

The application is for outline planning permission for the erection of up to 70 dwellings. Access is in part for consideration in this application with all other matters (appearance, landscaping, layout and scale) reserved for subsequent approval.

The application site lies on the north side of Mucklestone 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 2.2 hectares. The existing house at Gravel Bank and part of its outbuildings are not affected by the proposal. A milepost on the site frontage is a Grade II Listed Building.

The 13 week period for the determination of this application expires on the 12th November 2018.

RECOMMENDATION

Refuse for the following reasons:

- 1. The site lies beyond the village envelope of Loggerheads and its development would not comply with policies in the development plan on housing within the rural areas**
- 2. The development would have an urbanising effect on the open countryside and would have a significant adverse impact on the character and appearance of the area.**
- 3. The development would involve a high level of the use of the private car, thus be in conflict with policies on sustainable transport**
- 4. In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards education provision.**
- 5. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market.**
- 6. In the absence of a secured planning obligation the development fails to make appropriate contributions towards travel plan monitoring and preparation which is required to provide a sustainable development.**
- 7. In the absence of a secured planning obligation the development fails to provide a means to secure the long term maintenance and management of the required public open space upon the site**

Reason for Recommendation

The proposal is for residential development in a location where such development is contrary to policies within the approved development plan for the area, and the Council is now able to demonstrate a supply of deliverable housing sites of more than 5 years, so such policies should not be considered to be out of date as a result of the supply position. The proposal would extend built development into the open countryside and would have a significant adverse impact on the character and appearance of the area. Due to the location of the site away from a higher level of services, employment and public transport links, there is likely to be a high level of the use of the private car.

The proposed development would result in additional pressure on school places and in the absence of a financial contribution such adverse impacts would not be appropriately mitigated against. Whilst that could be done via planning obligations, and the applicant has indicated a willingness to enter into such obligations, no Unilateral Undertaking has been presented to the Local Planning Authority to date. A planning obligation is also required to secure affordable housing, a travel plan monitoring fee and a management agreement for the long-term maintenance of the open space on the site in accordance with policy.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework (NPPF) and it is considered that the applicant is unable to overcome the principal concerns in respect of this development.

Key Issues

1.1 Outline planning permission is sought for residential development of up to 70 dwellings. Access is in part for consideration as part of this application with all other matters (appearance, landscaping, layout and scale) reserved for subsequent approval.

1.2 Outline planning permission was refused earlier this year for an identical scheme (Ref. 17/00787/OUT). The reasons for refusal were as follows:

1. *The proposed development would, by virtue of the extension of built development involved and road widening associated with the development, result in an urbanising and encroaching effect on the open countryside which would have a significant adverse impact on the character and appearance of the area contrary to Policies CSP1 and CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026; saved policy N19 of the Newcastle-under-Lyme Local Plan 2011, the aims and objectives of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document, in particular Section 10.1 and 10.5, and the aims and objectives of the National Planning Policy Framework (2012).*
2. *The adverse impacts of the development, namely the harm to the character and appearance of the countryside and the high level of the use of the private car by occupiers of the development and their visitors, significantly and demonstrably outweigh the benefits of the development. The proposal therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2012).*
3. *In the absence of a secured planning obligation, and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards secondary school provision as referred to in the Staffordshire County Council Education Planning Obligations Policy (November 2003, as subsequently updated) and the Newcastle-under-Lyme Borough Council Supplementary Planning Document on Developer Contributions (2007). For this reason the proposal is contrary to Policy CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, and saved Policy IM1 of the Newcastle-under-Lyme Local Plan 2011.*
4. *In the absence of a secured planning obligation, the development fails to provide 25% of the total number of proposed dwellings as affordable dwellings on-site which is required to provide a balanced and well-functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document (2009) and the Supplementary Planning Document on Developer Contributions (2007). The proposal would thus be contrary to Policies CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2012).*
5. *In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the monitoring of a Travel Plan and the preparation and monitoring of a Mode Shift Stars Scheme for St. Mary's Primary School (the catchment primary school), such Plan and Scheme seeking to promote the most sustainable modes of travel as referred to in the Newcastle-under-Lyme Borough Council Supplementary Planning Document on Developer Contributions (2007). For this reason also the proposal would fail to provide a sustainable form of development and would be contrary to Policies SP3 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy*

IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2012).

6. *In the absence of a secured planning obligation the development would not be acceptable as the long term maintenance and management of public open space on the site, which is an essential component of creating sustainable communities as referred to in the Newcastle Open Space Strategy (2017) and the Newcastle-under-Lyme Borough Council Supplementary Planning Document on Developer Contributions (2007), is not ensured. For this reason the proposal is contrary to and the aims and objectives of National Planning Policy Framework, Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, and saved Policies C4 and IM1 of the Newcastle-under-Lyme Local Plan 2011.*

1.3 An appeal has been lodged against the Council's decision and a Public Inquiry is due to be held in November of this year. The Council has submitted its Statement of Case with respect to the appeal.

1.4 The Supporting Planning Statement that accompanies the current application states that the application has been submitted following the publication of the updated National Planning Policy Framework (NPPF) on 24th July 2018 "in an attempt to see if agreement can be reached with the LPA regarding the suitability of the application site for development in order that the forthcoming Inquiry can be avoided". The main issues referred to by the applicant's agent are the update in the revised NPPF on 5 year housing land supply matters and the importance of making the most effective use of land, by making as much use as possible of previously developed or brownfield land.

1.5 The application site, of approximately 2.2 hectares in extent, is within a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Loggerheads.

1.6 This revised application raises no new material issues of impact on the setting of Listed Buildings, on the character and appearance of the village or the wider landscape, or on highway safety. Objections have been raised by the Council's Landscape Development Section on the grounds of impact on trees due to the highway alterations, and notwithstanding the receipt of additional information with this application including proposals for replacement planting, concerns are again raised regarding the impact on or the loss of specific trees. There is nothing in the revised NPPF on these matters to suggest that there is a basis for the Local Planning Authority to reconsider its position on these issues. The concern about the urbanising effect of the road widening combined with the extension of built development into the open countryside, which formed part of the grounds for refusal of the previous scheme, still remain.

1.7 The question to be addressed is whether there are new considerations which the Council needs to take into account.

2. Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

2.1 The application site lies within the Rural Area of the Borough, outside of the village envelope of Loggerheads, in the open countryside.

2.2 Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

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

2.4 Furthermore, Policy H1 of the Newcastle Local Plan (NLP) indicates that planning permission for residential development will only be given in certain circumstances – one of which is that the site is within one of the village envelopes.

2.5 This site is neither within a village envelope nor would the proposed dwellings serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by policies of the Development Plan.

2.6 As stated above, the applicant's agent in relation to the revised NPPF refers to its update on 5 year housing land supply matters and highlights the importance of making the most effective use of land, by making as much use as possible of previously developed or brownfield land. In this context, the LPA is invited to reconsider the proposed development.

2.7 It is not considered that the revised NPPF attaches any greater weight to making use of brownfield land than the previous NPPF did so it is difficult to see what has materially changed in this respect. Furthermore even if it were demonstrated that some part of the site was indeed to be viewed as previously developed land, this could only be at most for that part of the site that is covered by the buildings and their curtilage. A substantial part lies beyond any such curtilage.

2.8 The definition of previously developed land or brownfield land excludes land that is or was last occupied by agricultural or forestry buildings, and the curtilage of such land. The applicant's statement asserts that the brownfield element accounts for approximately one third of the site, stating that it was previously used as a transport and haulage yard associated with the neighbouring site, Tagedale Quarry. It is claimed that more recently the site has been used for caravan storage.

2.9 The planning history for the site suggests that at least some of the buildings at Gravel Bank Farm were buildings that were in agricultural use in the 1990s and there is no record of any planning permission for either a transport yard or for caravan storage.

2.10 A use can however become immune from enforcement action and thus lawful in planning terms, where a material change of use subsists for more than 10 years and is not subsequently abandoned. A study of aerial photographs held by the Borough Council shows that although there appears to have been an extension of hard surfacing to the rear of the buildings from 2003 to 2010, there is no evidence in such aerial photographs of any vehicles on the site, either lorries or caravans, so if there was any such use it must have been internal only. Even if there had been such uses on the site in the past – the Parish Council it is noted appear in their comments to acknowledge that transport vehicles were parked at some time within the agricultural buildings - no evidence has been submitted either as part of this application or as part of the appeal to substantiate that such use subsisted for more than 10 years, constituted a material change of use, and therefore had become the lawful use of the site, and furthermore that it has not since been "abandoned". There is a record held by the Council about an allegation in February 2005 that use of the site at Gravel Bank by a transport business had very recently started, but it also indicates that the officers had confirmed by a site visit that any use of the site for this purpose had ceased by April 2006.

2.11 On the basis of the available evidence, your Officer disputes the claim that one third of the site is brownfield or previously developed land. In addition, your Officer has calculated the area covered by buildings and hardstanding as approximately a quarter of the overall site.

2.12 Paragraph 11 of the recently published revised Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

2.13 Policies are considered to be out of date, in the consideration of applications involving the provision of housing as here, in situations where the local planning authority either cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. The Housing Delivery Test – which measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data - does not yet apply. It will apply from the publication of the Housing Delivery Test results in November 2018 and is to be phased in with initially the term substantially below being defined by a much lower % threshold. It has no bearing at present on the determination of this application, although the Borough's anticipated "score" is relevant to the decision that the Borough needs to allow for a 20% buffer in calculating its supply.

2.14 At the time of determining the previous application for this site (January 2018), the Council was unable to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, and the position was that it had a supply of just 1.8 years as at the 1st April 2017. A report on the Council's five year housing land supply position as of 31st March 2018 is to be found elsewhere on this agenda, and that report recommends the adoption by the Council of a new five year housing land supply Statement. The Statement takes into consideration the advice in the revised NPPF regarding the approach to be taken to determine the up-to-date position and Officer's advice to Members is that the Council can now demonstrate a housing land supply of deliverable housing sites, allowing for the appropriate buffer, of 5.89 years. The applicant's Supporting Statement in contrast suggests that the Council has a supply of just 1.13 years when the new NPPF is taken into account. The significant difference between the position of the parties is primarily due to the figures used to set the Borough's housing requirement against which the supply is to be measured. The justification for the Council's position is set out in detail in the Five Year Housing Land Supply Statement.

2.15 The Council's supply exceeds the 5 year figure by 0.89 years or 366 units. The figures are considered to be robust and defensible. As a "target" a supply of 6 years deliverable housing site is likely to be more appropriate (particularly as the 5.89 figure now published reflects what is termed by the government the "minimum annual local housing need" figure, and the Council's Joint Local Plan Preferred Options Document did advance a significantly higher figure than that minimum local housing need figure). Taking these points into account your officer it will be noted from the report on the Statement to be found elsewhere on this agenda is recommending that in some cases, even though it can demonstrate a 5 year housing land supply, it will be appropriate to proceed on the basis that whilst a proposal may not accord with the provisions of the approved development plan, there are other material considerations which should be given greater weight. However that will be a selective approach to be applied only where sites by reason of their proximity to services are considered to be very sustainable locations for development. In other less sustainable locations it will remain appropriate to give full weight to restrictive development plan policies and not to approach the application requiring approval in all cases where the adverse impacts are not significantly and demonstrably outweighed by the benefits of the scheme – the approach that has been taken to date.

2.16 In relation to the previous scheme, the LPA accepted that the introduction of a footway along the site frontage will provide a continuous pedestrian link to the A53 and centre of Loggerheads which will improve linkages from the site to the village, and will help to reduce the requirement for residents to use their car somewhat and to ensure a sustainable development.

2.17 However, it was considered that the likely high level of the use of the private car, both for commuting and trips to higher order facilities but also in relation to primary education should the scheme proceed without the development of Tadgedale Quarry, was a factor which weighed against the proposal and needed to be taken into account in the planning judgement. This remains the view of your Officer now.

2.18 This site, as did the adjacent Tadgedale Quarry site, lies some considerable distance from the centre of Loggerheads. In the previous context of the Council being unable to demonstrate a five year supply the Inspector concluded, in relation to the adjacent Tadgedale site, that the development would be sufficiently accessible, by a choice of means of transport, to jobs and services in the surrounding area. To be specific he concluded as follows

“In summary, the proposal would be sufficiently accessible to a range of service and would reduce reliance of St Marys CE School on out of catchment children. It would also, by providing a safer and more convenient pedestrian crossing across the A53 close to Loggerheads village centre, help encourage walking within the village. However its heavy reliance on private car use for daily commuting trips, together with the distance likely to be covered by these, leads me to conclude it would conflict with the provisions of SP3 of the CSS and the Framework related to this matter”.

Such a crossing is not provided as part of this scheme.

2.19 The site is not a logical extension to the village of Loggerheads, nor is it the type of site that would be likely to be advanced through the more systematic site assessment and selection process associated with the Joint Local Plan. As such it is appropriate to consider the proposal in the first instance in the context of the policies contained within the approved development plan.

2.19 The NPPF indicates that due weight should be given to policies that pre-existed the NPPF, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them). The Inspector in the Tadgedale Quarry decision addressed the issue in the following way:-

“10. Furthermore, the village envelopes referred to in Saved Policy H1 and Policy ASP6 (criterion 1) were originally defined in the context of a Plan that was not intended to meet housing needs beyond 2011. The lack of a 5 year land supply indicates that they are incompatible with the aim set out in the framework of boosting significantly the supply of housing. The limit of 900 dwellings in Policy ASP6 is not based on any up to date assessment of housing needs. As they restrict housing development in some settlements and prevent others from expanding, irrespective of the sustainability impacts of individual proposals, Saved Policy H1 and Policy ASP6 (criterion 1) are at odds with the Framework. For these reasons and in accordance with paragraph 15 of the Framework, I attribute limited weight to them.”

“11 Policy SP1 of the CSS also forms part of a strategy which the Council has indicated is undeliverable. However it does not preclude steps being taken to boost the supply of housing outside the major urban areas. I therefore attribute moderate weight to policy SP1”.

“12 My findings concerning the weight to be attributed to Saved Policy H1, Policy ASP6 (criterion1) and Policy SP1 are notwithstanding the fact that some of their effects, including directing housing generally to locations which are accessible by a choice of transport and of supporting regeneration, are positive. Policy SP3 of the CSS, covering sustainable transport matters, broadly accords with the Framework and carries substantial weight”.

2.20 The conclusions of the Inspector cannot be disregarded, although insofar as the housing development policies are concerned the conclusion that they did not accord with the Framework appears to your Officer to be founded upon the absence of a 5 year housing land supply which the Inspector was advised of. That is not, at least for now, the position

2.21 In conclusion it remains appropriate to consider the proposal in the context of the policies contained within the approved development plan and in the absence of material considerations of significant weight, the decision should be one of refusal of the development on the grounds that the principle of the development is unacceptable, and for the reasons previously cited

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 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

[Minerals Local Plan for Staffordshire \(2015-2030\)](#)

Policy 3.1 and 3.3 on Mineral Safeguarding Areas

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2018\)](#)

[Planning Practice Guidance](#)

[Community Infrastructure Levy Regulations \(2010\)](#) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD \(September 2007\)](#)

[Affordable Housing SPD \(2009\)](#)

[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 \(July 2011\)](#)

[Other Material Considerations](#)

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

[Staffordshire County Council Education Planning Obligations Policy](#)

Relevant Planning History of this site

17/00787/OUT	Outline planning application for residential development of up to 70 dwellings including details of access	Refused and appeal pending
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Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding a construction method statement, hours of demolition and construction, noise levels, noise assessment of noise from activities on Tagedale Quarry site and the onsite pumping station, details of external lighting and contaminated land.

The **Crime Prevention Design Advisor** states that the illustrative layout has reasonably sound crime prevention credentials with a strong sense of community, a single overlooked site entrance and good natural surveillance. Any reserved matters application should demonstrate how crime prevention and community safety measures have been considered and incorporated in the design proposal.

Staffordshire County Council as the **Mineral and Waste Planning Authority** has no objection.

The **Housing Strategy Section** states that 25% of the dwellings should be affordable housing, with 60% of the 25% being social rented and 40% being shared ownership. The design and standard of construction should be as a minimum be the same as the open market dwellings, and the affordable units should be sufficiently spread across the development.

The **Waste Management Section** acknowledges that the layout plan is only indicative at the moment but highlights some design issues which need to be designed out of the final layout. A layout which provides circulation of the site and designs out the need to reverse to make collections would be preferable. Areas where significant number of properties share private accesses where the properties are a long way from where they will be collected from, is likely to result in residents leaving containers out between collections. A swept path analysis for 26 tonne refuse vehicles is required.

The **Lead Local Flood Authority** notes that the Flood Risk Assessment and Drainage Strategy identifies a number of options for the treatment and disposal of surface water however the LLFA observes that there are potential constraints to each option. It is suggested (in the Strategy) that most of the site is likely to be highly compatible for infiltration SuDS but this has not been confirmed by on-site infiltration testing and contamination could potentially prevent this method. Discharge to an ordinary watercourse may be possible but would require third party landowner agreement, and connection to the nearest surface water sewer would require pumping which is an unsustainable drainage method. The applicant would be required to attempt to discharge as much surface water runoff via a gravity system. If it can be demonstrated that partial or completely pumped drainage system is the only viable option, the risk of flooding due to failure of the pumps should be investigated. To provide more certainty it is recommended that further investigation is undertaken prior to determination of the application but if this is not possible, then a condition is recommended securing an acceptable drainage design.

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 17 Registered Social Landlord (RSL) dwellings from the secondary calculation only, a development of 70 houses could add 15 Primary School aged pupils and 8 Secondary School aged pupils. St. Mary's Primary School is expected to have sufficient space to accommodate the likely demand but Madeley High School is projected to be full for the foreseeable future. An education contribution is sought for 8 high school places (8 x £16,622 = £132,976).

The **Conservation Officer** has no further comments to make. In relation to the previous application (Ref. 17/00787/OUT) it was stated that there are no heritage assets which will be directly affected but there is the potential for the setting of the Listed milepost to be affected. The milepost, which is in a good state of repair, is adjacent to the road within the grass verge. The setting of the asset will remain unchanged and therefore not harmed. White House Farmhouse is a Grade II Listed Building some

considerable distance from the application site. The farmhouse does sit in an elevated position and does have a view over the site but this site is not part of the formal setting of the Listed Building and there are many intervening features including roads, trees, hedgerows and topography which make the site even less visible. It is concluded that the setting of the asset will not be harmed by the proposed development.

The **Landscape Development Section** states that this application contains additional arboricultural information covering trees around the proposed access that was not submitted for the previous application. Affected trees lie outside the red edge for this application. It would appear that further trees would be affected by highway alterations which appear to continue up to the junction with Mucklestone Wood Lane. Information submitted does not include sufficient accuracy and detail to fully assess the impact of the roadway alterations on retained trees and hedgerows. Concerns are raised regarding the impact on or the loss of various trees and some arboricultural information is not provided. Comments from the previous application concerning the level of open space, layout and landscaping remain. Those previous comments were as follows:

A LAP (Local Area for Play) and LEAP (Local Equipped Area for Play) are required. The onsite open space ratio would be 0.004ha per dwelling (0.28 ha for a 70 unit development). This figure should not include the drainage area. Concerns are raised that the amount and layout of public open space as shown on the indicative layout would not meet the requirements and distances in the National Playing Field Association document 'Beyond the six acre standard'. The dwellings should be facing the open space to allow for natural surveillance. New open space should be maintained by the developer. The internal indicative layout leaves very little space for structural landscaping.

The **Highway Authority** has no objections subject to conditions requiring full details of the proposed site access and footway along Eccleshall Road linking through to Mucklestone Wood Lane, implementation of the above prior to first occupation, full details of the site layout, measures to restrain vehicle speeds to 20mph within the development, means of surface water drainage and surfacing materials, submission of a residential travel plan and submission of a Construction Vehicle Management Plan. It is requested that the developer enters into a Section 106 Agreement to secure a £6,760 travel plan monitoring fee, and a sum of £5,000 for the preparation and monitoring of a Mode Shift Stars scheme for St. Mary's Primary School to encourage sustainable access.

Loggerheads Parish Council states that their previous objections to 17/00787/OUT still apply. They were as follows:

- The site is outside the Loggerheads Village Envelope and doesn't comply with policies
- Since the Tadgedale Quarry decision, a further 120 units have been approved
- This is an Area of Landscape Maintenance
- This would bring the number of approved dwellings not started to over 500 in Loggerheads, more than 15 years' worth of plots at a historic rate of development, so this site is unlikely to make any contribution to 5 year housing land supply
- There has been no pre-application consultation with the parish or the borough
- No Local Equipped Area for Play is included and if the permissions are considered together, the area should have a Neighbourhood Equipped Area for Play
- This is not a sustainable location for development and it is even further from the village centre
- The bus service has had a reduction to its service so there is no longer an evening service
- There is no case to be made that this application should be considered the same as Tadgedale Quarry and each site must be considered on its merits
- There is no safe walking route or provision of a footway to St. Mary's School at Mucklestone
- Whilst the walking distances to facilities in Loggerheads are just below the 2km judged to be acceptable in the Tadgedale appeal, this site does not have the advantage of a well-lit footway from the site as there is a significant stretch of Mucklestone Road with no street lighting
- Given the proximity of the site to Tadgedale Quarry, groundwater testing should be insisted on urgently
- An intrusive ground investigation should be undertaken before the application is considered
- The reported phenol incident in 1994 at Tadgedale Quarry is not represented in the submitted report

The following additional comments are made on the new application:

- Dispute the assertion that the site is in part 'previously developed land'.
- A local farmer can confirm that he has grazed and cut the green field for hay. Past planning history will reveal that the brownfield has never been authorised for anything other than agricultural buildings. Transport vehicles have been parked in the agricultural buildings but this was unauthorised. Caravans were also stored but this was never consented.
- The Planning Officer's comments in the Committee report of 2nd January 2018 are strongly supported.
- Much is made of the Borough Council's lack of five year housing land supply but Loggerheads can demonstrate that current permissions already exceed the housing need for this area. The current policy that still applies from the Core Spatial Strategy, ASP6, states that there will be a maximum of 900 net additional dwellings in the rural area. Loggerheads Housing Needs Assessment confirms that without this development there are already 400 permissions in Loggerheads alone.

The County's **Health and Wellbeing Development Section** and **Cadent** (the former National Grid) were consulted upon the application, the date by which their comments were requested has passed without comments being received from them and they must be assumed to have no observations to make.

Representations

One letter of representation has been received stating that the site is outside of the parish planning and if allowed it won't be too long before applications are submitted for housing throughout the Mucklestone area.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Legal Opinion
- Flood Risk Assessment and Drainage Strategy
- Arboricultural Impact Assessment
- Agricultural Land Quality Letter
- Landscape and Visual Appraisal
- Ecological Assessment
- Highways Technical Note
- Heritage Assessment
- Phase 1 Geo-Environmental Assessment
- Statement of Community Involvement

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/18/00637/OUT>. The applicant has also provided response to various comments received from consultees.

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

18th September 2018