigation could be achieved to minimise the effects on the wider landscape.
- The attention of the developer should be drawn to the existing of Public Footpath no. 51 which runs through the site and that any planning permission does not construe the right to divert, extinguish or obstruct any part of the public path.

Natural England has no objection subject to appropriate mitigation being secured to ensure that the development doesn't damage or destroy features of the Burntwood Site of Special Scientific Interest including the following:

- Design, extent and management of open and greenspace within the site.
- Residents' information pack material to raise awareness regarding local open and greenspace resources and steps that residents can make to conserve them while enjoying the benefits they offer.
- Circular walking routes from the application site using Burntwood open access land that avoid passage through the SSSI areas of the wood.

Housing Strategy advises that the policy compliant provision of affordable housing should be secured.

Loggerheads Parish Council comment as follows:

- The recent Government White Paper refers to the need to plan for the right homes in the right places and that development is about far more than building homes, the right infrastructure is required.
- The Loggerheads Community Survey conducted as part of the emerging Neighbourhood Plan, quite clearly states that Loggerheads residents do not believe that there is a need for further 3 and 4 bedroom housing development within Loggerheads. The traffic data is out of date, most is at least two years old, the speed limit to the west as referred to in the submission is incorrect and the number and vehicles will have increased.
- The survey identified this site as the only suitable location, within the village envelope, for a Community Facility that would include a Medical Facility along with sports and recreation facilities.
- The Housing Needs Assessment for Loggerheads supports the need for small housing for an aging population.
- The use of rumble strips to slow traffic would not be welcomed so close to residents.
- It is not clear what the need for the pedestrian refuge is, unless it is intended to slow traffic by making it difficult to overtake. The plans show a new footpath so there would be no need for it for pedestrians. It is too close to the substandard access.

The Parish Council do not object to the right type of houses on the site, but sports, leisure and recreation facilities upgrades would need to be secured first. They do not object to an access in the approximate position shown on the submitted plans.

Staffordshire Wildlife Trust advises that they don't have the resources to respond.

The Council's **Waste Management Team** was consulted but as they haven't responded it is assumed that they have no comments.

Representations

Two objections have been received raising the following concerns:

- The development will affect outstanding views from the front of properties on Market Drayton Road and the Borough Council should provide compensation for the loss of that view and the associated devaluation of property
- The access point is at a dangerous point on the A53
- Whilst there may have a housing supply shortfall, but houses should be built where there is employment nearby and there is no employment available in Loggerheads.
- There are 1800 empty properties in the Newcastle area.
- The calculations undertaken by the Education Authority as to the number of children generated by this development is questionable.
- People will not walk from the site to the village along Market Drayton Road given that it is unpleasant and unsafe given the type of traffic, including articulated lorries, that travel along that road. Consideration should be given to putting in a footpath to the rear of the Fire Station onto Kestrel Drive.
- If planning permission is granted the developer must be required to implement the woodland walk and look after the Oak trees within the site.
- The development could result in loss of privacy and light and there is insufficient detail to enable this to be assessed
- The development could result in highway safety and parking issues and there is insufficient detail to be satisfied that this won't be the case.
- The existing schools, GP practice, drainage/sewers etc. will not support the amount of additional dwellings that have been proposed in a number of applications.
- There is not enough detail to know what the buildings will look like and assess their acceptability.
- The suggestion that a children's play area should be provided close to Market Drayton Road is illogical and dangerous. The best place for such a play area would be land immediately behind and to the south of the fire station and a footpath could be constructed from Kestrel Drive.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Flood Risk and Foul Drainage Assessment
- Tree Survey Report
- Arboricultural Impact Assessment
- Hedgerow Assessment
- Extended Phase 1 Habitat Survey
- Transport Assessment and Addendum
- Framework Travel Plan
- Agricultural Land Classification
- Phase 1 Environmental Assessment

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/17/00067/DEEM4>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

28th August 2017