

Item 5.1

Site: Proposed Residential Development, Land South of Thyme House, Lichfield Road, Abbots Bromley, Staffordshire

Proposal: Outline application for the erection of 5 dwellings including details of access and layout

Report of Head of Regulatory Services

Hyperlink to Drawing and Forms

Application No. P/2014/01047
Case Officer: Emily Christie
Application Type: Outline Planning Application

Applicant: Mr M Petrouis

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

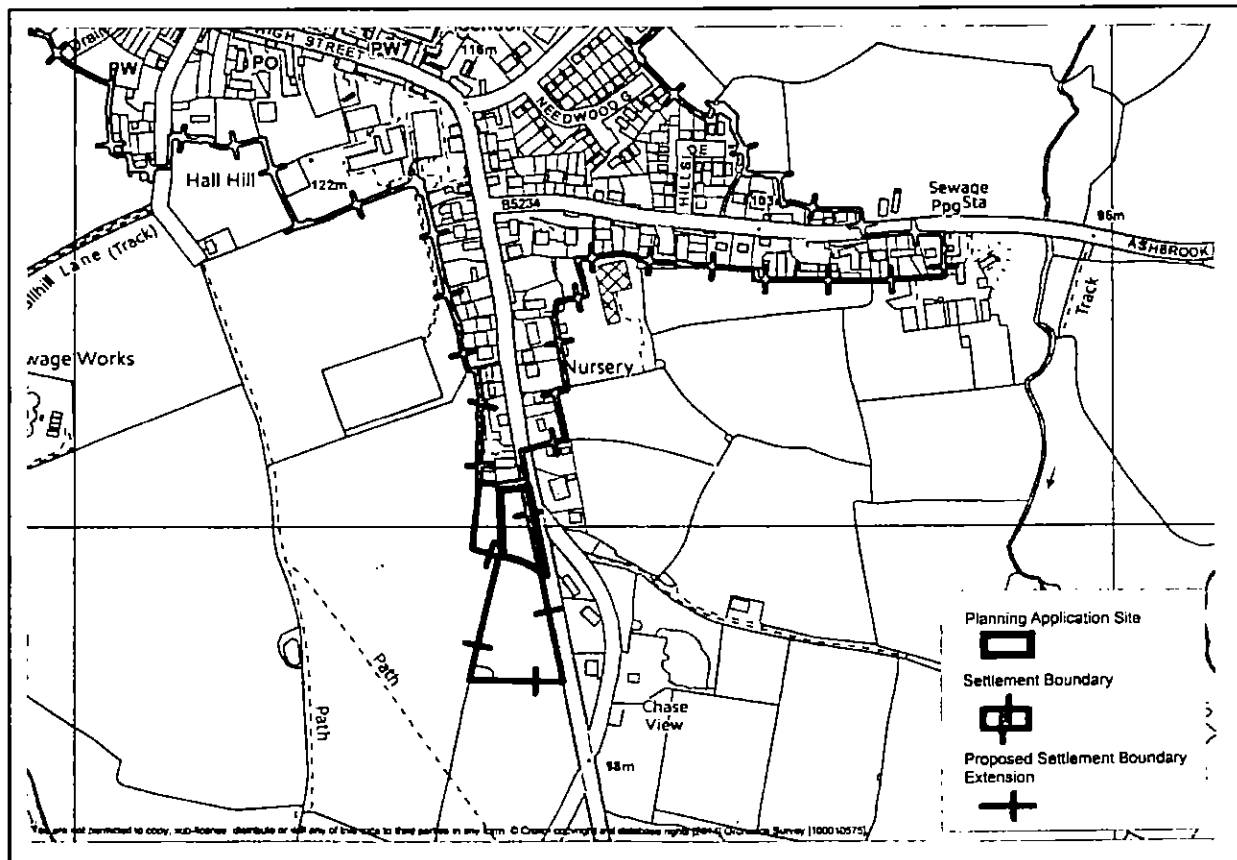
Registered: 18 August 2014
Expires: 09 October 2014

Executive Summary

- 1.1 The application site consists of approximately 0.24 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 5 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 Fourteen 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 5 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 the use of and improvement of the existing field access into the site.
- 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 0.24 hectares of grade 3 agricultural land, on the southern edge of the settlement of Abbots Bromley.
- 1.2 The site is bound by the B5014 Trunk Road to the east, agricultural land to the south and west, and residential development to the north.
- 1.3 The site is relatively flat, sloping gently downwards to the south. The site is bound by a length of hedgerow adjacent to the road (eastern boundary) and to the south and by post and rail fencing to the north and west boundaries.
- 1.4 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. . The northern boundary of the site is adjacent to the development at Town End Farm which is a Grade II Listed Building.
- 1.5 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 5 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 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 no evidence that protected species will be adversely affected by the proposals. It is recommended that the landscaping scheme includes the retention of

existing hedgerow where possible and that mitigation measures, including the position of the builder's compound and the control of lighting within the site both during construction and the occupation of the dwellings.

3.0 Relevant Planning History

3.1 P/2014/01212 - Outline application for the erection of up to 6 dwellings including formation of a new vehicular access and details of layout – Current Application

4.0 Consultations

- 4.1 Environmental Health Manager** No objections but recommends a condition securing an intrusive site investigation to provide evidence that the site is free from gas generation and a condition restricting hours of construction.
- 4.2 Staffordshire County Council Archaeology** No objections
- 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 Staffordshire County Council Highways** No objections subject to the submission and approval of details of the access, parking and turning areas to serve the development, provision of a bin station, off-site highway works, guidance on single garage size, drainage of surface water and a construction management plan.
- 4.5 Staffordshire County Council Education** No educational contributions are required given the number of dwellings.
- 4.6 Staffordshire Wildlife Trust** No objections but recommends that the development be carried out in accordance with the Ecology Appraisal, particularly the provision of a new species rich hedgerow and sustainable drainage features such as a roadside swale or a pond/bog garden area.
- 4.7 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.

4.8 **Abbots Council** **Bromley Parish** *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 time those who responded to the consultation have the opportunity to be heard by the inspector. Until this democratic process has been completed then the extension of the Abbots Bromley development boundary has not yet been approved and 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 there are too many large houses on this site, effectively cramming in houses and not allowing for enough outside space or parking. With the parking provision as it stands this would push additional parking on to the Lichfield Road which at present is a fast, dangerous road. The street view of these houses is not in-keeping with the street scene as you approach the village and is not in-keeping with a village which is largely included in a conservation area.

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 is 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 also have concerns over the provision for sewerage treatment. This does not seem to have been fully addressed in the plans submitted.

5.0 Publicity/Representations

5.1 Neighbours have been notified of the application and a site notice posted. The period for receipt of comments expired on the **27th September 2014**. Comments have been received from **15** interested parties raising the following points:-

1. Visual impact of the development and impact upon a main approach into the village.
2. Impact upon heritage assets.
3. The site is outside of the adopted development boundary and is therefore contrary to policy.
4. The proposal does not meet the objectives of the Abbots Bromley Village Design Statement.
5. The development will not contribute to the local economy.
6. Highway safety and increased traffic within the village including occupants commuting to work.
7. The site if approved should be screened with landscaping comprising native species.
8. The type of housing proposed is not needed in the village.
9. The submission of the application is premature as the Local Plan has not been through full examination or been adopted. The site allocations are due to be challenged at the hearings.
10. The development does not constitute sustainable development.
11. The site report in the SHLAA is incorrect.
12. The Plans and documents submitted contain errors and misleading information.
13. The soak away for adjacent properties is not shown.
14. The density of the development is higher than that of the opposite side of the road.
15. The access is not wide enough for two vehicles to pass.
16. The details of the footway are not practical.
17. Drainage will be problematic on the site as the soil will not easily accommodate soakaways and connection to public sewers is not possible.
18. The ecological survey does not accurately represent the abundance of species on site.

19. Ribbon Development is a poor option.
20. There are alternative sites within the village where the development could be accommodated.
21. The road has a 60mph speed limit and therefore the access will be dangerous.
22. The hedgerow adjacent to the highway is always overgrown and therefore will restrict visibility.
23. Noise from construction will disrupt neighbouring properties.
24. Building sites encourage crime.
25. Loss of value of neighbouring properties.
26. Pollution from new houses and cars will be to the detriment of the countryside.
27. There is no street lighting at this end of the village, causing potential dangers to pedestrians.
28. Newts are present on adjacent land.
29. The development along with the adjacent plot will create two new access points onto the busy road.
30. The village does not have adequate facilities to sustain further development.
31. There is no need for more houses in the village.
32. 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 26th June 2013 and the Parish Council subsequently met to discuss settlement boundary amendments on the 26th 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 26th 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 southern and western edges by agricultural land, with residential development to the north 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 however the development to the north of the site is typically red brick and blue roof tiles. The listed building known as Town End Farm is of traditional design and character with a steeply pitched roof and traditional features.

10.3.5 The submitted layout shows a development of 5 dwellings served via an access road off Lichfield Road B5014. The scheme has a low density of 21 dwellings per hectare gross. Dwellings are arranged in a linear form adjacent to the new access road, with a landscaping buffer adjacent to the existing hedgerow which is to be retained. A new pedestrian footway is proposed to link the development to the pavement on Lichfield Road.

10.3.6 The current setting of the listed building is within the existing built form on Lichfield Road, with converted barns and new dwellings arranged in a

courtyard formation. The development will be located to the south of the Town End Farm development and therefore will not have a detrimental impact upon the character of the area and although the proposed dwellings will be visible beyond, they would be viewed against the backdrop of the existing settlement. It is not therefore considered that the proposal would detrimentally affect the setting of the adjacent listed building.

The proposed layout plan retains a landscaping buffer to Lichfield Road incorporating the existing hedgerow and this will provide a soft boundary to the public realm, and ensure that, subject to appropriate design that the development can be assimilated into the existing built form. 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, 5 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 5.2) 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 utilises an existing field access located off Lichfield Road (B5014) which is to be widened to 5m to provide adequate visibility splays. There is a footpath on the western side of the road which extends as far as the Town End Farm development, this footpath is to be extended to the access of the development site to provide pedestrian access. 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 improvements to the existing access, details of the parking and turning areas, provision of off-site highway works including the provision of a footway connection from the proposed site access to the existing footway network, and the submission and approval of 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 it is not considered that the proposal will adversely affect highway safety in the locality.
- 10.5 Impact on the Amenities of Nearby Residents
- 10.5.1 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.
- 10.5.2 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. The layout plan shows the new dwellings set back from Lichfield road with a landscaping buffer between the dwellings and the road, and a distance of 18 metres between the established dwellings to the north at Town End Farm and the new properties to the south. It will however be necessary to ensure that the relationships between new and existing dwellings are carefully considered at reserved matters stage to ensure that the development will not have a detrimental impact upon the amenities of the occupiers of existing properties on Lichfield Road.
- 10.5.3 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.
- 10.5.4 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 no evidence that protected species would be adversely affected by the proposal. The report identifies an opportunity for

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.

11.0 Conclusions

- 11.0 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 adopted 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.
- 11.1 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, 5 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.
- 11.2 The proposal would not prejudice the safe or efficient use of the highway network and would not unacceptably increase flood risk. The proposal would not harm protected species or their habitat.
- 11.3 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.

- 11.1 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.

12.0 Engagement

- 12.1 The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure 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.

13.0 Recommendation

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

1. Time limit for submission of reserved matters ✓
2. Submission of reserved matters ✓
3. Time limit for commencement ✓
4. Approved plans condition *to exclude retention of hedgerows??*
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 improvements to the existing 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 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 covering ground gas generation
14. Formation of access, parking and turning areas prior to first

Drainage

No dig!

- occupation of any dwellings.
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~~

18. Footpath to be provided prior to occupation of dwellings.

14.0 Informatives

1. Guidance on single garage dimensions
2. Construction hours
3. Engagement informative
4. Pre-commencement conditions informatives
5. The applicant is advised to contact the Local Planning Authority to discuss design prior to the submission of formal applications

6. Footpath to be provided prior to occupation of dwellings.

For further information contact: Emily Christie
Telephone No: 01283 508570
Email Address: Emily.christie@eaststaffsbc.gov.uk

New Condition → Notwithstanding the submitted details, the footpath shall be provided inside of the existing hedgerow within the site in accordance with details to be submitted + approved. + thereafter retained

