



Appeal Decision

Inquiry held on 3 – 6, 10, and 11th December 2024

Site visits made on 5th and 9th December 2024

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2025

Appeal Ref: APP/P3420/W/24/3350245

Land north of Mucklestone Wood Lane /east of Rock Lane, Loggerheads, Market Drayton, Staffordshire, TF9 4RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Shropshire Homes Ltd against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref is 23/00002/OUT.
 - The development proposed is outline planning application for the erection of up to 150 dwellings, associated infrastructure and open space (with all matters reserved except for the details of the main site access).
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Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of up to 150 dwellings, associated infrastructure and open space (with all matters reserved except for the details of the main site access) at land north of Mucklestone Wood Lane /east of Rock Lane, Market Drayton, TF9 4RJ in accordance with the terms of the application, Ref 23/00002/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal is submitted in outline with all matters reserved except for that of access. An Illustrative Masterplan was submitted with the application which shows how the site could be laid out. I have considered it on this basis.
4. The Council refused outline planning permission for four reasons. Before the event, the Council confirmed that they would not defend the first reason for refusal which related to the sustainable location of the site and the lack of supporting infrastructure available locally to support the development, limited public transport and the need to travel by car to access higher level services. As the Rule 6 party, the Loggerheads Save Our Village Committee, maintain an objection on these grounds, I deal with this matter as a main issue.
5. The day after the last sitting day, the revised National Planning Policy Framework was published. I sought comments in writing from the parties about the

implications of the revised policy document for their individual cases. This led to the Council and the appellant agreeing a revised housing land supply position which concluded that the Council could not demonstrate a five-year supply either on the Council's assessment or that of the appellant. Given this lack of supply, the Council advised that the weight to be given to the supply of housing in this appeal should increase to substantial. On this basis the Council accepts that the harms are not sufficient to outweigh the benefits and therefore the Council no longer resists the appeal.

6. Given the above, it is not necessary for me to address the Council's concerns, however as the Rule 6 party and other local objectors have raised similar issues, I continue to consider them in my decision. For clarity, paragraph numbers quoted in my decision are those of the December 2024 Framework and may differ from those in the submitted evidence.
7. I undertook an accompanied site visit on the morning of 5th December and then an additional unaccompanied visit in the late afternoon of 8th December when it was dark, to assess the existing level of street lighting and light from residential properties in the area.
8. Within an agreed timeframe after the Inquiry, the appellant submitted a final completed section 106 agreement. This secures the provision of affordable housing, the management of public open space, financial contributions towards education, transport improvements, community and recreational facilities, health care, as well as obligations for ecological mitigation and travel plan monitoring. I discuss the detail of this later in my decision.

Main Issues

9. Given the above, the main issues in this case are as follows:
 - Whether the appeal site would be an appropriate location for housing development, with regard to its accessibility to facilities and services, including public transport;
 - The effect of the appeal proposal on the landscape character and the visual amenity of the appeal site and surrounding area;
 - The effect of the appeal proposal on the special architectural or historic interest of White House Farm, a grade II listed building and designated heritage asset, with particular regard to its setting;
 - The effect of the appeal proposal on the supply of the best and most versatile agricultural land (BMV);
 - Whether the Council can demonstrate an appropriate housing land supply given the requirements set out in national policy.

Reasons

Background

10. The appeal proposal seeks outline planning permission for up to 150 dwellings on a site of approximately 12 hectares located to the north of Mucklestone Wood

Lane and east of Rock Lane in the village of Loggerheads. The site forms agricultural land lying outside the village envelope within open countryside.

11. A Grade II listed building, White House Farm is located to the east of the appeal site. Existing residential properties on Mucklestone Wood Lane lie to the south of the site and a housing development under construction on the former Tadgedale Quarry site, known as Shropshire Heights, lies to the west of Rock Lane.
12. The original planning application sought outline planning permission for 200 dwellings. The scheme was amended during its consideration by the Council with the number of dwellings reduced to 150 and amendments made to the site access, traffic calming and mitigation measures.

Policy Context

13. The development plan for the area consists of the saved policies of the Newcastle under Lyme Local Plan 2003 (NuLLP), the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2009 (CSS) and the Loggerhead Neighbourhood Plan 2019 (LNP).
14. Saved Policy H1 of the NuLLP directs new development to sustainable locations and seeks to protect the countryside. Policy ASP6 of the CSS sets out a spatial policy for rural areas. It indicates that there will be a maximum of 900 net additional dwellings on brownfield land within the village envelopes of the key rural service centres, including Loggerheads. The appeal site lies outside the village envelope and therefore fails to comply with these policies.
15. However, it is common ground that the above two policies are out of date. The village envelopes were defined in the context of a local plan that was not intended to meet the housing needs of the Borough beyond 2011. The 900 dwellings target for the rural area referred to in Policy ASP6, is not based on an up-to-date assessment of housing needs and is inconsistent with the Framework that reflects the Government's objective of significantly boosting the supply of homes. Accordingly, I give these policies limited weight.
16. The LNP defines the village envelope of Loggerheads and Policy G2 supports housing development within it. Outside the village boundary, other housing development is permitted subject to various criteria, including replacement dwellings, limited infill or within the built-up frontage of an existing dwelling. None of these apply to the appeal proposal, which accordingly conflicts with this policy.
17. The Council's emerging Local Plan has been published at Regulation 19 stage and was submitted for examination at the end of December 2024, after the Inquiry. Under Policy LW53, the appeal site is allocated for 130 dwellings subject to a number of development requirements including a Heritage Impact Assessment, a green landscape buffer to the western and eastern site boundaries and financial contributions towards health, education, off site open space, off site highway improvements and bus services.

Appropriate location for housing development

18. Loggerheads is defined as a Rural Service Centre in the CSS. The Rural Topic Paper which forms part of the evidence base for the emerging plan, provides an audit of the services available in rural settlements and then depending on the number of facilities, identifies settlements as either Rural Centres or Other

settlements and Rural areas. Loggerheads continues to be defined as a Rural Centre in the emerging Local Plan, a settlement which provides a significant role in service provision to the local population and contains a number of essential services and facilities to meet day to day needs.

19. Specifically, there is a village shop and a supermarket, a library, pharmacy, restaurant/ takeaways, post office, hairdresser, pub, garage and primary school. There used to be a butcher, but this has recently closed and at the time of my site visit, the premises was being converted into a coffee shop.
20. In terms of public transport, the village is served by the Arriva No.64 bus which connects Shrewsbury and Hanley via Market Drayton and Newcastle under Lyme. There are seven services Monday to Friday providing travel from Loggerheads to Newcastle under Lyme with the first bus leaving at 07:43. On the return journey there are 6 services with the last bus from Newcastle under Lyme going at 18:10. Between Loggerheads and Market Drayton there are 7 services, the first bus being at 08:10, and seven return services, the last bus leaving Market Drayton at 17:35. On Saturdays there are five services connecting Loggerheads to Newcastle under Lyme and Market Drayton at 2-3 hour intervals. There is no Sunday or evening service.
21. It is accepted by the parties that a rural area will not have the same level of public transport as an urban area. In fact, the Framework recognises this in paragraph 110 and states this should be taken into account in decision making.
22. The Rule 6 party takes issue with the definition of commutable bus services within standard working hours ie, 9-5pm in the Rural Topic Paper. Many people, particularly those working in retail, warehousing or hospitality, work early and late shifts or on a Sunday and would find it impossible to use public transport to travel to work. They would likely have to travel by car. Nevertheless, those working standard 9-5 hours in Newcastle under Lyme or Market Drayton would be able to travel by bus to get to work. Furthermore, I am advised that in the West Midlands, the level of people working from home has been around 25-30% since Jan 2022¹. Therefore, it is reasonable to assume that a number of persons may work from home for either all or part of their week.
23. In terms of shopping, Loggerhead has a supermarket and a village shop providing everyday needs. They would be at the most around 13 minutes' walk from the furthest dwelling on the appeal site, and around 9 minutes from the closest dwellings. Manual for Streets describes walkable neighbourhoods' as having a range of facilities within 10 minutes walking distance, though this is recognised to not be an upper limit with walking offering the greatest potential to replace car trips particularly up to a distance of 2 km. The nearest larger supermarket would be in Market Drayton which could be accessed by public transport. I acknowledge this may not be feasible for all and can be difficult with a large shop. However future occupants of the proposed development would also have the option for online shopping and home delivery services.
24. The Education Authority have confirmed that there is capacity in nearby primary schools. Hugo Meynell Primary School is located to the southern end of the village and is at the most about 1350 metres from the furthest part of the appeal site, 15-

¹ CD24.11 Appellant's Planning Witness Proof

minute walk approximately. I see no reason why primary school children could not walk this distance to school, though I accept parents may use the car in inclement weather. The route to walk to the school is along Eccleshall Road which is lit and has a continuous footpath. I understand that the Shropshire Heights development is to provide an improved crossing onto Muckleston Wood Lane and a light controlled pedestrian crossing on the A53 to the west of the double mini roundabout in the village centre. This would assist pedestrians going to the school.

25. The appeal site is also within the catchment of St Marys CE School in Muckleston which would be around 20 minutes' walk from the appeal site. The appellant has suggested that Rock Lane, which is a low trafficked rural road could be used to access the school. However, this route is used by agricultural vehicles and those going to the kennels. It can be very muddy, as I experienced on my site visit and in my view would not be a suitable route except perhaps in the summer. Alternatively, the walk would be along Eccleshall Road which has no footway and is unlit. I therefore consider it likely that children going to St Marys School would travel by car, certainly for much of the year.
26. I understand that a very high majority of pupils at St Marys CE School are from outside the catchment. This could be because it is a faith school. Children from the appeal development could reduce the number of children from outside the catchment and even if they do travel by car, the journey would likely be much shorter than those from outside the catchment, and therefore more sustainable.
27. I understand that there is pre-school provision in the village at the primary school. The nearest secondary school is in Madeley. The school bus runs along Muckleston Wood Lane past the site and it is proposed to provide a safe hardstanding area to the front of the appeal site for existing and future pupils to wait clear of the carriageway. The section 106 agreement makes provision for a financial contribution to secondary school places at Madeley High School.
28. There is no health care facility in Loggerheads, but there is a GP surgery in a neighbouring village, Ashley, just under 3 kilometres away. The Rule 6 Party advised that the car park to the surgery was often full, and vehicles had to park on the road. I am not persuaded that the appeal scheme would make this situation significantly worse, as patients would visit when they had an appointment, which is no different to the current situation. I understand that the surgery is still taking new patients and provides a good service, with same day appointments. There is no evidence that this may change. It should be borne in mind that some of the future occupants of the appeal site could already be registered patients living in the locality, therefore making no impact on the service.
29. I accept that accessing the health centre for those without the car may be difficult. They may rely on friends or relatives to give them a lift, use taxis or make use of the Border Car service, a voluntary on demand service.
30. In terms of higher-level health care facilities such as hospital care or Urgent Care, I accept that this would be difficult to access by public transport. This is however not unusual for many throughout the country, even in more urban areas.
31. Bringing all the above together, it is accepted that some journeys to access employment, shopping, education and health care etc would be by use of the private car. This is to an extent inevitable in a rural area such as this, particularly

when trying to access higher order services. However, there is public transport available which would provide access to Market Drayton and Newcastle under Lyme during the working week and on a Saturday albeit in the normal 9-5 hours.

32. The Rule 6 party considers that compared to other Rural Centres, Loggerheads is a less sustainable location. There will be differences between the services and facilities provided at different rural centres, and whilst some settlements may perform better than Loggerheads, what they have in common is a minimum level of services to provide for day-to-day needs. Loggerheads can therefore be regarded as a sustainable location for development.
33. Given the above, I conclude that the appeal site is in an appropriate location with access to services and facilities. The proposal therefore complies with the objectives of the Framework, Policy SP3 of the CSS and Policy LNPS1 of the LNP to achieve sustainable development.

Landscape Character and Visual Amenity

34. The appeal site is located within the Loggerheads Sandstone Hills and Farmland Fringe Landscape Character Area (LCA) as set out in the Newcastle under Lyme Landscape and Settlement Character Assessment Study 2022². Within that character area, the document identifies settlement fringe locations, in this case Loggerheads Fringe to the south of the LCA. This states that the fringe of the northern part of Loggerheads is largely residential. It is located on elevated ground, is extensively vegetated with woodland at Ashley Heath to the east and rising ground, dense hedgerows and hedgerow trees in the west screening the settlement from the wider landscape so that it is not prominent in views. The extensive tree cover around Loggerheads means that intervisibility with the wider landscape and views from the edge of the village are generally short and wooded or generally enclosed by rising topography to the north.
35. The site is representative of this landscape character area. Whilst the appeal site forms open agricultural land and the topography reflects its upper valley location, its character is influenced by built development to the south of Mucklestone Wood Lane and also by the Shropshire Heights development currently under construction to the west. Built form is characteristic of this part of the landscape.
36. Due to the presence of woodland, field boundary hedgerows and trees as well as rising landform further east, the site is reasonably well contained. As a result, the appeal scheme would have a very limited impact on the wider landscape.
37. The northern and eastern boundaries of the appeal site are more open in character when viewed in close proximity and lack a sense of enclosure. However, the site is located on the edge of the village. In addition to the built development to the south and west, there are urban influences with the presence of a caravan site to the east, the buildings of White House Farm and a telecommunication mast. Rather than representing a rural landscape, I consider the site is better described as being within a settlement fringe location. This is consistent with the areas landscape designation of Loggerheads Fringe.
38. It is common ground that the development would harm landscape and visual amenity within the immediate environs of the appeal site. This is inevitable with the

² CD 14.2

development of a greenfield site. The submitted planning application was supported by a Landscape and Visual Impact Assessment (LVIA) which included an Illustrative Landscape Framework Plan. The landscape strategy adopted by the appellant involves the retention of existing mature trees and native hedgerows within the appeal site. In order to facilitate the access to the proposal, it will be necessary to remove a length of hedgerow and three trees, one moderate quality and two low quality, along Mucklestone Wood Lane. This would clearly have a negative impact on the character of the landscape but would be localised in its extent. The Landscape Framework Plan provides for a new hedgerow set further back in front of the proposed dwellings as well as specimen trees and shrub planting to maintain the verdant character of Mucklestone Wood Lane.

39. The eastern site boundary would comprise amenity grassland with tree planting creating a landscape buffer on this boundary. Proposed new woodland planting and shrub planting on the western edge of the site would tie into and extend existing mature trees on Rock Lane. The northern site boundary is currently defined by a post and wire fence. It is proposed to provide woodland edge/tree planting to this boundary with built development set back into the site. The appellant has provided a photomontage of this boundary at Year 1 and Year 15 after the completion of the development. This illustrates that planting along the northern boundary would screen the development when viewed from Rock Lane. Contiguous with the northern most extent of the Shropshire Height development to the west, this would create a new settlement edge to Loggerheads.
40. Turning to the visual impact of the development, with regard to Mucklestone Wood Lane, adverse impacts would be experienced by vehicle users, walkers and occupants of adjacent residential properties. I note that the existing dwellings on the Lane have front gardens, and some have fencing, hedgerows and trees which provide some screening of the site. Additional landscaping proposed on this site boundary would further filter views. At the illustrative masterplan indicates that the dwellings would be set back around 30 metres into the site, it is likely that the topography of the site could diminish the screening effect of the proposed landscaping.
41. Rock Lane to the west of the site is a well-used route for walkers and gives access to a limited number of residential properties and also a dog boarding kennels. It forms part of the Loggerheads Loop and is the only route north out of the village. As I noted on my site visit, Rock Lane is at a lower level to the appeal site with a landscaped bank which would limit views of the proposed dwellings from this section of the Lane. It is not until past the edge of the appeal site when walking up Rock Lane that more open views can be achieved. The proposed landscaping on the northern site boundary would assist to filter views of the proposed development from this viewpoint.
42. I acknowledge that, with the Shropshire Heights scheme under construction, rural views from this southern part of Rock Lane would, for the most part, be lost. This would be an inevitable consequence as the two adjacent sites would become part of the village envelope. This would result in harm to visual amenity for users of the lane.
43. Walking down Rock Lane, occasional glimpses across the appeal site to White House Farm can be achieved. To maintain this view, the illustrative Landscape

Framework Plan includes a viewpoint from the proposed pedestrian access off Rock Lane through a landscaped area running east west across the site.

44. Views from White House Farm for existing residents and also users of the caravan site would be impacted by the proposal. I acknowledge that views from this position are not accessible to the general public. Currently views to the east are very attractive incorporating the appeal site and the Welsh hills beyond. The submitted LVIA demonstrates that post development, due to the presence of an intervening field, proposed boundary planting and the topography, views of the countryside and hills beyond would remain achievable but would be over the rooftops of the proposed dwellings.
45. I observed on my site visit that Mucklestone Wood Lane is an attractive road with a verdant appearance due to vegetation within individual residential front gardens and on its northern boundary. In my view it has a semi urban appearance with block paving on driveways, close boarded fencing, mown lawns and ornamental planting in front gardens. The proposed four build outs on the lane to provide pedestrian refuges and slow down traffic speeds would not require the removal of individual trees, though they may require some pruning. The impact on trees is matter I return to later in my decision. In terms of impact on the character of the lane, whilst the build outs would form urban features, they would be at four discrete points only. Overall, I consider the harm to the character of the lane would be limited.
46. In summary, there would be harm to landscape character and an adverse visual impact, though this harm would be localised. There is therefore conflict with Local Plan Policy CSP1 which seeks to achieve high quality design, and respect existing urban and rural character as well as Policy CSP4 which seeks to protect, maintain and enhance the Borough's natural assets.
47. There is also conflict with saved Policy N17 and also saved Policy N19 of the NuLLP. Policy N17 requires development to be informed by and be sympathetic to landscape character and quality and contribute to the regeneration, restoration, enhancement and maintenance or active conservation of the landscape. Policy N19 seeks to maintain the high quality and characteristic landscapes in the Landscape Maintenance Areas identified in the Staffordshire County Landscape Study - Planning for Landscape Change SPD and requires development to contribute to this aim. The appeal scheme lies in such an area.
48. The above policies are of some age and pre-date the Framework. My reading of them is that they do not place a blanket restriction on new development in the countryside, aligning with paragraph 187b of the Framework which recognises the intrinsic character and beauty of the countryside. In causing harm to landscape character, the appeal scheme fails to comply with these policies.
49. Policy LNPP1 Of the Neighbourhood Plan seeks high standards of design and includes a series of criteria which must be met including complementing the surrounding context, complementing established character and responding positively to local topography. Read as a whole, I consider the appeal scheme also conflicts with this policy.
50. Given the localised harm to landscape character and visual amenity, and having regard to the proposed mitigation, I attribute moderate weight to the schemes

conflict with the landscape and design policies of the development plan.

Heritage

51. White House Farm which lies to the east of the appeal site forms a Grade II listed building. This two storey farmhouse is stucco rendered except for the rear elevation which is in red brick, and likely dates from the mid-18th century. It has a plain tile hipped roof with ridge stacks to left and right with later additions including a late 20th century brick and timber porch and a 2 storey lean to addition to the rear. A datestone to the rear reads 'Rev, J. Smith 1767' though this looks to be of later origin. A number of brick outbuildings create a rear courtyard and are curtilage listed.
52. The significance of the building derives from its historic, architectural and artistic interest as a traditional farmhouse with associated ancillary outbuildings and later 19th and 20th century additions. It also draws significance from its setting, in particular the associated curtilage buildings, the gardens to the west and south, the historic functional relationship with the surrounding agricultural land and the panoramic views to the west.
53. The Tithe Map of 1838 shows that the farm was owned by Hugo Charles Meynell. Hugo Meynell, the grandfather of the former, was credited as being the father of modern fox hunting and influenced the landscape to provide a more suitable terrain for hunting. Association can contribute to the significance of an asset. In this case however, there is no evidence that the Maynell family actually lived at White House Farm at any time, their main residence being in Leeds, or that that the grandfather once owned the appeal site and passed it down to the grandson. Though of course it is not unreasonable to assume that this may have been the case. There is also no evidence that the Meynell family influenced the surrounding landscape.
54. The appeal site forms part of the historic agricultural land associated with the farm. It contributes to its setting, the appreciation of the asset and to views to and from the farm.
55. The farmhouse was positioned at a high point taking advantage of the attractive views to the west, giving the farmhouse a position of prominence. This was recognised in the Listing Description. Should the appeal proceed, due to the appeal site being at a lower level, and the retention of an intervening field in agricultural use, I consider the farmhouse would retain its prominence in the landscape. It would also continue to be seen in an agricultural context.
56. There was some discussion at the Inquiry as to whether the heritage asset had dominance in the landscape. In my view, whilst the asset is sited at a higher level, it lacks sufficient authority and assertion over the wider landscape to be described as being dominant.
57. Setting makes a greater contribution to significance when it remains unaltered. The quiet and tranquillity of an area can also contribute to significance. In this case, the setting of the farmhouse has been subject to change. There is now a small caravan park immediately to the west of the asset and also a tall telecommunications mast has been constructed. Built development on Rock Lane has taken place and new dwellings are being constructed on the Shropshire Heights development. The boundaries of the caravan site and that of the arable

field and pastureland have also been altered, hedgerows and field layouts have changed.

58. In terms of tranquillity, it is notable that the White House Farm is a working farm and includes a small six pitch caravan site. These uses will generate a degree of noise affecting the tranquillity of the area. I do not consider that any increased noise as a result of the appeal proposal would affect the significance of the asset.
59. Turning to the impact of lighting, existing street lights on Mucklestone Wood Lane and lighting from properties on Rock Lane and within the Shropshire Heights development are visible. I recognise that the lack of lighting near the asset reinforces its isolation and distance from other development. The setting of a heritage asset is the surroundings in which the asset is experienced. This may be more challenging to appreciate in the dark. Having regard to the existing lighting in the vicinity, in particular street lights and lights from properties on Mucklestone Wood Lane, I am not persuaded that increased light pollution from the proposed development, which would have a degree of filtering through boundary vegetation, would impact on the setting of the asset.
60. In terms of views to and from the asset, views from the access drive, from the immediate garden area and from the intervening field would be unaffected. New views of the asset would also be created from the appeal site itself. From Rock Lane, breaks in the hedgerow enable glimpsed views of the heritage asset. I have already referred to the illustrative Landscape Framework Plan which indicates a viewpoint from the proposed pedestrian access off Rock Lane through a landscaped area running east west across the site. I accept that views from this direction would change should the development proceed.
61. From Mucklestone Wood Lane, the farmhouse can be viewed at a higher level to the road. It is again seen in a prominent position with no built development in its immediate vicinity. This would be generally unchanged should the appeal development takes place.
62. Westward views from the farmhouse encompass the caravan site, an intervening field, the appeal site, Rock Lane and the hills beyond. The caravan site is a distracting feature of this view, though I accept this is a seasonal use and temporary in its nature. Due to the topography, views over the dwellings to the hills and wider landscape beyond, would still be achievable. Therefore, should the development proceed, foreground and longer distance views would be maintained but the appeal site would alter mid ground views. This would inevitably cause harm to the setting of the asset.
63. Bearing in mind the appeal site's overall contribution to setting, the lack of harm to the asset itself and its immediate setting, the distance between the appeal site and the asset and the retention of the intervening agricultural land, I find that the harm to setting, would be at the lower end of less than substantial.

Best and Most Versatile Agricultural Land (BMVAL)

64. White House Farm extends to approximately 165 acres and is subdivided into arable, pastureland and amenity woodland. The arable land comprises approximately 90 acres and grows maize, wheat and barley for animal feed. The pasture is grazed by around 60 sheep and 50 store cattle.

65. The appeal site comprises approximately 20.7 acres (8.37 ha) and is used for arable cropping. It represents approximately 12.5% of the total farm and around 23% of the land used for arable purposes. Part of this farmland, 6.36ha, comprises Grade 3a 'Good' quality agriculture land and therefore BMVAL.
66. Paragraph 187b of the Framework recognises the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems- including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
67. The appeal site currently grows feed for the farm's livestock. The loss of part of the farm's arable land may result in the business having to buy in more feed for the livestock or adjust the numbers of livestock on the farm. Whilst this could potentially have an economic impact on the farm enterprise, I have been provided with no details of possible increased costs or the impact on profitability.
68. The Framework indicates that where significant development of agricultural land is necessary, the use of poorer quality land should be sought in preference to that of a higher quality. It is relevant that the emerging Local Plan allocates a number of sites to meet housing needs. The accompanying Sustainability Appraisal indicates this would result in the loss of around 263 ha of BMVAL, which includes the appeal site. This suggests the lack of poorer quality agricultural land for development in the Borough.
69. The appeal results in the loss of a small parcel of land forming part of a much larger land holding. I have no evidence that the loss of this land would render the remaining land unviable or unproductive, though it is likely to require some changes to the farm business, either in reducing stock or buying in feed. Given the above and having regard to the fact that BMVAL is required to meet the borough's housing needs, I find no conflict with paragraph 187b of the Framework.

Housing Supply

70. The Council and the appellant disagree as to whether purpose-built student accommodation and an increased windfall allowance should be added to the Council's housing land supply position. This was discussed in detail in a round table discussion.
71. Since the Inquiry, the revised Framework has been published. The effect of this is to require a 5-year housing land supply with a 5% buffer, instead of 4-year supply as in the preceding Framework. The method of calculation of Local Housing Need has also altered resulting in the Council needing to provide 545 dwellings per annum instead of 347 dwellings a year. Whilst the parties disagree on the actual supply figure, there is agreement that the Council cannot provide a five-year supply. On the appellant's figures the supply would be 2.24 years and on the Council's figures 3.15 years at the base date of 1 April 2023. In either case, the shortfall is significant.
72. Given the above, it is not necessary for me to consider the inclusion of purpose-built student accommodation or a revised windfall allowance in this decision, as it is not determinative to the overall conclusion.
73. In light of the lack of a five-year housing land supply, applying paragraph 11d) of the Framework, the tilted balance is engaged. Planning permission should be

granted 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.

Other Matters

Highway Safety

74. The Transport Assessment submitted with the original planning application demonstrates that the development would generate 88 two-way vehicle trips in the morning peak and 95 two-way vehicle trips in the evening peak.
75. Access to the appeal site would be from Mucklestone Wood Lane. The access would be designed to discourage vehicles turning left out of the site then along Mucklestone Wood Lane to the A53/ Gravelly Hill junction. Tracking illustrates that this junction alignment would still allow large vehicles such as refuse wagons to safely enter the site. Whilst this junction remains within capacity and will continue to do so should the development proceed, it has very limited visibility due to the presence of a large hedgerow in a private garden. Vehicles emerging from the junction have to creep out into the road. The right only turn out of the proposed development is designed to address this difficulty and encourage vehicles to use Eccleshall Lane to access the A53. This would also have benefits for pedestrians and cyclists reducing development traffic heading east along the lane.
76. The Transport Assessment indicates that the A53 Newcastle Road/A51 junction is operating near its theoretical capacity in the morning peak. A scheme of off-site highway improvement is proposed to address this matter which can be secured through an appropriate condition on any planning approval.
77. Following discussion with the highway authority it has been agreed to introduce a new build out on the A53 requiring north bound traffic to slow and give way to vehicles entering Loggerheads or emerging from Mucklestone Wood Lane. I understand that options other than a build out were considered, such as traffic lights, but these were rejected for a range of technical reasons. The Rule 6 Party and local residents have expressed concern about the safety of such a feature and the potential for queues to form on the A53. The proposed build out has been the subject of a Stage 1 Road Safety Audit with its recommendations being capable of being included in the final detailed design.
78. I recognise that some vehicles may wish to go across the A53 from Mucklestone Wood Lane towards Ashley. Keep clear markings could be provided at the junction to facilitate this movement and could be considered at the detailed design stage if considered to be necessary. There is no evidence before me that the build out would be unsafe and I am therefore satisfied that it would be acceptable in highway safety terms.
79. Residents have expressed concern that the introduction of the build out could encourage rat running through the village by using Chestnut Road and Mucklestone Wood Lane to bypass any queue or alternatively using Eccleshall Road and Pinewood Road to avoid the build out altogether. Whilst local people may be aware of such alternative routes, many drivers on the A53 would not, as they are simply passing through the village. I am not persuaded that the likelihood of rat running would create highway safety issues on other local roads.

80. With regard to the double roundabout in the centre of the village, the appellant's Transport Assessment illustrates that there would be an increase in traffic at this junction and a slight increase in queuing and delay at peak times. However, with other committed development in Loggerheads, this junction would still be within capacity and there would be no detrimental effect on highway safety.
81. Local residents have highlighted existing safety concerns with the double roundabout arrangement. On my site visit I observed that some vehicles heading through the village on the A53 had to stop quickly at this junction, this is despite appropriate advance signage on the A53. Whilst I understand the concerns, accident data from Staffordshire Safer Road Partnership records no accidents at this junction in the last five years. The increase in traffic from the appeal development would not in my view be so great as to result in unacceptable highway safety issues at these roundabouts.
82. Mucklestone Wood Lane is well used by pedestrians, dog walkers and cyclists. Currently there is a lack of footway along much of its length. The appeal scheme includes the widening of the existing footway along the southern side of Mucklestone Wood Lane to deliver a 2 metre wide path from the site up to a property called Oak Lodge.
83. Furthermore, it is proposed to provide four build outs at different points along the lane to slow vehicle speeds but also to provide pedestrian refuge. Any concerns about their siting, blocking existing driveway etc can be addressed at the detailed design stage when further amendments can be made if necessary subject to a further safety audit. I have no evidence before me that the proposed build outs would create a hazard to vehicles or to other road users. Appropriate lighting, road markings and signage would provide advance warning of the build outs for drivers to slow vehicle speeds.
84. Currently the lane acts as a shared surface. Pedestrians may on occasion have to stand on the grass verge or in the driveway of an existing residential property when a vehicle passes due to the lack of footway. This is not uncommon for many routes both in urban and rural areas. The provision of four additional refuges would provide additional safety features for users of the lane. I address issues regarding the impact of these features on trees in the section below.
85. The Framework ³ seeks to ensure that a safe and suitable access can be achieved for all users and that any significant impacts from a development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree through a vision led approach. I am satisfied that in the case before me this can be achieved. The highway authority raises no objection to the development. There would be no unacceptable impact on highway safety, and the residual cumulative impact on the road network, following mitigation would not be severe, taking into account all reasonable future scenarios.
86. The appeal scheme would therefore comply with the objectives of the Framework and CSS Policy SP3, CSP1 and Policy LNPT1 of the NP which seek to ensure new development is accessible to all users, that safe and suitable access for both vehicles and pedestrians is provided, as well as no significant negative impact on road safety and severe traffic congestion.

³ NPPF par 115 and 116

Trees

87. The Rule 6 Party are concerned that the construction of three of the four build outs on Muckleston Wood Lane would cause harm to trees in the vicinity, due to excavation, root pruning and incursion into Root Protection Areas (RPA).
88. With regard the proposed build out close to White House Farm, the Rule 6 Party estimate the loss of approximately 7% of the RPA whilst the appellant estimates this to be nearer 2%. Even in the worst case scenario, the impact would not be so detrimental that the trees would be destabilised or decline.
89. I acknowledge that damage to RPAs should be avoided and that BS5873 states that there should be no excavation in a RPA. However, it goes on to say that limited manual excavation might be acceptable with justification. This is what is proposed by the appellant.
90. I accept that the details of the construction of the build outs, the level of excavation required, any root pruning etc is not available at this outline stage. This lack of information has contributed to the Rule 6 Party's concerns. A condition on any approval could require a methodology and final design including the use of products to create rigid permeable and reduced construction depth surfacing to be submitted for approval at reserved matters stage.
91. The proposed build out by Badger Wood Road would require very minimal work within the RPA. There is disagreement between the Rule 6 Party and the appellant as to whether the tree identified as Oak A9 is an ancient, coppiced tree on the edge of the RPA. Whilst I have insufficient evidence to conclude on this point, the key factor is that the roots of the tree within the area of works are around 18 metres from the tree stem. This is beyond the area regarded as important for tree protection by the current guidance in BS5837 and also that of Natural England and the Forestry Commission. Importantly, the parties agree that any harm would be minimal and would not threaten the viability of the tree. Again, manual measures are proposed to be used.
92. The final build out of concern is close to Woodland Cottage. The Rule 6 Party highlight that this lies adjacent to an ancient woodland extending north of Muckleston Wood Lane and would be in its buffer zone. The tree identified as OK12 is growing on the edge of the larger woodland in the highway verge. It is approximately 3 metres from the existing stone sett edge and 1.5 metres away from the proposed build out. I noted on my site visit that the roadside verge at this location is already degraded to a degree due to overrunning vehicles causing rutting and disturbing the ground and that the stone kerb has been lost. This would tend to limit the extent of tree roots in this location. Again, the appellant intends to adopt a no dig manual approach to construction. Based on the evidence before me, any damage to tree roots in the highway verge would be likely to be minimal and insufficient to result in the destabilisation or deterioration of the tree.
93. The Framework in paragraph 193 c) states that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. No ancient trees or woodland would be lost as a result of the appeal proposal and there is no evidence that any would deteriorate. I am therefore satisfied that the proposed build outs, subject to

appropriate conditions to ensure a suitable methodology for their construction would be acceptable. The proposal in this regard would comply with the objective of the Framework and also CSS Policy CSP4 and LNPN12 which seek to protect maintain and enhance the quality and quantity of the area's natural assets.

Affordable Housing

94. The appeal scheme provides 30% affordable homes, a total of 45 units, which is 5% above the adopted Local Plan requirement. The section 106 agreement provides that 60% of the affordable homes should be for affordable rent and 40% shared ownership.
95. The Rule 6 Party has expressed concern about the scale and tenure of affordable housing to be provided in the appeal scheme and whether there is demand for the affordable housing units in Loggerheads from Registered Social Landlords.
96. The Council's data⁴ shows the number of households currently waiting for an affordable home in the Borough is 2,531. Out of the total number of applications on the Council's register, 220 of those households have identified Loggerheads as a location within which they would like to live, and 76 households are already residing in Loggerheads. This indicates that there is demand for affordable housing in the village.
97. I note the Rule 6 Party's comments that two schemes in Loggerheads, Forest Edge and Shropshire Heights found difficulties in finding partner organisations. In the case of Shropshire Heights, I understand that the developer has sought a Deed of Variation for the section 106 agreement to amend the tenure of the affordable homes and has also submitted a revised planning application to reduce the number of dwellings in the site. In both cases I understand that Registered Social Landlords have been found.
98. The appellant has provided letters from three Registered Social Landlords stating that they are interested in the appeal development. Based on the evidence before me I am satisfied that a Registered Social Landlord is likely to be able to be found for the affordable units on the site. Should there prove to be any difficulties, the section 106 agreement includes a cascade mechanism that enables the units to be marketed as Discounted Sale homes. This would still ensure that affordable housing is provided but on a different tenure basis, still meeting the Framework definition of affordable homes.
99. Whilst the Rule 6 Party recognise the need for affordable housing in Loggerheads, they indicated that they would prefer a smaller number of units on smaller sites rather than a large number on a larger site such as the appeal development. Due to concerns about affordability of rents, they consider there is a need for social rent rather than affordable rent units.
100. I am aware of an initial consultation response from the Council's Housing Strategy Team in February 2023 in relation to the original scheme for 200 dwellings which would have provided 60 affordable units. The comments made suggest that 60 units along with the other developments in Loggerheads would be a lot, especially as the village is often felt to be too far away from the town centre for many on the housing list who don't have access to cars and rely on public transport. However,

⁴ CD9.1 Affordable Housing FOI Response

the scheme was then amended and reduced to 150 dwellings. A later response from the Team in November 2023 raised no objection to the proposal.

101. The Council's Affordable Housing Supplementary Planning Document (SPD), adopted in 2009, is of some age and pre dates the Framework and the wider current definition of affordable housing. This document includes a target of 15% social rent and the remainder of affordable units being shared ownership. At the Inquiry, a member of the Council's Strategic Housing Team helpfully advised that because of the age of the SPD, the Council takes a pragmatic approach and in the appeal case, consider that a mix of affordable rent and shared ownership units would be appropriate to meet local need.
102. Given the above, I am satisfied that the appeal scheme is acceptable in terms of the provision of affordable housing and that there is no evidence that a Registered Social Landlord will not be found.

Planning Obligation

103. The submitted section 106 agreement provides for the provision of affordable housing, the management of public open space, financial contributions towards education, transport improvements, community and recreational facilities, health care as well as obligations for ecological mitigation and travel plan monitoring.
104. Regulation 122 of the Community Infrastructure Levy Regulations (2010), as amended (CIL Regulations) and the Framework (paragraph 57) set out that planning obligations must only be sought where they meet the relevant tests, including where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the same.
105. The Council has provided a CIL Regulation Compliance Statement which provide the rationale behind each obligation, the justification for any specified contribution or calculation formula and the purpose to which any contribution would be put. I am satisfied based on the Statement, the agreements between the main parties and the way in which the section 106 agreement fully records these aspects, that each of the obligations is necessary, directly related, and fairly and reasonably related in scale and kind to the development. As such, I am able to take the planning obligation into account in reaching my decision.

Conditions

106. The Council and appellant have submitted an agreed list of suggested conditions that they consider would be appropriate if planning permission was granted.
107. I have considered the conditions in light of the advice given in Planning Practice Guidance. As such, I impose these largely unaltered, only amending wording where necessary in the interests of precision and to ensure compliance with the tests.
108. In addition to the required conditions identifying the reserved matters and timescales for the submission of subsequent applications (conditions 1-3), I have specified the approved plans in the interest of certainty (condition 4).
109. Condition 5 is necessary to ensure the development proceeds in accordance with the design principles set out in the submitted Design and Access Statement and

the Illustrative Masterplan. In order to ensure the development is appropriately drained and to prevent the risk of flooding elsewhere, condition 6 is required.

110. In the interests of highway safety, I impose conditions requiring off site highway improvements, including works to junctions on the A51/A53, pedestrian and cycle improvements and a traffic management scheme on Mucklestone Wood Lane (conditions 7, 8 and 9). To promote sustainable transport measures, condition 10 is required to secure the implementation of a Residential Framework Travel Plan.
111. Condition 11 is necessary to provide a Construction Environmental Management Plan to safeguard the amenity of the occupiers of nearby residential properties. To safeguard the living conditions of future residents and tackle any on site contamination, I impose conditions requiring site investigations and appropriate mitigation (conditions 12, 13, 14, 15 and 16).
112. In the interests of residential amenity, condition 17 is required to set out minimum noise levels to be achieved in different rooms in the proposed dwellings and in external garden areas. I impose condition 18 to ensure that any sand and gravel incidentally extracted from the site is used within the construction of the development and not taken off site.
113. Conditions 19, 20 and 21 are necessary to protect retained trees on the site during construction and ensure appropriate working methods in accordance with BS5837. A construction specification and methodology are also required to protect trees in the vicinity of the off-site highway improvement works. To ensure the timely provision of on-site play facilities and open space as part of landscaping proposals submitted at reserved matters stage, I impose condition 22.
114. In the interest of safeguarding ecology and biodiversity, conditions are necessary to require updated surveys, the identification of any mitigation measures, the provision of swift boxes and house sparrow terraces, a biodiversity construction environmental management plan and a landscape and ecological management plan (conditions 23, 24, 25 and 26)

Planning balance

115. I have found that the appeal site forms a sustainable and suitable location for development with good accessibility to the services and facilities within Loggerheads village that provide for everyday needs. I acknowledge that new residents may need to use the car to access larger towns for leisure, shopping and employment. Whilst it has limitation in terms of frequency, existing public transport is available and does provide a viable alternative to the car.
116. The current development plan for the Borough includes no housing allocations and there has been no plan led housing development in the Borough for over 20 years. The Loggerheads Neighbourhood Plan does not include any housing allocations either.
117. The Council's emerging Local Plan has recently been submitted for examination. The appeal site is identified as an allocation for development. This indicates that in principle, the Council considers the site is suitable for residential development. The appellant made me aware of a decision of the Council on 3rd December 2024 for

residential development at Bar Hill⁵. In granting planning permission, the Council attributed limited to moderate weight to the emerging plan. However, in light of objections to the appeal site allocation and the plan as whole, my view is that limited weight should be applied to this policy document.

118. The parties agree that the Council cannot demonstrate a five-year supply of housing land. The situation in regard to affordable housing is also acute. It is common ground that as of 16 May 2024, there were 2,531 households on the Council's affordable housing waiting list. The emerging plan's Housing Needs Assessment identifies the need to deliver 278 affordable homes per year to meet existing and future needs. The appeal scheme's contribution to market and affordable housing attracts substantial weight.
119. The proposal would also provide 3.5 hectares of on-site open space, excluding the attenuation basins (0.27 ha), which comprises amenity green space, play areas, woodland planting, linear open space corridors and footpaths around the site perimeter. This provision would be above policy requirements. Financial contributions are also to be made through the section 106 agreement towards a Multi-Use Games Area (MUGA) and other community facilities on two sites allocated for open space in LNP Policies LV1 and LV2. This would make a positive contribution to the current lack of open space facilities in the village. As these contributions would benefit not only future residents of the appeal site but existing residents in Loggerheads, I attribute them moderate weight. The scheme would provide 10% Biodiversity Net Gain through on-site and off-site ecological mitigation. This was not a requirement at the time the application was submitted.
120. In terms of economic benefits, I am advised by the appellant that the proposals would bring an estimated construction spend of £35 million, supporting both direct and indirect jobs in the area. It is also intended that apprentices would be employed on site. New residents would spend in the local economy. As some economic benefits will be for a limited time only during construction, overall, I attribute them moderate weight.
121. The scheme provides off site highway improvements and a contribution to local bus services. Financial contributions are also to be provided towards health care, and to Madeley High School to support secondary education. As these contributions provide mitigation for the effects of the development, though to an extent also provide benefits to existing residents, I attribute them limited weight.
122. Against the above, are the adverse impacts of the scheme. I have found the proposal would cause harm to landscape character and visual amenity. However, as this harm is localised, I attribute it moderate weight. I have no evidence that the proposal would impact on the economic benefits of BMVAL. This factor therefore weighs neither for nor against the proposal.
123. The less than substantial harm I have identified to the setting and heritage significance of the Grade II listed White House Farm is of considerable importance and weight. Nevertheless, given that the less than substantial harm to this designated heritage asset is at the lower end of the scale, I find that the substantial combination of public benefits generated by the appeal scheme, outweigh the less than substantial harm to the significance of the designated heritage asset.

⁵ Application Ref 23/00979/OUT

124. In light of the lack of a 5-year housing land supply, the tilted balance in paragraph 11d) of the Framework is engaged. As I have found above that the heritage harm is outweighed by the public benefits, heritage policies do not provide a strong reason for refusing the development and Footnote 7 is not engaged.

125. Bringing all the above together, I find that the adverse impacts do not significantly or demonstrably outweigh the benefits when weighed against the policies of the Framework taken as a whole. The material considerations in this case, therefore, indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

126. For the reasons given above, and having had regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Thea Osmund-Smith of Counsel

Instructed by Alan Corinaldi-Knott, Senior Associate, Knights

Assisted by Anna Stein and

Christian Hawley

(Housing Land Supply and Affordable Housing Round Table Discussion (RTD) only)

She called

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Noel Bell
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Principal Planning Policy Officer

Habid Razaq

(Assisted with questions in the Housing Land supply and Affordable Housing RTD)

Housing Strategy Officer

Rachel Killeen
(Planning Obligation and conditions RTD)

Development Manager

RULE 6 PARTY (LOGGERHEADS SAVE OUR VILLAGE COMMITTEE)

David Bailey
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R6 Party Spokesperson and
local resident

Jeff Love
BA (Hons)

Local resident

INTERESTED PARTIES

Andrew Swetman

Chair Loggerheads Parish
Council

Caroline Beddow

Local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

ID1	List of appearances for the appellant
ID2	List of appearances for the Council
ID3	Appellant's opening submissions
ID4	Council's Opening submissions
ID5	Rule 6 Party's Opening submissions
ID6	Committee Report and Summary Note, Land at Bar Hill, Madeley Application Ref 23/00979/OUT
ID7	Closing submissions from the Council
ID8	Closing submissions from the Rule 6 Party
ID9	Closing submissions from the appellant
ID10	Email dated 23 December 2024 from the Council providing comments on the implications of the Revised Framework
ID11	Note from the appellant dated 3 January 2025 providing comments on the implications of the Revised Framework
ID12	Revised schedule of agreed conditions
ID13	Completed Planning Obligation

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) Details of the appearance, landscaping, layout, and scale, ("the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in accordance with the following plans and documents:
 - Drawing No. P22-116_DE_10A Site Location Plan
 - Transport Assessment DN/NS/24203-06a
- 5) Any reserved matters application(s) pursuant to this outline planning permission shall be in accordance with the principles set out in the Pegasus Group Design & Access Statement, Ref. P22-1116 Revision B, dated June 2022 and Drawing No. P22-116_DE_03R Illustrative Masterplan.
- 6) The development hereby permitted shall not commence until the final detailed surface water drainage design has been submitted to and approved in writing by the Local Planning Authority. The final design must conform to the design detail as outlined in the approved Flood Risk Assessment and Drainage Strategy (Ref: 22082 Revision C, dated 25.10.2023) and shown upon the preliminary drainage strategy drawing in the appendices to the above FRA document (Drawing Reference 22082-2-REV C. The development shall thereafter proceed in accordance with the approved details.
- 7) The development hereby permitted shall not be occupied until the approved main site access and associated visibility splays in accordance with Drawing no. 24203-03-3 Rev E (or details as amended in accordance with the detailed design agreed with the Local Highway Authority under Section 38 or 278 of the Highways Act 1980) has been fully implemented. The area in advance of the sight lines shall be kept permanently clear of all obstructions.
- 8) A scheme of highway improvement works at the following junctions shall be fully implemented prior to the occupation of the 50th dwelling, broadly in accordance with Drawing No. T21558 006 Rev A and T21558 007 as per appendix M of the Transport Assessment Rev A (or details as amended in accordance with the detailed design agreed with the Local Highway Authority under Section 38 or 278 of the Highways Act 1980):
 - A51 Stone Road / A53 Newcastle Road Priority Junction
 - A51 Nantwich Road /A53 Newcastle Road (N) Priority Junction

- 9) Prior to first occupation of any dwelling on the site the following off-site highway improvements shall be fully implemented:
- Pedestrian and Cycle Improvement scheme on Mucklestone Wood Lane including enhancement of School Bus Stop with raised kerbs and footway widening works as outlined in drawing no. 24203-03-1 Rev E and 24203-03-3 Rev E (or details as amended in accordance with the detailed design agreed with the Local Highway Authority under Section 38 or 278 of the Highways Act 1980)
 - A53/ Mucklestone Wood Lane/ Graveley Hill Traffic Management Scheme with enhanced gateway features as outlined in drawing no. 24203-03-8 Rev F (or details as amended in accordance with the detailed design agreed with the Local Highway Authority under Section 278 of the Highways Act 1980)

The area within the approved visibility splays shall be kept permanently clear of all obstructions.

- 10) The Residential Framework Travel Plan, Document Ref. 24203-03 Rev B, which is hereby approved, shall be implemented in accordance with the timetable set out in that plan. Reports demonstrating progress in promoting sustainable transport measures shall be submitted to the Local Planning Authority for approval annually on each anniversary of the date of the planning consent for a period of 5 years from the first occupation of any dwelling on the site.
- 11) Prior to the commencement of any construction/engineering works including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGVs, delivery times, construction programme, arrangements for the control of surface water and contamination/pollution prior to the completion of the approved drainage strategy, the location of the contractors' compounds, cabins, loading and unloading areas, plant/material storage areas and contractors' parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.
- 12) Development shall not commence until sufficient site investigation works have been undertaken to adequately assess the nature and extent of any land contamination on the site. The scope of site investigation works shall be submitted to and approved in writing by the Local Planning Authority. The works must be undertaken by competent persons and the findings of the site investigation shall be used to assess the potential risks from land contamination to:
- Human health
 - Controlled water
 - Property
 - Ecological systems

- Archaeological sites and ancient monuments

A report of the results of the site investigation works, together with a risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

- 13) If the development is to be phased, development of each phase shall not commence until a detailed remediation scheme for that phase, to bring the site to a condition suitable for its intended use by removing unacceptable risks has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.
- 14) The approved remediation scheme for each phase must be carried out in accordance with the approved remediation statement prior to the occupation of that phase of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the approved remediation scheme, a verification report that demonstrates its effectiveness must be submitted to, and approved in writing by, the Local Planning Authority.

- 15) In the event that the development is phased, prior to occupation of each phase of the development, written confirmation that no contamination was found or suspected should be submitted to the Local Planning Authority.

In the event that contamination is found, or is suspected to be present, at the site when carrying out the approved development for each phase, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.

- 16) No soil or soil forming material is to be imported to the site until a Desk Study to assess the suitability of any subsoil and/or topsoil material to be imported onto the land has been submitted to and approved in writing by the Local Planning Authority. The Desk Study shall set out details of the sampling regime and analysis carried out to ensure that the proposed material shall not pose a risk to human health as defined under Part IIA of the Environmental Protection Act 1990. No subsoil and/or topsoil material shall be imported unless it has been so approved by the Local Planning Authority. The developer shall subsequently test samples of any imported subsoil and/or topsoil material on the land and submit results to the Local Planning Authority as required to verify that the imported soil is free from contamination in accordance with the approved scheme.

- 17) Design and construction of the development shall ensure that the following noise criteria are met with windows open:
- bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 to 07:00 hours)
 - living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
 - dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A)

External noise levels within external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300).

- 18) Any sand and gravel extracted from the site shall be used within the construction of the proposed development.
- 19) No site clearance, preparatory work or development, for both the on-site works and the off-site highway works subject to condition 9 of this permission, shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 20) No site clearance, preparatory work or development shall commence, for both the on-site works and the off-site highway works subject to condition 9 of this permission, until an updated Arboricultural Impact Assessment in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 21) No development of the off-site highway improvement works approved under condition 9 of this permission shall take place until details of the construction specification and methodology to take account of existing trees have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
- 22) Landscaping proposals submitted as part of the reserved matters shall include details of on-site play facilities with a phasing plan for the timing of provision of open space and these facilities. The on-site play facilities shall be installed in accordance with the approved details.
- 23) No development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:
- Badger (*Meles meles*) update survey
 - Hedgehog survey or written confirmation that no habitat suitable for hedgehogs (*Erinaceus europaeus*) is to be cleared

- Bat activity surveys and/or tree climbing surveys for bats of any trees to be affected by felling or pruning, or written confirmation that no trees will be affected

The development shall thereafter be carried out in accordance with any mitigation measures recommended in the approved reports.

- 24) Prior to the commencement of development above ground level, details of the type and location of biodiversity enhancement measures including 5 groups of 3 swift boxes and 10 house sparrow terraces on or integrated into north- or east- facing brickwork of the new buildings shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
- 25) No development shall take place (including demolition, ground works, vegetation clearance) until a biodiversity construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:
- Risk assessment of potentially damaging construction activities [affecting bats, hazel dormouse, badger, hedgehog, nesting birds].
 - Identification of “biodiversity protection zones”
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on species and on- and off- site habitats during construction (may be provided as a set of method statements).
 - The location and timing of sensitive works to avoid harm to biodiversity features.
 - The times during construction when specialist ecologists need to be present on site to oversee works.
 - Responsible persons and lines of communication.
 - The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person.
 - Use of protective fences, exclusion barriers and warning signs to protect trees, hedges and other retained vegetation.
 - Sensitive lighting during construction to be in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning authority.

- 26) A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to occupation of the development. The content of the LEMP shall include the following.
- Description and evaluation of features to be managed.

- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organization responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.