

## Item 5.2

**Site:** Proposed Residential Development, Land to the West of Lichfield Road, Abbots Bromley, Staffordshire

**Proposal:** Outline application for the erection of up to 6 dwellings including formation of a new vehicular access and details of layout

### Report of Head of Regulatory Services

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#### Hyperlink to Drawing and Forms

**Application No.** P/2014/01012  
**Case Officer:** Emily Christie  
**Application Type:** Outline Planning Application

**Applicant:** Mr & Mrs A Fox

**Ward:** Bagots  
**Ward Member(s):** Councillor G Hall

**Registered:** 21 August 2014  
**Expires:** 15 October 2014

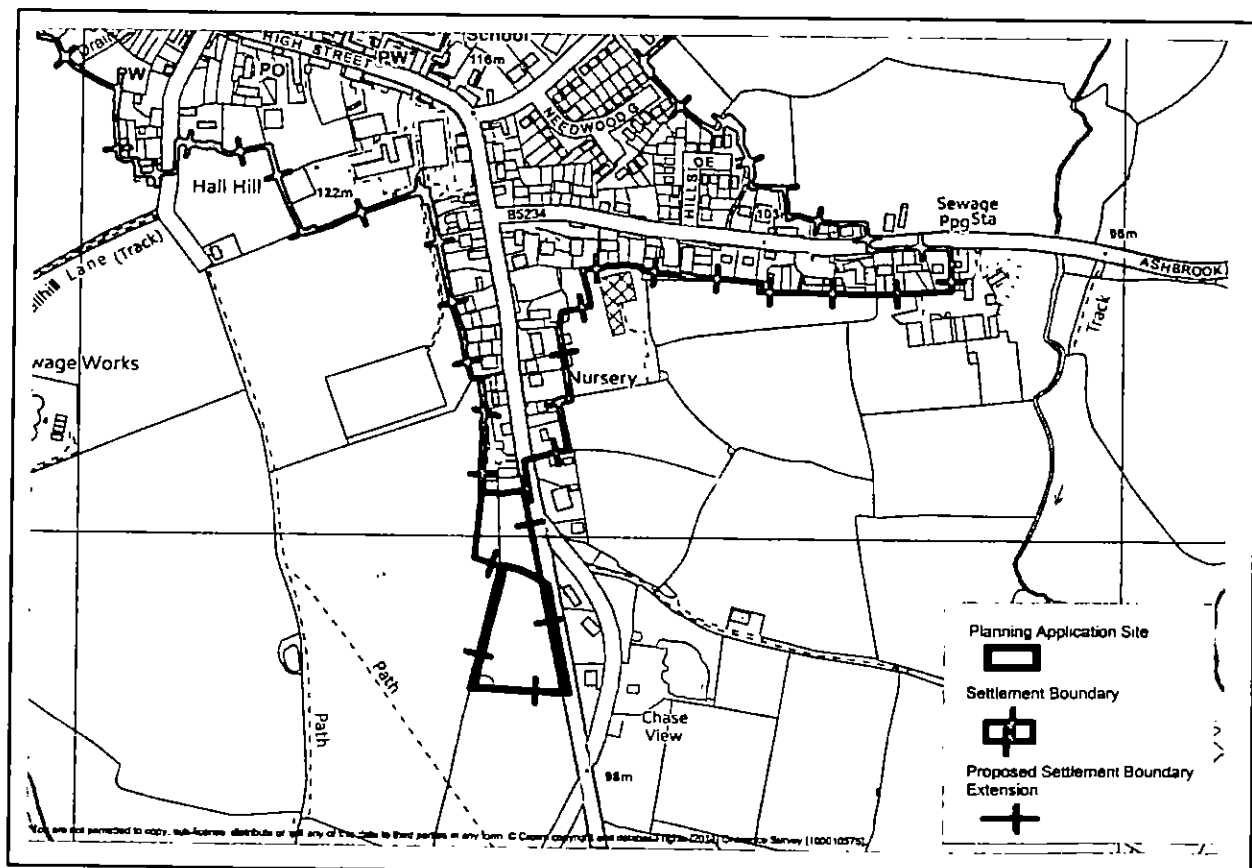
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#### Executive Summary

- 1.1 The application site consists of approximately 0.76 hectares of agricultural land. The site is currently accessed from a field gateway, located off Lichfield Road. Surrounding land uses include residential and agriculture.
- 1.2 The application is submitted in outline and proposes the erection of up to 6 dwellings. All matters with the exception of access and layout are all reserved for approval at a later date.
- 1.3 The statutory consultees have raised no objections that cannot be overcome by planning conditions or S106 obligations
- 1.4 Ten letters have been received from local residents, raising concerns including highway safety, impact upon the amenities of the area and neighbouring properties, pressure on local services and biodiversity.
- 1.5 The site lies outside of the Development Boundary as set out in the adopted Local Plan (2006). However, it is within the settlement boundary within the Submission Local Plan and in the context of the lack of a five year supply of housing land, the social and economic benefits associated with the residential development of the site are considered to outweigh the

detrimental effects associated with development in the countryside. At the scale proposed, the development is considered to be in line with the aspirations of the Submission Local Plan.

- 1.6 It is considered that 6 dwellings can be assimilated into the site without materially affecting the character and appearance of the surrounding area, or the amenities enjoyed by the occupiers of nearby dwellings.
- 1.7 The application proposes new access into the site to the north of the existing gateway.
- 1.8 It is not considered that the proposal would unacceptably affect protected species or their habitat and it is not considered that the proposal would unacceptably increase flood risk.
- 1.9 Subject to conditions controlling various technical issues it is recommended that this application be approved.
- 1.10 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**



## 1.0 The Site

- 1.1 The application site comprises approximately 0.76 hectares of grade 3 agricultural land, on the southern edge of the settlement of Abbots Bromley. The site is bound by the B5014 Trunk Road to the east and agricultural land to the north, south and west. The site is relatively flat, sloping gently downwards to the south. The site is bound by lengths of hedgerow and trees on all four boundaries.
- 1.2 The site lies outside of a designated Development Boundary as defined by the Adopted Local Plan (2006) but falls within an amended settlement boundary in the Submitted Local Plan.
- 1.3 The Submitted East Staffordshire Local Plan identifies Abbots Bromley as a Tier 2 village and sets out an allocation for the provision of 40 dwellings to be delivered during the plan period (2012-31). The site to which this application relates is identified in the emerging local plan as a suitable site to accommodate some of the allocated growth and proposes an extension of the development boundary to include the site area, as shown on the site location plan above

## 2.0 The Proposal

- 2.1 The application is submitted in outline for the erection of up to 6 dwellings including details of the means of access and layout. All other matters are reserved for later approval.
- 2.2 A plan showing the proposed layout of the properties and a Design and Access Statement has been submitted which give an indication as to how the development proposed will be accommodated on the site.
- 2.3 An indicative streetscene has also been submitted to illustrate the possible house styles and indicative heights of the properties to be proposed.
- 2.4 The application is accompanied by the following additional supporting documents:-
  - A **Planning Statement** which concludes that the proposed development is sustainable and accessible and will aid in meeting the housing need and support the sustainable growth of the village.
  - An **Ecological Appraisal** which concludes that there is evidence of great crested newts in the vicinity occupying nearby ponds. Suitable mitigation measures are prescribed in Appendix F of the report including the planting of a new hedgerow and the improvement of existing hedgerows, to limit the impact upon the protected species present.

### 3.0 Relevant Planning History

- 3.1 **P/2014/01047** - Outline application for the erection of 5 dwellings including details of access and layout – **Current application.**
- 3.2 **P/2011/00963/JI** – Change of use of agricultural land to form recreational land and the erection of a cricket pavilion, formation of cricket pitch and erection of practice nets, football pitch, 5-a-side pitch with associated parking and landscaping – **Approved** 15/12/2011.
- 3.3 **P/2012/01130** - Discharge of Conditions 3 & 4 of planning permission P/2011/00963 for the change of use of agricultural land to form recreational land and the erection of a cricket pavilion, formation of cricket pitch and erection of practice nets, football pitch, 5-a-side pitch with associated parking and landscaping – **Approved** 25/09/2012.

**NB.** The site of the application mentioned above is located on a parcel of agricultural land directly to the south of the site.

### 4.0 Consultations

- 4.1 **Staffordshire County Council Highways** No objections subject to the submission and approval of details of the access including visibility splays, parking and turning areas to serve the development, provision of a bin station, off-site highway works, drainage of surface water and a construction management plan.
- 4.2 **Staffordshire County Council Education** No educational contributions are required given the number of dwellings.
- 4.3 **Severn Trent Water Ltd** No objections subject to the submission of a suitable scheme for the disposal of surface water and foul sewage.
- 4.4 **ESBC Planning Policy** In weighing up the objectives of the NPPF, the emerging Local Plan and the requirements to deliver housing in order to address the shortfall in housing supply, the outline application is recommended for approval.
- 4.5 **Abbots Bromley Parish Council** *The Parish Council objects to this application for planning permission on Lichfield Road as it feels that the application is premature. As yet the ESBC Local Plan has not yet been approved and is still going through the*

*inspection process, at which those that responded to the consultation will have an opportunity to be heard. Until this full democratic process has been undertaken then the extension of the Abbots Bromley development boundary has not yet been approved nor has the requirement for 40 additional homes. The PC therefore objects to this planning application on the basis that it is outside of the development boundary.*

*The PC would also like to raise concerns relating to the application that has been submitted as follows:-*

*The PC believes that the houses suggested for this site are inappropriate. The houses are very large, executive homes and therefore the land is not being fully utilised to deliver appropriate houses. The site should provide a wider mix of homes, allowing for downsizing. This would ensure that if the development boundary was extended then the site would be able to deliver more of the homes required, as outlined in the ESBC Local Plan.*

*At present Lichfield Road is a very fast road. Cars travelling towards the village on this stretch are often travelling in excess of 60 mph. If exits off this development were on to Lichfield Road then the PC would suggest that the 30mph speed limit be moved beyond the proposed Sports Field. There would also be a requirement for further traffic calming or a roundabout to allow for safe entrance and exit to the road.*

*Consideration needs to be made for suitable screening due to the negative impact that the developments will have on the street scene as you approach the village via Lichfield Road.*

*The PC does have concerns over the provision for sewerage treatment which does not seem to have been fully*

*addressed within the application.*

## **5.0 Publicity/Representations**

Neighbours have been notified of the application and a site notice posted. The period for receipt of comments expired on the **27<sup>th</sup> September 2014**. Comments have been received from **11** interested parties raising the following points:-

1. The type of development proposed is not required in the village.
2. Increase in traffic in the village and the occupiers of the dwellings would need to commute to work and to essential facilities.
3. Visual impact of the development – loss of rural views in and out of the village.
4. The eastern and southern boundaries should be improved to provide better screening – the use of native species is required.
5. There has been no consultation with the village.
6. The application has been submitted prematurely as the local plan has not yet been adopted and the site allocations for Abbots Bromley are to be challenged during the examination by the inspector.
7. The land is outside of the adopted development boundary.
8. Concerns that the democratic process may be thwarted.
9. Information included in the application documents includes several misleading elements and some dubious or untrue statements.
10. The site is not sustainable and is a Greenfield site.
11. There are protected species that will be affected by the proposal.
12. The application does not comply with planning policy.
13. The application does not conform with the Abbots Bromley Village Design Statement.
14. The harm from the development would outweigh the benefits.
15. The application should not be determined until the inspector has examined the site allocations for the village.
16. The submission within the SHLAA is inaccurate.
17. The developments are not of a mixed tenure.
18. The access point for the development will have a detrimental impact upon the property located opposite by way of headlights shining into the property.
19. The 'no dig footway' is not a practical solution.
20. The hedge adjacent to the highway is not well maintained and will restrict visibility and make it difficult for pedestrians to use the path.
21. Drainage of the site has not been properly considered.
22. Ribbon development is a poor solution.
23. The density of the development is far greater than that on the opposite side of the road.
24. The properties cannot be connected to the main sewers.
25. The views into the conservation area will be detrimentally altered.
26. The dwellings within the allocation could be provided on in fill plots within the current development boundary.
27. There is no need for further housing within the village.

28. There is no street lighting at this end of the village making it unsafe for pedestrians.
29. The access point is onto a 60mph road and may cause implications for highway safety.
30. The development will erode the traditional form of the village to its detriment.
31. The proposal will result in the loss of valuable agricultural land, for which there is a demand in the local area.
32. Negative impact upon the ecological value of the area.
33. Residents fear that the applicant's background in local government will work in their favour.
34. The speed limit needs to be reduced to 30mph along the stretch of Lichfield Road

## **6.0 Policy Framework**

### **6.1 National Policy**

National Planning Policy Framework  
National Planning Practice Guidance

### **6.2 East Staffordshire Local Plan Saved Policies**

CSP4 Urban and Rural Regeneration  
CSP5 Infrastructure and Community Provision  
BE1 Design  
H6 Housing Design  
T1 Transport: General Principles for New Development  
T2 Strategic Highway Network  
T6 Parking Areas: Design  
T7 Parking Standards  
L2 Landscape/Greenspace: Assessment

### **6.3 Supplementary Planning Documents/Guidance**

Abbots Bromley Village Design Statement  
East Staffordshire Design Guide  
Open Space  
Parking Standards  
Housing Choice  
ESBC Affordable Housing Viability Assessment  
Waste Storage and Collection Guidance for New Development

### **6.4 Submission Local Plan Policies**

Principle 1 – Presumption in Favour of Sustainable Development  
Strategic Policy 1 – East Staffordshire Approach to Sustainable Development  
Strategic Policy 2 – A Strong Network of Settlements  
Strategic Policy 3 – Provision of Homes and Jobs 2012 – 2031

Strategic Policy 4 – Distribution of Housing Growth 2012 – 2031  
Strategic Policy 9 – Infrastructure Delivery and Implementation  
Strategic Policy 10 – Education Infrastructure  
Strategic Policy 16 – Meeting Housing Need  
Strategic Policy 17 – Affordable Housing  
Strategic Policy 23 – Green Infrastructure  
Strategic Policy 24 – High Quality Design  
Strategic Policy 25 – Historic Environment  
Strategic Policy 27 – Climate Change, Water Body Management and Flooding  
Strategic Policy 28 – Renewable and Low Carbon Energy Generation  
Strategic Policy 29 – Biodiversity and Geo-diversity  
Strategic Policy 34 – Health  
Strategic Policy 35 – Accessibility and Sustainable Transport  
Detailed Policy 1 – Design of New Development  
Detailed Policy 2 – Designing in Sustainable Construction  
Detailed Policy 3 – Design of New Residential Development, Extensions and Curtilage Buildings  
Detailed Policy 6 – Protecting the Historic Environment  
Detailed Policy 7 – Pollution  
Detailed Policy 8 – Tree Protection

## **7.0 Human Rights Act 1998**

7.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

## **8.0 Crime and Disorder Implications**

8.1 It is considered that the proposal does not raise any crime and disorder implications.

## **9.0 Equalities Act 2010**

9.1 Due regard, where relevant, has been taken to the East Staffordshire Council's equality duty as contained within the Equalities Act 2010.

## **10.0 Main Issues/Evaluation**

10.1 It is considered that the key issues relevant to the determination of this application are as follows:-

Principle of the development  
Design and impact on the character and appearance of the area, and listed building



Highway matters  
Impact on the amenities of nearby residents  
Other issues including ecology, flooding and drainage

10.2 Principle of the Development

10.2.1 Paragraph 14 of the National Planning Policy Framework states that the starting point for determining planning applications is the Development Plan, and where this is up to date, development that conflicts with its policies should be refused unless other material considerations indicate otherwise. The Development Plan for East Staffordshire includes:

East Staffordshire Local Plan 2006 (Saved Policies)  
Staffordshire and Stoke on Trent Minerals Local Plan 1994 to 2006 (Saved Policies)  
Staffordshire and Stoke on Trent Joint Waste Local Plan 2010 to 2026

10.2.2 Paragraph 49 sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Saved policies from the 2006 Local Plan are not considered to constitute an up-to-date plan in relation to housing supply, it is still the basis for decision making and due weight should be given to it unless specific policies are not compliant with the National Planning Policy Framework. The saved policies are not considered up to date for two reasons 1) the Borough Council cannot demonstrate a five year land supply and 2) the adopted Local Plan is time expired in relation to housing in that the end date for the plan is 2011. Both of these reasons were tested at appeal in 2013.

Relevant saved policies relating to this application are as follows:-

NE1	Development outside Development Boundaries
BE1	Design
H6	Housing Densities
T1	Transport: General Principles for New Development

10.2.3 The site lies outside the adopted development boundary for Abbots Bromley, and as such Saved Policy NE1 is of particular relevance. Saved Policy NE1 of the East Staffordshire Local Plan states that outside development boundaries new development will not be permitted unless it is either essential to the working of the rural economy, development otherwise appropriate in the open countryside, or development close to an existing settlement providing facilities for the general public or local community. Proposals satisfying one of these criteria are then judged against several other criteria, which attempt to ensure that the impact of proposals upon the countryside is minimised.

- 10.2.4 The development proposal does not satisfy any of the criteria set out by Saved Policy NE1 under which development is appropriate outside of settlement boundaries. As such the proposal fails to accord with Saved Policy NE1 of the 2006 Local Plan and in strict accordance with that document should be refused. However as set out in paragraph 10.2.2 it was agreed during various housing planning appeals in 2013 that whilst NE1 has significant weight due to the level of consistency that it has with the National Planning Policy Framework, as a policy it is considered to be out of date in relation to housing supply in that the adopted Local Plan which expired in 2011 is not capable of accommodating growth within its adopted settlement boundaries. On that basis refusal of the proposal on the grounds of non-compliance with Saved Policy NE1 is not considered defensible.
- 10.2.5 The Local Plan is also considered to be out of date in relation to Paragraph 49 of the National Planning Policy Framework which states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.2.6 The Council has recently published a supply position of 3.89 years. Therefore, in accordance with Paragraph 49 of the National Planning Policy Framework the Local Plan is not considered to be up to date in relation to five year land supply. Paragraph 14 of the National Planning Policy Framework becomes a key consideration in that where the development plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.2.7 The Council has recently published its Submission Local Plan that sets out the direction of growth throughout the Borough and identifies both strategic allocations for housing and, in addition, sets development allowances for villages based on the settlement hierarchy evidence base. The Borough Council's Local Plan team have been working with Abbots Bromley to bring forward proposals that meets the aspirations of the village and accords with the quantum of development in the emerging Local Plan. Abbots Bromley, is identified as a Tier 2 village, in the Council's Settlement Hierarchy of 2013 and as such has a development allowance of 40 dwellings within the emerging Local Plan. A Tier 2 village is considered to be suitable for further growth on the basis that it meets local needs by providing a limited range of services which sustain village life. Its position as a Tier 2 village has not been challenged by the Parish Council.

The philosophy behind the Local Plan is a development allowance which a community can choose to deliver how they wish e.g. through allocations or windfalls or a mixture of the two. Local Plan officers met with the Parish Council during the summer 2013 to assist the Parish Council in making the decision of deliver the 40 units of growth within the village. A walking tour was undertaken by the Borough Council to identify potential capacity and

sites over the plan period. Opportunities were identified, including conversion of shops, space over shops and some infill. Abbots Bromley are not undertaking a Neighbourhood Plan. The Parish Council were presented with a constraints map to determine which would be the best places to develop and a copy of the sites identified in the Borough Councils Strategic Housing Land Availability Assessment.

Local Plan officers met with the Parish Council on the 26<sup>th</sup> June 2013 and the Parish Council subsequently met to discuss settlement boundary amendments on the 26<sup>th</sup> June, 31 July and 25 September. Information was circulated via two Abbots Bromley newsletters to the parish to explain the process and to engage with communities. Formal consultation on the settlement boundary changes was the Borough Council's Pre-Submission Local Plan consultation October – November 2013. The Borough Council has endorsed the wishes of Abbots Bromley Parish Council and changed the settlement boundary in accordance with their preferences. In an email dated 26<sup>th</sup> September the following was sent 'The Parish Council discussed the extension of the development boundary last night and approved the inclusion of the two sites'. This application relates to one of the two sites approved for inclusion in the Pre-Submission Local Plan.

- 10.2.8 The Submitted Local Plan therefore proposes changes to the Abbots Bromley Development Boundary. The site therefore lies within the amended Abbots Bromley settlement boundary in the emerging Local Plan.

As a Tier 2 settlement it is appropriate for Abbots Bromley to receive further growth. Abbots Bromley has a range of facilities including a village hall, several public houses, local shops and post office, Indian restaurant and schools. The site lies within walking distance of all village facilities.

- 10.2.9 In conclusion, whilst the application proposes the erection of 5 dwellings on a greenfield site that is outside the current adopted settlement boundary, on balance for the reasons set out above the development of the site for residential purposes is considered sustainable. As such the principle of the development accords with the presumption in favour of sustainable development set out in the National Planning Policy Framework.

10.3 Design and Impact on the Character and Appearance of the Area and nearby listed building

- 10.3.1 Saved Policy BE1 of the East Staffordshire Local Plan states that planning permission will only be granted for proposals that relate well in design terms to their surroundings. In establishing whether development is acceptable in design terms, it requires that several factors be taken into account, including the scale, massing and height of the proposal and materials from which it is to be constructed in the context of the site and its surroundings. Saved Policy H6 expands upon this aim with specific reference to residential development. It requires new dwellings to integrate well within the street scene.

- 10.3.2 The East Staffordshire Design Guide elaborates upon the requirements of Saved Policies BE1 and H6. It states that:
- a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
  - b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
  - c) Repetitive house types should be avoided;
  - d) The cramming together of large numbers of detached properties should be avoided.
  - e) High proportions of frontage car parking will not be acceptable.
- 10.3.3 The site is situated to the south of the grade II listed Town End Farm Farmhouse. Paragraph 126 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and should seek to conserve them in a manner appropriate to their significance.
- 10.3.4 The area surrounding the application site has a rural character. The site is bound on the northern, southern and western edges by agricultural land, with and the B5014 to the East. To the east of the B5014 there is a ribbon of development comprising residential properties. Dwellings in the area are fairly mixed with both single and two storey properties of varying ages; materials are mixed.
- 10.3.5 The submitted layout shows a development of up to 6 dwellings served via an access road off Lichfield Road B5014. The scheme has a low density of 8 dwellings per hectare gross. Dwellings are arranged around the new access road with some properties fronting onto Lichfield Road whilst the others are set against the western boundary. A new pedestrian footway is proposed to link the development to the pavement on Lichfield Road and to the south to join the site of the approved cricket ground granted consent in 2011.
- 10.3.6 The development will be located to the south of the Town End Farm development (approximately 110 Metres) and although the proposed dwellings would be viewed against the backdrop of the existing settlement, it is not considered that the proposal would detrimentally affect the setting of the adjacent listed building.
- 10.3.7 The proposed layout plan presents a frontage to Lichfield Road (B5014), but also proposes the retention of the existing hedgerow on the eastern boundary. As noted above, the scheme is submitted in outline with all matters reserved with the exception of the access and layout arrangements

for later approval, the layout shows the site is of a shape and scale conducive to accommodating the level of development proposed, and on balance it is considered that, subject to the submission of appropriate reserved matters, up to 6 dwellings can satisfactorily be accommodated on the site whilst preserving the character and appearance of the area, and also protecting the setting of the adjacent listed building. It is also clear from the proposed layout of the adjoining planning application (Item 5.?) that the two sites will sit acceptably together as an extension to the built form of Abbots Bromley.

#### 10.4 Highway Matters

10.4.1 Saved Policy T1 of the adopted East Staffordshire Local Plan states that new development will be accepted where it will not adversely affect the safe and efficient use of the highway network.

10.4.2 The proposed access to the site is via a new access point through the existing hedgerow and proposes the closure of the existing field access which is located to the south. There is no footpath on either side of Lichfield road that extends as far as the development; however a new footpath is proposed to link the site to the footpath which ends adjacent to Town End Farm to the north. The footpath will be of a 'no-dig construction' which aims to avoid direct damage to tree and hedge roots by excavation and compaction and enables water and air to diffuse to and from the roots. The construction of the path will firstly be the constructing of the timber edges and the laying of gas/water permeable geo-textile over the undisturbed ground. The path is then filled with hand compacted hardcore followed by a porous bound surface material.

10.4.3 The Highway Authority has responded and has raised no objections subject to the submission and approval of details of the access including visibility splays, parking and turning areas to serve the development, details of off-site highway works including the formation of the footpath, details of the drainage of surface water and a construction management plan. The Highway Authority also requires details of the provision of a bin station.

10.4.4 Subject to the imposition of these conditions the proposal will not adversely affect highway safety in the locality.

#### 10.5 Impact on the Amenities of Nearby Residents

10.5.4 The National Planning Policy Framework and Saved Policy H6 of the Local Plan seek to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.

10.5.5 Whilst a plan showing the layout and position of the dwellings has been submitted, details of the design and position of windows of the proposed

dwellings have not been included at this stage; however, the layout plan and illustrative streetscene demonstrate that there is sufficient space within the site to accommodate the number of dwellings proposed with adequate spacing between the dwellings to provide private amenity space for each. It will however be necessary to ensure that the relationships between the new dwellings and existing dwellings on adjacent sites are carefully considered at reserved matters stage to ensure that the development will not have a detrimental impact upon the amenities of the existing properties on Lichfield Road.

- 10.5.6 The proposal is likely to lead to an element of additional noise and disturbance through increased activity and comings and goings associated with residential use. However, this would be typical of any residential location and it is not considered that this would significantly affect the amenities enjoyed by the occupiers of neighbouring dwellings. The position of the proposed access is directly opposite an established dwelling to the east of Lichfield Road and concerns have been raised with regard to the impact of headlights shining directly at the property from vehicles egressing from the site at night time. The Applicant has carried out negotiations with the Highway Authority prior to the submission of the application to agree a suitable access point that would provide adequate visibility and a safe location to access the highway. With regard to the disturbance of neighbouring properties, given the number of dwellings and the expected frequency of journeys to and from the site and the difference in land levels between the site and the property located opposite, it is not considered that there will be any significant detrimental impact upon the amenities enjoyed by the occupiers of the adjacent dwelling.
- 10.5.7 The key elements of residential amenity will be fully considered at reserved matters stage, however at this stage the submitted information is considered sufficient to show that the site can be adequately developed for the purposes applied for without being detrimental to the amenities of neighbouring residents, whilst providing acceptable living conditions for future residents. It is therefore considered that the proposal satisfactorily accords with the aforementioned policy and would meet the sustainability requirements of the NPPF by providing acceptable living conditions for both new and existing residents.
- 10.6 Other issues including ecology, heritage, flooding and drainage
- 10.6.1 Section 11 of the National Planning Policy Framework states that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity.
- 10.6.2 The application is accompanied by an Ecological Appraisal which concludes that there is evidence of protected species close to the site that may be affected by the proposal. The report however identifies an opportunity for protection measures and biodiversity enhancements within the development, which can be secured through a planning condition.

- 10.6.3 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. The site lies within Flood Zone 1 and as such is at low risk from fluvial flooding.
- 10.6.4 The site is not located within a flood risk area. The comments from Severn Trent Water require the submission of a suitable scheme for the disposal of surface and foul water to serve the development. This can be secured by a suitably worded condition.

## 11 Conclusions

- 11.1 As the Borough does not have a deliverable five year supply of housing and Saved policy NE1 is out of date in relation to future housing supply, the National Planning Policy Framework takes precedence over any Local Plan saved policies relating to new housing provision. There is therefore a presumption in favour of sustainable development. The application proposes the erection of 5 dwellings on a greenfield site that is outside the settlement boundary. It is within a Tier 2 village that has been identified as suitable for further growth in the Submission Local Plan on the basis that it has a range of services and is therefore a more sustainable location. The site lies within walking distance of all village facilities. On balance the development of the site for residential purposes is considered sustainable, and as such the principle of the development accords with the presumption in favour of sustainable development set out in the National Planning Policy Framework in the context of an under supply of housing land.
- 11.2 The application is submitted in outline including details of the access and layout; all other matters are reserved for subsequent approval. The application includes a layout plan which demonstrates how the site will accommodate the level of development proposed. It is considered that the site is of a size and scale conducive to accommodating the level of development proposed, and on balance it is considered that, subject to the submission of appropriate reserved matters, up to 6 dwellings can satisfactorily be accommodated on the site whilst preserving the character of the area, the setting of the nearby listed building and the amenities enjoyed by the occupiers of nearby dwellings.
- 11.3 The proposal would not prejudice the safe or efficient use of the highway network and would not unacceptably increase flood risk. Subject to the appropriate mitigation measures the proposal would not harm protected species or their habitat.
- 11.4 The planning balance of a scheme of this type must be considered. Whilst there will be clearly be some negative impacts from the scheme especially in relation to the loss of countryside, the scheme will also provide substantial benefits. These include a contribution towards the allocation of 40 dwellings to be delivered over the plan period. These factors weigh heavily in support of the application, and on balance the benefits of the

scheme outweigh any specific concerns that are raised in relation to the proposal.

- 11.5 Overall the scheme is considered to be sustainable development, and accords with relevant saved policies in the East Staffordshire Local Plan, the Submission Local Plan, the National Planning Policy Framework, and all other supplementary planning guidance. Therefore there is a presumption in favour of granting permission.

## 12. Engagement

- 12.1 The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework.

## 13 Recommendation

- 13.1 For the reasons set out in the above report then **PERMIT** subject to the following conditions:-

1. Time limit for submission of reserved matters ✓
2. Submission of reserved matters ✓
3. Time limit for commencement ✓
4. Approved plans condition ✓
5. Submission and approval of samples and details of materials of construction to include windows, rainwater goods, eaves and verge detailing, chimneys and hard surfacing ✓
6. Submission and approval of drainage details ✓
7. Submission and approval of finished floor levels ✓
8. Submission and approval of bin station ✓
9. Submission and approval of details of highway construction including details of the new access, and the provision of a footway, and the implementation of the agreed works. ✓
10. Submission and approval of Construction Management Plan ✓
11. Submission and approval of biodiversity protection and enhancement measures within the development ✓
12. Submission and approval of measures for the protection of trees and hedgerows to be retained during construction.
13. Submission and approval of a contaminated land assessment
14. Formation of access, parking and turning areas prior to first occupation
15. Implementation of landscaping including measures for the protection of trees and hedgerows to be retained during construction.
16. Implementation of fencing and walling
17. Development to be carried out in accordance with mitigation



measures set out in ecology appraisal

18. All windows to be set back by a minimum of 50mm

#### **14.0 Informatives**

1. Engagement informative
2. Pre-commencement conditions informatives
3. The applicant is advised to contact the Local Planning Authority to discuss design prior to the submission of formal applications

For further information contact: Emily Christie

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