



Appeal Decision

Inquiry held on 11, 12 and 14 February 2025

Site visit made on 13 February 2025

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/P3420/W/24/3354312

Land south of Eccleshall Road, Loggerheads, Staffordshire TF9 4FP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gladman Developments Ltd against Newcastle-under-Lyme Borough Council.
 - The application Ref is 24/00162/OUT.
 - The development proposed is the erection of up to 150 dwellings (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of 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 (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access with all matters reserved except for means of access in accordance with the terms of the application, Ref 24/00162/OUT subject to the conditions in the conditions annexe below.

Preliminary Matters

2. The appeal was submitted for non-determination, the Council provided putative reasons for refusal, however following the changes to the National Planning Policy Framework (the Framework) and the Planning Practice Guidance on Housing supply and delivery in December 2024, the Council advised on 19 December 2024, that they would not be contending the principle of the appeal proposal. Rather than submitting proofs of evidence the Council were signatories to agreed Statements of Common Ground on various issues.
3. A signed Section 106 Agreement dated 27 February 2025 was submitted by the Appellant. The obligations include affordable housing, highway works, education, medical, sustainable transport and open space.
4. The Loggerheads Save Our Village Committee initially applied for Rule 6 Party status, which was granted, but they withdrew from this position before the commencement of the Inquiry. They nonetheless participated at the Inquiry as an interested party.
5. The appeal is submitted in outline with all matters reserved except for that of access. The Appellant confirmed at the Inquiry that, if the appeal was allowed, the reserved matters submission would comply with the principles of the submitted

Design and Access Statement. This includes a Development Framework Plan¹ which provides the broad outlines of the development area and open space, and I therefore have considered the Statement and Plan accordingly.

Main Issues

6. The putative reasons for refusal provide the basis for the main issues, which are:

- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on protected species and their habitats; and
- the Loss of the Best and Most Versatile Agricultural Land.

Reasons

The effect on character and appearance

7. Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 (CS), Policy CSP4 seeks the enhancement of landscape character and natural assets. CSP1 of the above, supports development which protects rural views, respects the area's identity and provides attractive spaces.
8. Policy N17 Newcastle-under-Lyme Local Plan 2011 requires development is sympathetic to landscape character and quality. It should avoid disturbance or loss of landscape elements that contribute to local distinctiveness, tranquillity and maintain the visual condition.
9. Policy N21 covers areas of landscape restoration (within which is the appeal site). This does not preclude development, but it should not further erode the character of the landscape and should help restore landscape quality.
10. Policy H1 restricts development to that within village envelopes to protect the countryside. Similarly, Loggerheads Neighbourhood Plan (NP) Policy LNPG1 restricts development outside the village envelope. CS Policy ASP6 also promotes development within the village, recognising the need for affordable housing and emphasises the need for quality design.
11. Policy LNPP1 of the NP requires designs respond to the surrounding context, response to local topography, designing buildings that have a sense of place, retain trees and hedgerows, cater for pedestrians and provide strong green infrastructure.
12. R5 of The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance 2010 (SPD) requires development to respond to the locality in terms of form, details and materials. R12 requires development improves the character and quality of the area.
13. The appeal site is not within any national or locally designated landscape and both parties agree it does not form part of any such setting.
14. The Council's Planning for Landscape Change Local Plan SPG provides a borough wide landscape assessment. Whilst this accompanied the Staffordshire Stoke on Trent Structure Plan which has been superseded, its characterisation of

¹ Page 24

the landscape still warrants consideration. The appeal site is within the second lowest level of value.

15. A Landscape and Visual Impact Assessment of the site and surroundings based on GLVIA² recommended methodology was submitted with the planning application. Both main parties agreed a Landscape Statement of Common Ground, which concluded that the material effects of the proposal on landscape would be localised to the appeal site and the immediate surroundings.
16. The site is within National Character Area 61, Shropshire, Cheshire and Staffordshire Plain. This is very large, and of more relevance is the Council's Landscape and Settlement Character Assessment Study, 2022, which characterises the site environs as the Sandstone Hills and Farmlands. This notes well treed stream valleys, small broadleaved woodland, intensive arable farming, hedged field pattern and gently undulating landform. These aspects reflect the site and the surroundings. The Study also found that the Loggerheads fringe has medium sensitivity to residential development of moderate to high density.
17. The Design and Access Statement illustrates the growth of the village. This shows it has had largely twentieth century development, and the settlement form does not appear to be intrinsically shaped by the topography or landscape. Indeed, the Neighbourhood Plan notes that the village has grown along the main roads towards other settlements.
18. The appeal site consists of large open fields, which are featureless, except for their surrounding hedges and a moderate slope which descends towards the Tadgedale Brook on the edge of the site. A line of mature broad leaf trees follows the wavering stream.
19. The site is largely experienced from the Eccleshall Road particularly by motorists and their passengers as it currently lacks a footpath. A frontage hedge provides some filtering of the inward view and a raised bank at the Loggerheads end also provides some obscuring. Eccleshall Road forms the western approach to the village but the site is largely shielded from view until one is close by, when it is experienced in conjunction with the settlement, not least the newly built Shropshire Heights on the opposite side of Eccleshall Road.
20. The site is also partly visible from Mucklestone Wood Lane, behind Eccleshall Road. This is rising land which allows for outward views across the site towards distant hills. In other aspects, including the A53 to the south, the site is also experienced in conjunction with the settlement.
21. The Design and Access Statement shows analysis of the site's context, characteristics and opportunities, which it considers to establish principles for the layout and the resulting Development Framework Plan.
22. 47% of the appeal site would be retained as open space, in particular along the frontage which would allow the retention and reinforcement of much of the existing hedgerow, except at the point of access. The existing trees would largely be retained and there would be ample space for new specimens to flourish.

² Guidelines for Landscape and Visual Impact Assessment

23. At the western corner of the appeal site, this open space would be more extensive. This would allow for considerable new tree planting which could create a discernible character on the approach to the village.
24. The new houses would be set back from the road frontage and being 2 storey would limit their prominence. They would also be experienced with Shropshire Heights and therefore would appear appropriate.
25. The open space, 2 storey height and potential new planting would also help the aspect of the new houses from the elevated Mucklestone Wood Lane. 150 houses have recently been granted planning permission here³, so the views of the appeal site would be experienced in the foreground of other houses. I do not find that there would be a significant accumulative impact as both sites fit well with the settlement pattern.
26. The Council's Design Review Panel were critical of some of the edges of the blocks of the proposed development, but this would depend on the very precise building line, boundary treatment and elevations, which would be considerations at the detailed design stage in any reserved matters. There was also comment on how the development addressed the topography of the site, however the Development Framework Plan shows that the development would generally follow the contours, and the resulting appearance would be partly dependent on the detailed design. Indeed, the Design and Access Statement shows a central treed avenue could be aligned to capitalise on the westward outward view to create character.
27. The development would involve the loss of green fields and inevitably this would have an adverse impact. I find that the impact would be limited as the houses would largely be seen within the context of the existing settlement, and so would not appear out of character and the proposed planting would help assimilate it into the surroundings.
28. I find that whilst the proposal has some compliance but in general it would conflict with Policies CSP1, CSP4, ASP6, H1, N17, N21, LNPG1 and LNPP1 and the SPD.

The effect of the proposal on protected species and their habitats

29. Local Plan Policy N3 requires development avoids or minimises and mitigates harm to ecological interest. Policy N4 promotes indigenous species in new landscaping. Policy CSP4 requires enhancement of natural habitats and biodiversity, respect for local wildlife sites, green corridors, priority species and habitats, whilst CSP1 similarly requires development respects natural heritage.
30. When the appeal was submitted there was an objection from the Staffordshire Wildlife Trust, the consultee that advises the Council. The appropriate surveys were completed, in the timely seasons, and reported in an Ecological Impact Assessment. The Trust then confirmed that no protected species or habitat would be harmed, and the Council removed their objection.
31. The most significant habitat here is Leighton's Druble Local Wildlife Site which is partly within the appeal site boundary. It is based around the Tadgdale Brook but curiously only includes part of its length. It is in need of management, particularly

³ APP/P3420/W/24/3350245

from overly dominant species. In addition, the stream's banks are overly steep which limits access by some species, nonetheless the surrounding trees allow foraging, movement and shelter, particularly for bats and birds.

32. Currently the appeal site largely consists of fields planted with maize. This has very limited ecological value being too high to allow movement most of the time and no benefit for foraging, in particular invertebrates, which limits the food chain for other species. The edges of the appeal site include hedges and trees which allow movement of wildlife, although this is constrained beyond the site by the road and Shropshire Heights development.
33. The proposal would provide a swath of open space alongside the stream and around the western edge. This would encircle the development and continue alongside the roadside frontage, where the existing trees would be retained, and hedgerow re-established around the vehicular access. This open space would be planted and managed to create habitat and foraging to support the local ecosystem. Such planting could use local species in accordance with Policy N4.
34. The banks to the stream could be cut back to increase access, but that would impair the roots of the surrounding trees, so such works are not promoted. This has hindered the opportunity for biodiversity improvements on site. Nonetheless the proposal provides the opportunity for new planting which would allow some net gain. However, as the landscaping is a reserved matter it is not possible to wholly quantify such benefit at this outline stage. Nonetheless if additional off site benefits are warranted the Inquiry was advised that the Wildlife Trust have some suitable schemes. Therefore, the suggested condition provides a mechanism for this to be reviewed, and off-site measures can be accounted for accordingly.
35. Burnt Wood SSSI is several miles away from the appeal site, at the other side of Loggerheads. All parties agree it has no ecological connectivity to the appeal site, so would not be affected by the proposal.
36. The proposal would comply with Policies N3, N4, CSP1 and CSP4.

The Loss of the Best and Most Versatile Agricultural Land (BMVAL)

37. Paragraph 187 of the Framework requires that consideration is given to the economic and other benefits of the BMVAL. Paragraph 188 of the Framework and its footnote give preference to lesser quality land for development. This proposal would lead to the loss of 7.29 ha: 1.24 ha Grade 2, 5.17 Grade 3a and 1.51 Grade 3b.
38. The proposal would leave a significant sized holding as shown in the submitted plan⁴. Additionally, the appeal site is on the edge of a rectangular shaped holding which would leave a manageable shape of land for agriculture.
39. The committee report refers to a threat to an established dairy herd. However, the appeal site has been used for growing maize over the last 3 years or so, and there was no evidence before the Inquiry to show it is necessary for the upkeep of a dairy herd.

⁴ Appendix 1 June 2024 Report

40. The characteristics of the holding were not shown to be necessary for national or local food security and the loss of 7.29ha would also not be expected to be significant in this regard.
41. The Committee report acknowledges an appeal at Baldwins Gate Farm⁵, where that Inspector noted that such land quality was not unusual for the Borough and that many sites adjacent to the community are likely to contain a portion of BMVAL. Indeed, there is a considerable amount of Grade 3 BMVAL in the Borough which does conflict with the need for housing land: the Emerging Local Plan contemplates the development of 263 hectares⁶.
42. I therefore find that there would be some loss of BMVAL, balanced with the need to provide homes. Accordingly, the proposal would not be contrary to paragraphs 187 and 188 of the Framework.

Other Matters

43. A Grade II listed⁷ milepost is approximately 15m north of the site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the historic environment policies within the Framework that relate to the significance of designated heritage assets and their settings, particularly paragraph 212 which advocates great weight to the asset's conservation. Historic England's 'Good Practice Advice on the Setting of Heritage Assets' states⁸ the importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.
44. The milestone is triangular in form, with Mucklestone written on the apex, Eccleshall and Stafford on one side and the other includes Knighton, Pipegate, Worre and Nantwich. The particular distances are denoted.
45. The significance and special interest of the milestone is partly derived from its historic contribution emphasising the importance of this turnpike route, and the list description suggests it is probably mid-late nineteenth century. It also has value from its cast iron construction, triangular form and chamfered top and raised lettering. I noted several similar such milestones in the area and the consistency adds to the interest.
46. Its setting is largely derived from the roadside verge, and it is also underneath a hedge. The Shropshire Heights development is the other side of the hedge, which forms the backdrop of the setting. The appeal site is on the other side of the road and only its frontage forms part of the setting.
47. The setting makes very limited contribution to its significance and special interest: the roadside hedge partly obscures it and Shropshire Heights is in the background, albeit the houses are set back and do not impose. The appeal site verge contributes by providing a green corridor alongside the road.

⁵ APP/P3420/W/23/3314808

⁶ Appellant closing paragraph 31

⁷ List Entry Number 1205706

⁸ Paragraph 9

48. The proposal would maintain a landscaped frontage to the road and the houses would be set back. I therefore find that the proposal would not harm the setting of the listed milestone and would therefore accord with section 66 of the above Act.
49. A Registered Battlefield Site and Ancient Monument, the Battle of Blore Heath, the first major battle in the War of the Roses fought on September 23, 1459, lies one mile to the south west of the site. No party raised any suggestion that the appeal site has any connection or forms part of its setting, and I find similarly.
50. Several local residents were concerned about highway safety. A Transport Assessment (TA) was submitted with the application and agreed with the Highway Authority. It includes a speed survey at the frontage of the site which recorded an average 38.1mph eastbound and 28.2 westbound, with the 85 percentile of 45mph and 37.5. The proposed access would have the necessary visibility splays. Slow speeds would be helped by the presence of Shropshire Heights on the western approach which announces the village edge and conversely the eastern approach is within a built up area.
51. The Inquiry was presented with plans of moving the 30 mph limit to the west which would encompass the site frontage (and Shropshire Heights). The S106 provides a contribution towards such costs. This would help highway safety, but as it cannot be wholly guaranteed to be implemented the visibility is not reliant upon it, rather the access is based on the 85th percentile above⁹.
52. Local residents commented on the significance of collision data as non-injury collisions are not reported. However, this is current practice nationally. Moreover, even taken as a ballpark the collision data does not show a hazardous highway network and the Highway Authority specifically comment¹⁰ that it is not of concern or warrants any mitigation.
53. The traffic generation of the proposal was calculated at peak time in the TA and would not be significant, even allowing for the additional arising from the Mucklestone Wood Lane appeal site.
54. Local residents submitted a video of cars using the village centre roundabout. Heavy breaking is evident, however, speeds and driver behaviour are hard to ascertain. This is a well-used crossing point, I noted it has a dedicated central pedestrian refuge and is within a 30mph limit which together with the perception of a village centre should slow speeds. I observed the roundabouts in their morning peak between 8:20 and 8:35 on my site visit day: two safety school crossing supervisors in high visibility clothing and hand held stop signs were diligently shepherding children and adults across the road.
55. It is evident that there was ongoing work and liaison throughout the application stage on the TA, leading to the Highway Authority concluding that the proposal would be safe. From the evidence before the Inquiry, I concur.
56. Several responses suggest that the appeal site would not be accessible to facilities. However, Loggerheads has a pub, coffee shop/café, barbers, post office, pharmacy, hair salon, community library, 3 takeaway outlets, off-licence/convenience store and Co-op. The latter is a medium sized supermarket, selling fresh fruit, vegetables, fresh meat/fish, bread and newspapers.

⁹ Transport Assessment paragraph 4.4.2

¹⁰ Statement of Common Ground paragraph 4.2.2

57. The centre of the village is approximately 500m¹¹ from the appeal site accessible via pedestrian pavements and street lighting. As I found on my site visit it is a pleasant walk and whilst undulating would not deter those with average mobility. A new 3m cycle/footway is proposed within the site to facilitate walking.
58. The village is served by two primary schools: Hugo Maynell and St. Marys, which are 1200m and 1950m away from the site¹². The former is on the edge of the village centre. The latter is in a rural location outside the village, linked by the Eccleshall Road but also Rock Lane, which is marginally more circuitous and serves only a couple of houses, a kennels and garden nursery. Consequently, Rock Lane appears lightly trafficked, and indeed, I saw no vehicle when I walked in both directions on my visit. Although it is generally hard surfaced, but not pristine due to mud/leaves which would preclude scootering at least during winter, however walking and cycling would be feasible in fair weather.
59. The village is served by the No.64 bus service between Shrewsbury- Hanley, with 7 buses each weekday, 5 on Saturday. This also links with Market Drayton approximately 10 minutes away, which has several large supermarkets, national retailers and other community facilities. The service also links to the doctors surgery at nearby Ashley. The bus stops are close to the appeal site.
60. There was also concern that Loggerheads has very limited employment. However, the census data suggests the village has an unusually high amount of home working. In addition, the Neighbourhood Plan shows that there is a relatively high proportion of residents aged 65 or more and retired. The Highway Authority conclude that 'the No 64 bus service provides opportunity to commute to Market Drayton, Newcastle-under-Lyme and Hanley during the typical commuting period'¹³, although the Neighbourhood Plan suggests this is not well used.
61. Several residents comment that access to the nearest hospital by buses is difficult. There is no direct link but changing makes the journey possible, and in any event, this is not an everyday occurrence for many people. In addition, several residents spoke about problems getting a doctor's appointment at Ashley, however there is another surgery at Market Drayton and the proposal makes a contribution to expand surgery facilities in the area.
62. In the Statement of Common Ground¹⁴ both parties agree that the appeal site is in a sustainable location. I similarly conclude that the village can meet everyday needs. In addition, the facilities in the village provide opportunities for social mixing and help assert the sense of community.
63. Several residents suggested that Shropshire Heights has had slow sales relative to developments elsewhere, indicating a lack of demand in Loggerheads. However, I noted that construction work was ongoing in various parts of the scheme and the housing land supply shows a pressing need in the Borough.
64. The Inquiry was informed that the site is prone to disturbance from low level helicopters flying as part of their training¹⁵, and a 'confined' landing area is also nearby. However, the submitted plan from the MoD shows the flying areas are

¹¹ Council's committee report

¹² Statement of Common Ground paragraph 4.4.1

¹³ Statement of Common Ground paragraph 2.6.4

¹⁴ Statement of Common Ground paragraph 4.5.5

¹⁵ low flying zone 9

extensive and include major towns. There is no safeguarding policy to preclude residential development, and the MoD had no objection to the appeal proposal. A noise report has been submitted and a condition is suggested by the main parties to safeguard living standards.

Planning Obligation

65. The CIL Regulations and paragraph 58 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
66. Policy CSP10 requires that development contributes to onsite and offsite needs including transport, education, affordable housing, recreation and environmental measures. Similarly, Policy IM1 requires development proposals provide the necessary infrastructure arising and similarly Policy LNPS1 of the NP also requires provision of community facilities to support new development.
67. The Agreement makes provision for up to £589,904 for secondary school expansion, depending upon the final numbers of dwellings in the reserved matters. The Education Authority advise that there is adequate existing capacity for primary school children.
68. As outlined above, up to £134,485 would be provided to expand services within Newcastle South Primary Care Network to offset the demand from the new residents.
69. There is also provision for the intended open space to be transferred to a management company. There is an additional requirement for provision of a play area on site.
70. This appeal proposal provides £150,000 for the bus service to help the accessibility of the new residents. The Mucklestone Wood Lane appeal scheme also provides funding and both contributions could be mutually beneficial. In addition, £6,000 would be provided for a Travel Plan and £5,000 for a School Travel Plan to encourage accessibility by non-private motorised transport. A County Council monitoring fee of £1,380 is also included to cover the staffing costs resulting from the agreement.
71. In accordance with Policy CSP6 the s106 agreement makes provision that 25% of the new houses would be affordable homes.

Development Plan and Planning Balance

72. As I have found above the proposal would not comply with Policies CSP1, CSP4, H1, N17, N21, LNPG1 and LNPP1 which are the most important in this appeal. Considering the above collectively, there is some accordance but also some conflict with the Development Plan. When taken as a whole, I find that the proposal would be contrary to the Development Plan.
73. The policies in the Development Plan concerned with the delivery of housing are agreed¹⁶ to be out of date with the latest version of the Framework, in particular

¹⁶ Statement of Common Ground paragraph 4.4.1

CS Policies SP1, ASP6 and Local Plan Policy H1. These policies are not based on the up to date assessment of housing needs. Whilst Policy LNPG1 of the NP resists development outside the village envelope, this was based on a housing supply which at the time appeared to have been in surplus. Indeed, the Muckleston Wood Lane appeal Inspector found 'there has been no plan led housing development in the Borough for over 20 years'. Consequently, I give these policies limited weight.

74. The Council accept it is not meeting its housing land supply requirements based on the December 2024 Framework. It suggests it has 3.08 years supply whereas the Appellant suggests it is even more adrift at 2.24 years. The disputed difference arises from the contribution or otherwise of three sites of purpose built student accommodation.
75. Even taking the Council's position, I find that the shortfall is severe, and in such circumstances, I find that there is little difference between 3.08 and 2.24 years.
76. Whilst an Emerging Local Plan is being prepared, objections have to be considered and constraints have to be resolved, in particular to achieve housing growth, sites will be needed to be released from the green belt and infrastructure will also have to be provided. Even when the Plan is adopted, the land supply will be subject to a 20% buffer under paragraph 73 of the Framework. I therefore find that future prospects are challenging.
77. In addition, the policies in the Emerging Plan do not lead me to a particular decision. In any event, it was only submitted for Examination in December 2024 and there have yet to be any hearings.
78. As I found above there is a shortfall in housing land supply and in such circumstances paragraph 11(d) of the Framework is triggered. Paragraph 11(d) criterion ii requires consideration of whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
79. Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve this paragraph 8 of the Framework provides three overarching objectives: economic, social and environmental.
80. In terms of the economic objective the proposal would provide up to 150 dwellings which would have benefits from their construction. The Housing Land Supply shortfall is severe with uncertain prospects for improvement and paragraph 61 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
81. In terms of the social objective, the Framework refers to the need to provide sufficient number and range of homes to meet the needs for present and future generations. Bearing in mind the severe shortfall there is a pressing need to increase supply from deliverable sites; the proposal would provide a range of new homes, in terms of size and form.
82. The affordable housing would also contribute to the social objective by helping towards the pressing local need and support the well-being of the community as a whole. The proposal would provide an acceptable standard of everyday living for

those currently waiting for suitable homes. There are currently 2,531 households on the Council's waiting list, 220 seeking Loggerheads, of which 76 are existing residents. This situation is likely to get worse.

83. The appeal proposal is for 25% of the dwellings to be affordable, which would make a significant contribution to the above, even allowing for the affordable homes from the Mucklestone Wood Lane appeal site. I therefore find that the new houses would be a substantial economic and social benefit.
84. The open space would be served by a circular footpath, which would provide public access, together with a play area on site. This would help health and well-being, which would be a social benefit.
85. In terms of the environmental objective the proposal would lead to a biodiversity net gain, provide managed open space to compliment the local wildlife site and offer new tree planting, albeit the loss of the fields would be a disbenefit. The new occupants would be well placed to use local services thereby limiting their carbon footprint as well as helping to maintain the viability of such services and facilities.
86. In the light of the above I therefore conclude that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. The benefits of the proposed development and presumption in favour of sustainable development in the context of the paragraph 11(d) balance therefore lead me to conclude that the appeal should be approved not in accordance with the Development Plan as material considerations indicate a decision otherwise is appropriate.

Conditions

87. Paragraph 57 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. The Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly. There was considerable agreement on the suggested wording of conditions.
88. Conditions on the timing of commencement, the list of approved plans and particular reserved matters would provide clarity and certainty. This includes confirmation that the reserved matters would accord with the principles of the Design and Access Statement, as this has supported the principle of the development.
89. The condition requiring submission and approval of a Construction Management Plan would avoid unreasonable disturbance to those living nearby and using the surrounding roads. Conditions on potential remediation of any contamination and pollution are needed to protect the health of new residents.
90. Provision of the new 3m cycle/footway within the site is necessary to facilitate walking to the village centre. In addition, this would entail crossing the road and the Shropshire Heights development has a condition requiring such a crossing; if

in the unlikely event that is not provided, a Grampian style condition¹⁷ would provide a fallback. A condition is also warranted to provide other pedestrian crossing facilities in the area.

91. A condition is needed to ensure the implementation of the site access roads and provision of visibility to ensure safety. Similarly, conditions are needed for off-site measures to ensure safety.
92. Archaeological investigation conditions are necessary to ensure that any significant remains are properly recorded, to inform the heritage interest of the area.
93. As I have found above conditions are needed to ensure the development respect's wildlife potential and to ensure the development achieves a 110% biodiversity net gain. A condition on landscape management is necessary to ensure that the new planting is managed. Details of tree protection measures are necessary to ensure that the significant specimens are retained.
94. A condition is warranted on noise prevention measures as I have found above. Conditions on surface water and foul water disposal are necessary to safeguard basic living conditions.
95. A condition requiring the implementation of the Travel Plan is necessary to promote low carbon living.

Conclusion

96. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions annexe below.

John Longmuir

INSPECTOR

¹⁷ Worded as condition 17 on appeal decision APP/P3420/W/16/3149399

Appearances

For the Appellant

Christian Hawley, Counsel, No.5 Chambers
Katie Critchley BSc MSc MCIEEM MARborA Director CSA Environmental
Silke Gruner BA(Hons) CMLI Director Icen Projects
Benjamin Jackson Ashley BEng MSc MCIHT Director Helme Associates
Stuart Carvel MTCP(Hons) MRTPI Planning Director Gladman Developments

For the Council

Rachel Kileen, Development Manager¹⁸
Horatio Waller, Counsel, Francis Taylor Building¹⁹

Interested Parties/Local residents

Alan Swetman Chair Loggerheads Parish Council
Jeff Love Loggerheads Save our Village Committee
David Bailey BSc(Hons) M. Arbor A CertArb Local resident
Caroline Beddow Local resident

Documents submitted to the Inquiry

INQ1 Appellant Opening
INQ2 Helicopter Low Flying Details. Extract from RAF Web site.
INQ3 Mr Bailey: statement
INQ4 Shropshire Heights layout plan
INQ5 Emerging LP Sustainability Appraisal
INQ6 Appellant Closing

Conditions annexe

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "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.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in broad accordance with the approved plans listed:
 - Site Location Plan – 23-315 DL01
 - Proposed Access Arrangements – Drg No1877/10/B

¹⁸ Participated in the obligations and conditions sessions and was in observation for remainder of the Inquiry

¹⁹ Was in observation and on standby remotely but did not actively participate in the Inquiry event

- Proposed School Bus Stop Improvement: Mucklestone Wood Lane – Drg No 1877/11
- Existing and Proposed Pedestrian Infrastructure - Drg No 1877/12

5. All reserved matters application(s) pursuant to this outline planning permission shall be in accordance with the principles set out in the Icen Projects Design and Access Statement (February 2024).

6. Prior to the submission of any reserved matters, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

7 If contamination is found by undertaking the work carried out (in condition 6), prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

8 If remedial works have been identified (in condition 6), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

9. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

10 The development hereby permitted shall not be occupied until the approved site vehicle and pedestrian access in accordance with Drawing no. 1877/10 Rev B has been fully implemented and constructed to adoptable standard. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

11. Prior to first occupation of any dwelling on the site the following off-site highway improvements shall be implemented:

- Pedestrian Infrastructure Improvements on Mucklestone Road as broadly outlined in drawing no. 1877/12.

- Enhancement of School Bus stop with raised kerbs, hardstanding and tactile crossing on Muckleston Wood Lane as broadly outlined in drawing no. 877/11.
- Provision of footway at Rock Lane Junction and tactile crossing on Muckleston Wood Lane as broadly outlined in drawing no. 1877/10 Rev B.

The area in advance of the sight lines shall be kept permanently clear of all obstructions.

12. The two existing gated field accesses situated along the site frontage with Eccleshall Road as shown on drawing no. 1877/10 Rev B shall be permanently closed to traffic and the vehicle access crossing reinstated to highway verge with raised kerb prior to 100% occupation of the development.

13. The Residential Framework Travel Plan, Document Ref. 1877/3/D dated August 2024 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 annually on each anniversary of the first occupation of the development for a period 5 years to the Local Planning Authority.

14. 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 HGV's, delivery times, construction programme and 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 and use 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.

15. No development shall commence until a Biodiversity Gain Plan to demonstrate the development shall achieve at least 110% biodiversity net gain has been submitted to the Local Planning Authority and approved in writing. From the outset the development shall be carried out, completed and subsequently maintained wholly in accordance with the approved plan.

16. The development shall not commence until a Habitat Management and Monitoring Plan (the (HMMP)), prepared in accordance with the approved Biodiversity Net Gain Plan and including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan with timescale for implementation of such works;

- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the Local Planning Authority.

The development shall subsequently proceed in accordance with the agreed HMMP and implementation timescale.

17. The development hereby permitted shall not commence until drainage plans for on-site foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

18. Prior to the occupation of the dwellings hereby approved, a report for achieving the external and internal noise levels outlined in BS8233:2014 and World Health Organisation Guidelines shall be submitted to and approved in writing by the Local Planning Authority. It shall be implemented as approved prior to the occupation each dwelling.

19. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication. The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation.

20. The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

21. 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 protected species 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.

22. 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 organisation 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. Timescales for all the above shall be included in the submission for approval.

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

23. No site clearance, preparatory work or development 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 from the outset of all works.

24. No part of the development hereby permitted shall be occupied until a controlled pedestrian crossing and speed reduction features on the A53 west of the A53/Eccleshall Road/Mucklestone Road double mini roundabout junction have been provided in accordance with details which have been submitted to and approved in writing beforehand by the Local Planning Authority.

25. Prior to the occupation of the 10th dwelling hereby approved, a highways improvement scheme shall be implemented at the following junctions, in accordance with a scheme that has been approved in writing by the Local Planning Authority:

- A51 Stone Road / A53 Newcastle Road (N) Priority Junction
- A51 Nantwich Road /A53 Newcastle Road (S) Priority Junction.

26. Prior to the first occupation of the development hereby approved a 3.0m wide shared footway/cycleway shall be provided within the Site between the proposed vehicular Site access point and proposed pedestrian/cycle access point to the Appeal Site as shown on Proposed Access Arrangements – Drawing No1877/10/B.

End of conditions