

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 56 dwellings. It follows the granting of an outline planning permission in August 2018 for a residential development of up to 65 dwellings (17/00067/DEEM4). Details of access from the highway network were approved as part of the outline consent.

The site area is approximately 3.65 hectares. The site fronts onto the A53.

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. Burnt Wood, partially designated as ancient woodland, adjoins the site to the south and extends into part of the site.

The 13 week period for the determination of this application expired on the 13th July 2021 but the applicant has agreed an extension of time to the determination period to the 4th February 2022.

RECOMMENDATIONS

Permit, subject to conditions relating to the following matters:-

- 1. Link to outline planning permission and conditions;**
- 2. Approved plans;**
- 3. Facing and roofing materials in accordance with approved plans;**
- 4. Prior approval of finished ground and floor levels with finished floor levels to be a minimum of 150mm above surrounding ground level in accordance with the approved Flood Risk Assessment unless otherwise agreed;**
- 5. Boundary treatments in accordance with approved plans;**
- 6. Landscaping in accordance with approved plans;**
- 7. Detailed tree protection plan;**
- 8. Approval of an arboricultural site monitoring plan;**
- 9. Approval of a woodland, tree and landscape management plan;**
- 10. Schedule of works to retained trees;**
- 11. Alignment of utility apparatus (including drainage)**
- 12. Arboricultural Method Statement to be updated and works to be completed in accordance with it;**
- 13. Submission and approval of micro drainage calculations information as set out in the Staffordshire County Council Flood Risk Team comments of 8th February 2022;**
- 14. Submission and approval of details the surfacing materials and details of surface water drainage for the driveways, private drives and parking courts;**
- 15. Delineation of the parking spaces for plots 21 to 29, 37 to 43 and 49 to 55;**
- 16. Secure cycle storage for all plots without a garage;**
- 17. Lockable gates shall be provided to all shared rear access paths;**
- 18. Provision of surfaced route through the play area and a maintenance access gate.**

Reason for Recommendation

The proposed development represents a high quality design that would be suitable for the site and the character of the area. The development for 56 dwellings would also provide acceptable living conditions for future occupiers and protect the residential amenity levels of neighbouring occupiers. The proposals therefore accord with the relevant provisions local and national policy.

The proposed built development encroaches onto land within a designated ancient woodland and it has not been demonstrated that the development will not result in the loss or deterioration of irreplaceable habitat. In the absence of wholly exceptional reasons for the loss or deterioration of habitat and that a suitable compensation strategy exists the NPPF indicates that the development

should be refused. It is, however, considered on balance, acknowledging that the development accords with the parameters of the outline planning permission and that the development provides benefits through its contribution to the supply of housing, and in recognition of the significant level of tree planting and landscaping proposed and the provision of an 8m buffer zone to the woodland edge, that planning permission should be granted despite this conflict with national policy.

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

The LPA has requested further information and amendments during the consideration of the application to address concerns. Following the submission of further information the proposed development is now considered to be a sustainable form of development.

Key Issues

1.1 The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 56 dwellings. The principle of the residential development of the site was established by the granting of outline planning permission 17/00067/DEEM4 in August 2018 and details of the access from the highway network were approved as part of that outline consent.

1.2 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. Burnt Wood ancient replanted woodland lies to the south of the site and extends into part of the site. Parts of Burnt Wood are designated as a Site of Special Scientific Interest (SSSI), however those parts are separated from the application site by the existing residential development off Kestrel Drive.

1.3 The outline consent for the site was granted subject to a condition that required any reserved matters applications for the site to accord with the principles set out in the Design and Access Statement prepared by consultants WYG (who were retained by the applicant, the Council, to prepare and submit the application). Your Officer has considered the application against those principles and is satisfied that it accords with that condition of the outline consent.

1.4 The issues for consideration now are:-

- Design, housing mix and impact on the form and character of the area
- Impact upon key habitats and nature conservation interests
- Residential amenity
- Internal road layout and parking provision
- Proposed landscaping, impact on trees and open space within the site
- Affordable housing layout

2.0 Design, housing and impact on the form and character of the area

2.1 Policy LNPP1 of the Loggerheads Neighbourhood Plan adopted in 2019 states that New Housing Growth will be supported within the village envelope defined in the plan. Policy LNPP1 states that to be supported, new development must demonstrate high standards of design. A number of requirements are listed, the most relevant of which are as follows:

- Complementing the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces.
- Providing a mix of overlooked parking provision, as an integral part of the layout, so that parking does not dominate streets and space.
- Include high quality materials, to complement those used in the surrounding context.
- Designing residential garages so that they do not obscure or dominate frontages and are in or behind the building line.

2.2 Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in

which to live and work and helps make development acceptable to communities. At paragraph 130 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

2.3 Policy CSP1 of the CSS lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

2.4 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

2.5 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*

2.6 RE5 states that new development in the rural area should amongst other things respond to the typical forms of buildings in the village or locality and that new buildings should respond to the materials, details and colours that may be distinctive to a locality.

2.7 R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

2.8 Policy LNPG2 of the Loggerheads Neighbourhood Plan states that to be supported, proposals for ten or more houses must include a mix of types of accommodation to meet requirements identified in the latest assessment of local housing needs including accommodation suitable for first time buyers and the elderly. At least a third of new homes, unless it can be demonstrated there is not a need for this level of provision, must comprise a combination of one or two bedroomed properties and one or two bedroomed properties suitable to provide independent living for the elderly.

2.9 The proposed development would comprise 56 2, 3, 4 and 5 bed houses comprising a mix of 3, 4 and 5 bedroom detached dwellings (29 in total); 2 and 3 bedroom semi-detached dwellings (18 in total); and 2 and 3 bed terraced (3 blocks of 3 dwellings). The dwellings are all two storeys in height with the exception of 3 dwellings which are 2 ½ storeys. The surrounding area comprises a mix of properties including two-storey dwellings and bungalows on the opposite side of Market Drayton Road. Given the variety of dwelling size, density and style currently in Loggerheads, it is considered that the layout proposed would respect local character.

2.10 A mix of sizes are proposed but as only 10 of the dwellings are two bed properties the development doesn't accord with the requirements of policy LNPG2 of the Neighbourhood Plan in terms of providing a mix of types of accommodation. It is noted that Loggerheads Parish Council do not object to the type and mix of dwellings proposed and notwithstanding the conflict with policy it is still considered that the mix of house types as proposed is acceptable.

2.11 The materials would comprise red brick, slate grey and brown concrete roof tiles and use of render at the first floor of a small number of dwellings. The dwellings are traditional in appearance with features including chimneys, projecting gables, arched brick lintels, bay windows and porch canopies.

2.12 The majority of the properties would be set back from the pavement to allow for limited frontage landscaping. Many of the dwellings would have an integral or detached garage which are set behind the building line. Properties without garages have driveways to the side of the dwelling with the

exception of ten properties which have parking across the property frontage. Such parking does not dominate streets and space, however.

2.13 Your Officer's view is that the design of the dwellings and the materials palette proposed would provide a consistency throughout the site and would create variety and interest in the street scene. The layout and density of the proposed scheme and the proposed house types reflect local character and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area. The proposal therefore accords with Core Spatial Strategy policy CSP1, Neighbourhood Plan policy LNPP1 and the aims and objectives of the NPPF.

2.14 The Crime Prevention Design Advisor has indicated that there are certain aspects of the proposed layout which are encouraging in terms of designing out criminal and anti-social opportunity but there is scope for some fine tuning to address a small number of perceived potential weaker points. The latest versions of the submitted plans appear to address these points. For example the majority of properties where parking is provided at the side of properties have gable windows and the submitted landscaping scheme shows that defensive planting is proposed where gardens back onto public places where possible. Lockable gating to restrict access to shared rear access paths can be secured by condition. Overall it is considered that the proposal is well designed in respect of issues of crime and anti-social behaviour.

3.0 Impact upon any key habitats and nature conservation interests

3.1 As indicated above Burnt Wood, part of which is designated as ancient replanted woodland, lies to the south of the site, extending into part of the site. Ancient woodland is defined as an irreplaceable habitat and a valuable natural asset important for wildlife; soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; and cultural, historical and landscape value.

3.2 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.

3.3 Paragraph 180 of the NPPF states that development on land within or outside a SSSI likely to have an adverse effect on it should not normally be permitted. Paragraph 180 goes on to state that development resulting in loss or deterioration of irreplaceable habitats, including ancient woodland, should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. A footnote of the NPPF refers to infrastructure projects as an example of wholly exceptional reasons, where the public benefit would clearly outweigh the loss or deterioration of habitat.

3.4 The NPPF in place at the time it was resolved to approve the outline application differed from current national policy. At that time the NPPF stated that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

3.5 In considering the outline application in 2017, the matter of impact on the ancient woodland and SSSI was assessed. The outline application was accompanied by an Extended Phase 1 Habitat Survey (the Survey) which made reference to the ancient woodland, identifying that woodland within Staffordshire is a Priority Habitat and the aim of the Staffordshire Biodiversity Action Plan is to "maintain the extent and condition of ancient and non-ancient woodland (native woodland)". The Survey highlighted that the layout for the development was not complete at that time so it was not known whether the woodland, which included areas of woodland within and outside the designated ancient woodland, would be impacted through development. It went on to recommend that wherever possible woodland should be retained within the scheme layout and that a buffer zone of 8m should be provided at the woodland edge to reduce the risk of direct impacts to the woodland habitats.

3.6 In the absence of any specification in the Survey 'woodland edge' can be interpreted in a number of ways. The most appropriate interpretation is considered to be that the 8m buffer zone should be measured from the edge of the trees within all woodland areas, i.e. those outside of the ancient woodland designation as well as those within it. Consideration will be given to the adequacy of an 8m buffer and the buffer that is proposed in the application in more detail in this section of the report. Consideration has been given to the loss of trees elsewhere within this report.

3.7 Natural England (NE) considered and commented on the impact of the development on the SSSI and raised no objections to the principle of the development subject to the securing of mitigation measures to avoid damage to the SSSI. A condition was imposed on the outline to secure such recommended mitigation measures.

3.8 Both the Tree Survey and Habitat Survey submitted with the outline application concluded that subject to mitigation, there would be no significant adverse impact upon either the trees or the habitats within the woodland. Natural England's Standing Advice on Ancient Woodland and Veteran Trees (SA) states, as it did when the outline application was determined, 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 a minimum buffer should be at least 15 metres. However, in approving the outline application, the Council was satisfied that an 8m buffer, i.e. a much smaller buffer than that recommended in the SA, in addition to the other mitigation measures recommended in the Survey would reduce the risk of direct impacts to the woodland and provide sufficient protection for all of the woodland. There have been no material changes in circumstances that would support a conclusion at this time that it is necessary or appropriate to require a wider buffer zone.

3.9 Following amendments to the proposal, an 8m buffer zone is now provided from the edge of the trees/woodland that sit within the ancient woodland designation. An 8m separation between the proposed built development and the edge of other areas of woodland that are retained within the development site, not within the ancient woodland, is also largely achieved other than short sections next to the Locally Equipped Area for Play and where levels alterations are to be carried out to form an attenuation pond. Where development falls within 8m of the edge of non-designated woodland it is some distance away from the Root Protection Areas of retained trees. Overall it can be concluded that the recommendations of the Survey are broadly met and, as such, the requirements of the condition of the outline planning permission has been complied with.

3.10 The built development, as proposed, does however encroach into the designated ancient woodland taking up an area of approximately 607m². That part of the ancient woodland is clear of trees and the Survey identified it as largely being semi-improved neutral grassland with the remainder identified as coniferous plantation. The grassland does not form part of the ancient woodland habitat and its inclusion in the boundary therefore appears to be anomalous. The coniferous plantation falling within the ancient woodland boundary has already been impacted by the previous use of the land in connection with the production of free-range eggs and did contain a building. Nonetheless, in the absence of an assessment that demonstrates otherwise, it can only be assumed that the coniferous plantation land is irreplaceable habitat and that the development will therefore result in the loss or deterioration of irreplaceable habitat. Since the outline approval, Forestry England now has in place a Forest Plan (FP) for North Staffordshire, for the period from 2019-2028. The FP details management operations including approved felling and restocking for the 10 years to 2028, with outline proposals for a 50 year period. This FP includes the area of Burnt Wood and includes amongst its main objectives the restoration of ancient woodland sites. There are significant proposals for the management of the area of ancient woodland adjacent to the application site. This includes the felling of trees with the aim that broadleaf species will become fully established in this area by 2040, providing restoration of the area which is classed as a Plantation on Ancient Woodland Sites (PAWS). The aim of the Forest Plan is therefore to balance the commercial production of timber with the restoration of PAWS sites back to broadleaf woodland. It is considered that the proposed development and landscaping of the application site, with broadleaf tree and other woodland planting sits well in this context and offers the opportunity to complement the planned changes and improvements set out within the Forest Plan for the benefit of the local area.

3.11 Notwithstanding the above, no wholly exceptional reasons for the loss or deterioration of irreplaceable habitat as defined in the NPPF have been identified and as such the NPPF indicates

that the development should be refused. It is, however, considered on balance, acknowledging that the development accords with the parameters of the outline planning permission and that the development provides benefits through its contribution to the supply of housing; and in recognition of the significant level of tree planting and landscaping proposed (set out in more detail below) and the provision of an 8m buffer zone to the woodland edge; that planning permission should be granted despite the conflict with this element of national policy.

4.0 Residential amenity

4.1 This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development. The NPPF states at paragraph 130 that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Existing occupiers' amenity

4.2 The nearest existing properties are three bungalows on Kestrel Drive which have rear boundaries that adjoin the eastern boundary of the site. The distance between the existing and proposed properties would exceed the distances recommended in the Council's Space around Dwellings SPG.

Amenity of future occupiers of the development

4.3 The distance between the proposed dwellings would comply with the recommendations of the Council's Space around Dwellings SPG. A number of the proposed dwellings would have a garden length of less than the recommended 10.7m and two properties would have a garden area less than the recommended 65 square metres. Notwithstanding this, an acceptable level of outdoor space would be available for drying washing, sitting out and gardening and it is considered that the level of private amenity space would be sufficient for the dwellings proposed.

5.0 Road layout and parking provision

5.1 The means of access to the site was determined at the outline stage. Therefore although objections have been received from residents due highway safety concerns arising from a single point of access an objection in terms of its impact upon the highway network could not now be sustained.

5.2 At least two parking spaces are proposed for each of the dwellings which is considered acceptable for this development. In addition a proportion of the dwellings also have either an integral or detached garage. It is noted that the Highway Authority (HA) have requested that a condition is imposed seeking approval of details that demonstrate that the proposed garages have dimensions of a minimum of 6m by 3m. This would ensure that the garage could accommodate a car and would therefore provide an additional parking space. However, as on plot parking provision is acceptable without counting the garages it is not considered that such a condition could be justified.

5.3 A number of the conditions recommended by the HA have already been imposed on the outline consent and it is not necessary to repeat such conditions on the decision for this application. All other conditions recommended by the HA are considered appropriate and reasonable.

5.4 The proposal is considered acceptable in terms of impact on highway safety.

6.0 Landscaping, impact on trees and open space

6.1 As indicated above the site lies in a designated Area of Active Landscape Conservation. Saved Policy N18 of the Local Plan indicates that proposals that will help to conserve the high quality and distinctive character of the area's landscape will be supported. Development that will harm the quality and character of the landscape will not be permitted.

6.2 A revised Arboricultural Method Statement, incorporating an impact assessment and tree protection measures, has been submitted in response to the comments of the Landscape Development Section (LDS).

6.3 The submitted information states that as the proposed development places the dwellings in the locations that the indicative master plan showed them, the tree losses are comparable in that part of the site. The submission goes on to state that the indicative masterplan did not make adequate provision for essential facilities and services including a Locally Equipped Play Area (LEAP), pumping station and attenuation pond and that the requirement to provide these results in the loss of additional trees to what was anticipated when outline planning permission was granted.

6.4 The principle of residential development has been accepted and in granting permission for up to 65 dwellings it was understood that trees would be lost. Adjustments have been made to the proposal in recognition of its impact on trees and the ancient woodland in response to the comments of the LDS. The number of dwellings now proposed is 56, a reduction from the 60 dwellings that were initially proposed in this application which itself was fewer dwellings than the maximum number permitted in the outline consent. An internal access road has been repositioned to avoid the 8m buffer to the ancient woodland. A driveway has been removed from within the root protection area (RPA) of a highly prominent category A Oak tree (T10). In addition the LEAP has been moved outside of the RPA of another category A Oak tree (T9). The submission confirms that the road construction and associated kerb do not encroach within the RPA of T9 and recommends that works in close proximity to the RPA are supervised and that hand digging methods are adopted.

6.5 It remains, however, that a total of 46 category B and C trees are to be lost in this scheme in addition to a further 23 uncategorised trees which are considered to be impaired to such an extent that they can't realistically be retained for longer than 10 years. This compares to 15 individual trees and two groups that were anticipated would be lost when outline planning permission was considered and approved. Whilst the loss of trees is unfortunate it is considered that it cannot be avoided through amended siting or design without a significant reduction in the number of dwellings.

6.6 It is noted that the submitted planting schedule seeks to mitigate for this loss through replacement planting. A total of 106 trees are to be planted, which will primarily be heavy or extra heavy standard, as well as multi layered woodland planting. This is a comprehensive amount of additional landscaping and tree planting in compensation for the losses.

6.7 Existing hedgerows along the site frontage with Market Drayton Road are to be retained where possible or will be replaced.

6.8 On balance, taking into consideration the proposed planting schedule and the benefits arising from the proposal to housing delivery within the Borough, including affordable housing, the tree and hedgerow loss arising from this development can be accepted.

6.9 The proposal includes the provision of a Locally Equipped Area for Play (LEAP) centrally within the site, rather than a contribution towards improvements off site, which accords with the requirements of the outline planning permission and associated S106 Agreement. The details show that 20m separation is provided between the activity zones of the LEAP and the nearest dwelling and as such this meets the Fields in Trust Guideline as required by the Open Space Strategy. A surfaced route through the play area and a maintenance access gate are also required and could be secured by condition.

6.10 Subject to the approval of the details required by the recommended conditions, the proposed landscaping and open space within the site is considered acceptable. Landscaping proposals are to be completed in accordance with the scheme provided. In relation to the public open space area within the site, the approval of a Public Open Space Maintenance Scheme is already required to satisfy the requirements of the S106 Agreement.

7.0 Affordable housing layout acceptable

7.1 In accordance with the outline consent, 25% of the dwellings (14), all 2-bed and 3-bed units, would be affordable. It is considered that the layout achieves an acceptable level of integration and is satisfactory with regard to affordable housing.

8.0 Other matters

8.1 Detailed surface water drainage information has been submitted in accordance with the requirements of the outline consent. Whilst the information provided is not, as yet, agreed by the Staffordshire County Council Flood Risk Team the submission of the information satisfies the requirements of the outline planning permission. The approval of the final details can be secured by condition.

8.2 The concerns of the Waste Management Service regarding collection vehicles having to stop close to the junction of the site access and Market Drayton Road appear to have been addressed, and confirmation is being sought.

9.0 Reducing Inequalities

9.1 The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

9.2 The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

9.3 People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

9.4 When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

9.5 With regard to this proposal it is noted that access to all dwellings will be level and compliant with Part M of Building Regulations. It is therefore considered that it will not have a differential impact on those with protected characteristics.

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 CSP1	Design Quality
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 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

[Loggerheads Neighbourhood Plan \(LNP\) 2013-2033](#)

Policy LNGP1:	New Housing Growth
Policy LNPG2:	Housing Mix
Policy LNPP1:	Urban Design and Environment
Policy LNPP2:	Local Character & Heritage
Policy LNPT1:	Sustainable Transport

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (July 2021)

[Planning Practice Guidance](#) (March 2014)

[Supplementary Planning Guidance/Documents](#)

[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)

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

[Ancient woodland, ancient trees and veteran trees: advice for making planning decisions](#) – Published 14 January 2022

[North Staffordshire Forest Plan](#)– Published January 2019

[Relevant Planning History](#)

17/00067/DEEM4	for residential development for up to 65 dwellings with associated open space and landscaping - PERMITTED
21/00601/FUL	Variation of condition 16 of 17/00067/DEEM4 (residential development for up to 65 dwellings with associated open space and landscaping) To amend the wording of the following parts of the condition: 1) "A 2m wide footpath connecting the south-west part of the site to Kestrel Drive" to be varied to "The layout to incorporate a 1.8m wide footpath linking the south west part of the site to the new footpath to be constructed along the A53 adjoining the development." 2) "The works shall thereafter be implemented in accordance with the approved details and completed prior to the commencement of the construction of any dwelling" to be varied to "The works shall thereafter be implemented in accordance with the approved details and completed prior to the occupation of any dwelling" – PERMITTED
21/00730/LBC	Listed building consent to reposition existing Mile Post to the rear kerb line of the proposed adopted footpath – PERMITTED

Views of Consultees

Loggerheads Parish Council is disappointed with the proposal to provide play equipment on site rather than make a financial contribution to play but accepts that is in accordance with the S106 Agreement.

The plan to re-route the public right of way is acceptable. They also accept that the access to the land adjoining the site is not practical and alternative access will be arranged. The Parish Council therefore withdraw these objections.

The **Highways Authority** raises no objections subject to conditions relating to the following:

- Provision of internal roads, private drives and parking areas prior to occupation
- Submission and approval of details the surfacing materials and details of surface water drainage for the driveways, private drives and parking courts; and delineation of the parking spaces for plots 29 to 21, 37 to 43 and 49 to 55.
- Provision of visibility splays prior to occupation.
- Footpath link to Market Drayton Road to be provided prior to occupation.
- Approval of details providing internal dimensions of the proposed garages as a minimum of 6m by 3m.
- Secure cycle storage for all plots without a garage.

The **Waste Management Section** vehicle collection strategy layout shows the collection vehicle stationary and making collections at the junction of the site and Market Drayton Road. This is not acceptable for reasons of safety. Each property will need to be able to store containers for these materials.

Further to the revised layout and additional arboricultural information, the **Landscape Development Section** comment that insufficient space provision for properties and infrastructure required for this development was made at outline stage. The additional information demonstrates that there will be no loss of category A trees or category A woodland as a result of the additional facilities, and no loss of individual trees within the 607m² area identified as Ancient Woodland which is to be developed.

The provision for the new facilities will result in the loss of an additional 46 individually identified trees (20 of which are visually significant category B trees), as well as the additional loss of 3200m² of Category B woodland and scrub, when compared with the outline approval. Mitigation proposals are to plant new woodland between the new facilities, and on the remaining undeveloped areas within the site. New planting will cover 2895m² and 106 new trees are proposed and it is calculated that there will be a net loss of 305m² woodland.

Concerns regarding the impact of this proposal on trees and woodland remain, losses are much greater than those shown at the outline application stage. Such a significant loss of category B trees and woodland to accommodate the LEAP, pumping station and attenuation pond is not supported. Notwithstanding the above, adjustments to the layout to reduce the impact upon T10 (cat A Oak) and removal of the kerb within the RPA of T9 (cat A Oak) are welcomed as is the retention of the roadside hedgerow (where possible) and its replacement behind new sight lines.

Should this proposal be approved then we would suggest the following be secured by way of planning conditions:

- Landscaping proposals to be completed in accordance with scheme provided
- Tree Protection plan (detailed) to be provided.
- Approval of an Arboricultural site monitoring plan
- Approval of a woodland, tree and landscape management plan
- Schedule of works to retained trees
- Alignment of utility apparatus (including drainage)
- Works completed in accordance with AMS provided (5.3-5.33 needing updating to reflect latest layout which shows no construction of surfacing within the RPA of T9 and T10)

The **Housing Strategy Officer** points out that the plan makes reference to affordable rented however, the Section 106 agreement refers to social rented units. Other than this point the proposed layout with respect to affordable housing is satisfactory.

The **Crime Prevention Design Advisor** refers to the good level of natural surveillance throughout the site and the central location of the LEAP but considers that there is scope for some fine tuning to address a small number of perceived potential weaker points:

- Provision of a gable end window to provide view of parking adjacent to units.
- Where gardens don't back onto other gardens external defensive hedge planting is recommend to reinforce these boundaries and soften the appearance of them.
- The Market Drayton Road hedge buffer provides some defensible space for the front of the site and limit opportunities for outsiders to negatively interact with it. Thickening up this hedging should be considered. It is unclear why a pedestrian access point from/to Market Drayton Road has been provided in the north-west corner of the site.
- The small number of rear access paths serving more than one property should ideally include lockable gating to restrict access.
- Lighting will need to facilitate natural surveillance, deter offending and provide a safe environment for residents.

The **County Education Authority** points out that a Section 106 Agreement was signed securing contributions for secondary only when the Outline Application was granted, and the education contribution amount and terms was to be re-calculated should the number of dwellings change.

Following the receipt of additional information the **County Flood Authority** indicates that some additional information and clarifications regarding the drainage strategy are still required.

The **Public Rights of Way Officer** indicates that the application recognises Public Footpath No 51 Loggerheads which runs across the application site, and that a diversion of the footpath is required in order for the development to take place. The proposed diversion will have to be actioned by Newcastle Borough Council under the Town and Country Planning Act 1990, Section 257 and will need to be consulted on in the usual way including by Staffordshire County Council.

The attention of the developer should be drawn to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. It is asked that trees are not planted within 3 metres of the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.

It should be noted that Rights of Way Circular 1/09 (section 7.8) recommends that "In considering potential revisions to an existing right of way that are necessary to accommodate planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic".

Natural England indicate that the comments that they provided in response to 17/00067/DEEM4 apply equally to this application. They had 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.

In the absence of any comments from the **Environmental Health Division** by the due date it must be assumed that they have no observations to make upon the application.

Representations

18 representations have been received raising the following concerns:

- Principle of developing this greenfield site affecting a public right of way is unacceptable.
- A single access onto Market Drayton Road serving this development is unsafe.
- Schools, shops, and doctors unable to cope with additional residents arising from this development.
- There are no facilities for teenagers and additional young people will exacerbate existing problems.
- Any proposed changes to the financial contribution secured through a S106 Agreement should be resisted to ensure that there are sufficient facilities in place. Suitable sports facilities are required to promote healthy activities.

Applicant's/Agent's submission

The application is accompanied by the following key documents;

- Planning Policy Statement;
- Compliance Statement
- Arboricultural Method Statement
- Ecology Appraisal and Addendum Report
- Site Investigation Report

All of the application documents can be viewed on the Council's website using the following link: <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/00365/REM>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

18th February 2022