FULL APPLICATION FOR 83 DWELLINGS, ACCESS AND ASSOCIATED INFRASTRUCTURE INCLUDING ATTENUATION POND AND DEMOLITION OF EXISTING GARAGES ON LAND AT FOREST ROAD, SHOBNALL, BURTON ON TRENT, STAFFORDSHIRE
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SECTION 1: INTRODUCTION

1.1 Signet Planning Ltd is instructed by Peveril Homes Ltd and Radleigh Group Ltd to prepare and submit a full application for 83 dwellings, access and associated infrastructure including attenuation pond and demolition of existing garages on land at Forest Road, Shobnall, Burton on Trent.

1.2 The planning submission comprises:

b. Design and Access Statement
c. Location Plan - HG0529-001
d. Masterplan – HG529-005F
e. Housetypes Booklet
f. Statement of Community Involvement
g. Proposed Heads of Terms and Title
h. Transport Assessment
i. Travel Plan
j. Flood Risk Assessment
k. Phase 1 Habitat and Protected Species Survey
l. Arboricultural Report
m. Phase 1 Site Appraisal

1.3 The principal purpose of this planning support statement is to consider the planning case relating to the erection of 83 dwellings after taking into account the Development Plan and all other relevant material considerations.

1.4 So far as the content of this statement is concerned, Section 2 provides a brief description of the site and details of the proposed development. Section 3 outlines the relevant National and Local Policy which is relevant to this application, including the 5 year housing land supply and Paragraph 14 of the NPPF. Section 4 provides the conclusion.
SECTION 2: SITE AND PROPOSAL

Application Site

2.1 The application site is 4.09 ha and is located to the rear of Numbers 10-55 Forest Road, Shobnall, Burton-on-Trent, Staffordshire.

2.2 The site lies to the west of Burton upon Trent town centre being in close proximity to the neighbourhood areas of Shobnall and Outwoods.

2.3 It is currently designated as being outside of the development boundary as defined on the Proposals Map in the East Staffordshire Local Plan (2006); it is located directly adjacent to the settlement boundary.

2.4 The current use of the site is grazing land along with a garage court which comprises of 14 garages in the court itself and 8 garages along the unadopted access road off Forest Road.

2.5 To the south of the site are existing residential properties along Forest Road and grazing land abuts the northern and eastern boundaries with a wooded area to the east of the site. Along the proposed access road into the site there existing residential properties. The surrounding land to the north, east and west of the site is all within the same ownership, as too is Number 48 Forest Road.

2.6 Forest Road links the village of Callingwood and Needwood with Burton upon Trent, passing through Shobnall which is bounded on the North side primarily by terraced properties. A number of residential properties on Forest Road have in the past been given the opportunity to take their vehicles off the highway through the provision of rear accesses. This is the case with most properties to the west of the application site. Those properties lying to the south of the application site do not currently benefit from rear accesses.
2.7 The site slopes upwards from south to north.

2.8 The boundaries of the site comprise of a timber fence which abuts the rear boundaries of the existing residential properties to the south of the site with trees and hedging along the northern and eastern boundaries and Shobnall Brook which runs along the western boundary and is an identified site of Biological Importance. The brook itself is tree lined.

2.9 To the North of the application site shown on plan 1 is Red House Farm which has been granted planning permission for residential development on appeal for up to 250 dwellings (Planning Reference Number P/2012/01215).

2.10 To the south of Forest Road is a site which has been granted outline planning permission on appeal for up to 300 dwellings; this site location is also shown on Plan 1.

**Application Proposal**

2.11 This is a full application for 83 dwellings, access and associated infrastructure including attenuation pond and demolition of existing garages. The dwellings comprise of the following:

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Number of Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>3</td>
<td>35</td>
</tr>
<tr>
<td>4+</td>
<td>30</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>83</strong></td>
</tr>
</tbody>
</table>

2.12 Saved Policy H12 of the Development Plan requires housing development sites to achieve 15% of affordable dwellings on site with a further 15% to be provided for via a commuted sum.
2.13 Of the total number of dwellings it is proposed that 15% will be on site affordable dwellings as shown below:

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Number of Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>TOTAL</td>
<td>12</td>
</tr>
</tbody>
</table>

**Table 2 – Number and Size of Proposed Affordable Dwellings**

2.14 The remaining 15% requirement for affordable housing will be provided as a commuted sum which will be secured via the Section 106 Agreement.

2.15 The proposed access to the site is off Forest Road adjacent to 48 Forest Road. Vehicular access to the site follows the alignment of an existing access located adjacent to Number 48 Forest Road. The proposed access road has a carriageway of 5.5m in width and footways on either side of the carriageway achieving 2m on the eastern side and 1.8m on the western side. The 1.8m on the western side is in addition to the existing footway which runs along the frontage of the existing properties which equates to an overall footway provision of c3.3m in front of the existing properties.

2.16 The application proposal will involve the demolition of 22 garages which are located along the access road and in the garage court. The garages are currently use for parking and storage by residents in the locality; some are vacant.

2.17 A major benefit of the proposal is the provision of rear vehicular accesses to all of the properties along Forest Road which abut the southern boundary (east of the proposed access road) of the application site (Numbers 48-10). The majority of the residents currently park their vehicles on Forest Road and this application will allow them to attain private curtilage car parking for their vehicles and at the same time reduce on street parking on Forest Road. In addition car parking spaces are proposed for the properties along the access road (50-55 Forest Road).
2.18 Car parking provision for the whole development is 211 spaces, which includes parking for the proposed dwellings, visitor spaces and 5 spaces for the existing properties (50-55) on Forest Road. The larger properties all have 2/3 car parking spaces.

2.19 A Sustainable Urban Drainage System is provided in the form of an attenuation pond which is located in the south west of the site adjacent to Shobnall Brook.

2.20 A large area of land (1.09ha) will be set aside as a National Forest contribution which lies in the north part of the application site, this represents 27% of the overall site area. A play area and associated open space is provided in the eastern part of the site. 40% of the net developable area is set out as open space.

2.21 It is proposed to provide a potential footpath link through the land to the North of the application site in order to connect the site to the recently approved appeal site at Red House Farm (planning reference P/2012/01215). Ultimately this will link the site to the main Outwoods settlement including Queens Hospital.

2.22 A Design and Access Statement accompanies this application which provides further details regarding the evolution of the design philosophy, dwelling design, road hierarchy, opportunities and constraints and local context.

2.23 **Specialist Reports Accompanying the Application.**

2.24 Pre application discussions were held with Officers of East Staffordshire Borough Council and it was agreed that the following documents would accompany the planning application:

2.25 **Transport Assessment** – prepared by I Transport Ltd. The report concludes that the site is a suitable location for the proposed development and can be safely accessed via Forest Road.
2.26 **Travel Plan** – prepared by I Transport Ltd. This report sets out measures that are proposed to encourage sustainable travel patterns at the site.

2.27 **Phase 1 Habitat and Protected Species Survey** – prepared by Brindle & Green Ecological Consultants Ltd. The report concludes that there were no badger setts on the site. The reptile survey concluded that there were no reptiles on site. There was a small population of Great Crested Newts found at the nearby pond 60m from the site, mitigation measures are proposed to ensure the newts are protected. A full breeding bird survey was undertaken which found 4 breeding birds, mitigation measures are proposed to ensure future breeding of these birds.

2.28 **Flood Risk Assessment** – prepared by EWE Associates Ltd. The report concludes that the proposed buildings are located in low risk flood area and the risk from the adjacent watercourse is small.

2.29 **Arboricultural Report** – prepared by John A Booth. The report concludes that there are no category A trees on the site. There are 10 category B trees but the proposed layout will mean that only fruit trees will be felled along the southern boundary of the site.

2.30 **Phase 1 Site Appraisal** – prepared by GRM Development Solutions Ltd. The report concludes that the risk of ground contamination is considered to be low. It states that the site is suitable for the proposed use providing the recommendations made in the report are undertaken.

2.31 The planning application therefore comprises the submitted planning application forms, certificates and plans together with the Design & Access Statement and the specialist reports.

2.32 **Relevant Planning History**

2.33 Planning Application P/2012/01215 – Land at Red House Farm. Outline planning application for the erection of up to 250 dwellings was allowed on appeal 15/10/2013.
2.34 Planning Application P/2012/01359 – Land South of Forest Road, Burton. Outline planning application for the erection of up to 300 dwellings was allowed on appeal on 12/02/2014

2.35 Community Consultation

2.36 Community consultation has taken place on the application and is discussed in a separate statement entitled Statement of Community Involvement.

2.37 Utilities

2.38 Gas, water, electric and BT are all available to serve the development from the existing apparatus located in Forest Road.

2.39 Heads of Terms

The proposed Heads of Terms for the application and Title details are set out in a separate document entitled Heads of Terms.
SECTION 3: ASSESSMENT AGAINST PLANNING POLICY.

3.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this instance, the statutory Development Plan comprises the Saved Policies of the East Staffordshire Local Plan (2006). In addition there is also the emerging Pre Submission Local Plan – Planning for Change 2012 - 2031 which is a material consideration, attracting little or no weight due to its position in the Examination process.

3.2 The purpose of this section is to set out the relevant planning policy background, as well as identify any key issues which may assist in the determination of the application. For ease of reference, these are considered under the following headings:

2. East Staffordshire Local Plan (2006)
3. Pre Submission Local Plan Planning for Change 2012-2031
4. Five Year Housing Supply Position
5. Paragraph 14 (NPPF) & Sustainability
6. The Planning Balance

1. National Planning Policy Guidance

3.3 The Foreword to the NPPF is clear that

"The purpose of planning is to help achieve sustainable development"

"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations"

"Development means growth... . . . . . . . . . . . . . . . . . We must house a rising population, which is living longer, and wants to make new choices."

"So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations."
“Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and decision.”

3.4 The overall purpose of the NPPF is that planning should contribute to the “achievement of sustainable development” (para 6). There are three dimensions to sustainable development (para 7):

- An economic role – ensuring that sufficient land of the right type is available in the right place at the right time to support growth and innovation;
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations together with providing everyday needs; and
- An environmental role that contributes to protecting and enhancing natural resources.

3.5 Paragraph 8 of the NPPF states:

“These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions”

3.6 This paragraph recognises that sustainable development is a joined up approach seeking a planning balance between economic, social and environmental matters.

3.7 Para 9 notes that “widening the choice of high quality homes” and “making it easier for jobs to be created” are some of the key ways of achieving sustainable development.
3.8 Paragraph 11 stresses the primacy of the Development Plan and states:

“Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”

3.9 Paragraph 14 goes on to state:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.

With regard to decision taking it states:

“For decision taking this means:

• Approving development proposals that accord with the development plan without delay; and
• Where the development plan is absent, silent or relevant policies are out of date, granting permission unless
  ▪ Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  ▪ Specific policies in this Framework indicate development should be restricted.”

3.10 Paragraph 197 reiterates the presumption when it states:

“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

3.11 Annex 1 of the NPPF deals with implementation and at para 214 states:
“For 12 months from the date of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”

3.12 Where Plans have not been adopted in accordance with the Planning & Compulsory Purchase Act 2004 para 215 is relevant and states:

“\textbf{In other cases and following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)}.”

3.13 Para 216 deals with situations where there are emerging plans and states:

“\textbf{From the date of publication, decision takers may also attach weight to relevant policies in emerging plans according to:}

\begin{itemize}
\item The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
\item The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
\item The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan are to the policies in the framework, the greater the weight that may be given)."
\end{itemize}

3.14 Paragraph 17 sets out the 12 Core Principles that should underpin decision making and decision taking. Not all will be relevant to every type of planning application; they are listed below:

\begin{itemize}
\item 1) Plan led - development on the basis of joint working and cooperation. An ability to empower local communities to shape their surroundings.
\item 2) Enhance and improve places – not just about scrutiny but should be creative.
\item 3) Support sustainable economic growth. Every effort should be made to objectively identify and then meet the housing, business and other
development needs of an area, and respond positively to wider areas of growth.

4) Secure high quality design.

5) Take account of the different roles and character of areas – promote vitality and viability in town centres, protect green belts and recognise the intrinsic character and beauty of the countryside and support thriving rural communities.

6) Support low carbon initiatives, take account of flood risk, re-use resources.

7) Conserve and enhance the natural environment. Allocations should prefer land of lesser environmental value.

8) Encourage the effective use of brownfield land.

9) Promote mixed use developments.

10) Conserve heritage assets

11) Manage growth to make the fullest possible use of public transport.

12) Take account of local strategies to improve health, social and cultural wellbeing and delivery of everyday facilities.

3.15 Paragraphs 47 onwards deal with the provision of housing. The primary objective is to “boost significantly the supply of housing” and advises Local Planning Authorities that they need to:

- “use their evidence base to ensure that their Local Plan meets the full objectively assessed (my emphasis) needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the framework, including identifying key sites which are critical to delivery of the housing strategy over the plan period;

- Identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements and an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing local planning authorities should increase the buffer to 20% (moved forward from later in the plan
period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

- Identify a supply of specific, developable sites or broad locations for growth, for years 6 – 10 and, where possible for years 11 – 15.

- For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a 5 year supply of housing land to meet their housing target; and

- Set out their own approach to housing density to reflect local circumstances.”

3.16 Paragraph 49 states:

“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.”

3.17 As will be discussed later East Staffordshire Borough Council does not have a 5 year supply of deliverable housing sites and as a consequence relevant Policies for the supply of housing (namely Policy NE1) are out of date. Hence paragraph 14 of the NPPF is engaged and it provides a presumption in favour of sustainable development unless any adverse impacts of the development would significantly and demonstrably outweigh the benefits.

3.18 Paragraph 50 of the NPPF states:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
• plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
• identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
• where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

3.19 Paragraphs 56 onwards consider the need for good design. It recognises that “Good design is a key aspect of sustainable development”. Equally it recognises (para 60) that “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.”

3.20 This Statement demonstrates that the proposal is consistent with the advice contained within the NPPF and in particular Paragraph 14.

2. East Staffordshire Local Plan (2006)

3.21 The East Staffordshire Local Plan was adopted in 2006 and covered the period up to 2011; it is therefore time expired by 3 years.

3.22 On 9th July 2009 a number of policies from the Local Plan were ‘saved’ by the Secretary of State under paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004, for development management purposes.
3.23 Effectively these saved policies are out of date and therefore in accordance with the NPPF (para 215) they are afforded little or no weight in the decision making process. Notwithstanding the NPPF, recent committee reports of East Staffordshire Borough Council show that some of these ‘saved’ policies are still being used for development management purposes. Whilst afforded little or no weight the ‘saved’ policies applicable to this application are:

3.24 Saved Policy NE1 considers development outside of development boundaries. This Policy is not ‘up to date’ when assessed against the guidance contained within the NPPF and in particular Paragraph 49. This is endorsed in a recent Planning Applications Committee report for planning application number P/2014/00039 (April 2014, item 6.3, para 10.2.5) which states:

“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 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.”  (My Emphasis)

3.25 On this basis Saved Policy NE1 should be given no weight in the determination of this application as it is agreed by the Council that in respect of housing supply Policy NE1 is ‘out of date’. As a consequence Paragraph 14 of the NPPF is engaged.

3.26 Saved Policies BE1 and H6 consider design. The East Staffordshire Design Guide (February 2008) elaborates on these policies, it states:

“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) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;

d) Repetitive house types should be avoided;

e) The cramming together of large numbers of detached properties should be avoided.

f) High proportions of frontage car parking will not be acceptable.”

A Design and Access Statement has been submitted with the application which discusses the design and layout in depth and is summarised below.

3.27  a) Focus on streets and spaces between dwellings – The development is served by 2 primary streets which reflect the linear urban grain of the surrounding area. Oakswood Ave has green edges with traditional front boundary treatments and the dwellings are arranged to have a consistent strong building line. Henhurst Way also has a traditional feel with low hedges and stone walls along with railing on the east side. The development has a very green feel to it with large areas of open space proposed including National Forest planting and a childrens play area.

b) Location of the buildings – The proposed housetypes provide for an interesting streetscene. The gateway into the site sees the existing attractive converted chapel; in order to integrate with the existing built form the building line created by the row of terraces has been continued on the west side of the access road. At the head of the street plot 51 terminates this vista. Plot 1 frames the view down Henhurst Way when exiting the site and also turns the corner into Oakswood Avenue. An area of public open space forms part of the character of the entrance into the site. An attractive streetscene has been created for the whole development and the building layout has been carefully designed to frame and/or terminate vistas along streets; it incorporates dual aspect buildings to turn corners and avoids blank elevations in prominent locations.

c) Road Layout - The layout has been designed around 2 traditional streets which reflect the character of the surrounding area. The layout has been designed with highway safety in mind and also includes a rear access road to serve the properties along Forest Road which abut the southern boundary of the site.
d) Housetypes – the development provides for a variety of housetypes within the scheme which will create interesting and varied streets. In total over 20 different housetypes are proposed.

e) Location of detached properties – the development sees a mixed of housetypes ranging from 1-4 bedroom homes. The design of these dwellings include short terraces, semi detached and detached properties. There is no cramming together of large detached properties.

f) Car parking – The approach to parking in the scheme is to provide sufficient parking spaces within plot to avoid on street parking. Approx. 70% of the parking is provided to the side of dwellings to ensure it does not dominate the streetscene.

The proposal accords with Saved Policies BE1, H6 and the East Staffordshire Design Guide.

3.28 Whilst the gross area of the site is 4.09 hectares the site has a net developable area of 2.84 hectares, this results from the land that is to be set aside for National Forest Planting. Based on the net developable area the proposal achieves a density of 29 dwellings to the hectare. Furthermore if simply the residential area of 2.65 hectares is used to calculate density this equates to 31 dwellings to the hectare. This density is acceptable and in accordance with the Saved Policies.

3.29 Saved Policy H12 discusses affordable housing which is further expanded in the SPD on Housing Choice (as amended February 2014). This requires 30% of the dwellings to be affordable which can be split with having 15% on site and the payment of a commuted sum for the remainder. This application makes provision for this requirement, with 15% of the affordable dwellings being on site. A commuted sum for the remainder can be secured via the Section 106 Agreement. This was agreed at pre application discussions.

3.30 Saved Policies CSP5, CSP6 NE14 and NE15 consider infrastructure and community provision, in particular National Forest provision, which requires 20% of sites above 0.5ha to be set aside for National Forest planting. This development provides for 1.09ha of National Forest planting which equates to 27% of the site area; the proposal therefore satisfies and indeed far exceeds the requirements of these policies and will lead to a very green environment.
3.31 Saved Policies L2 and L16 consider open space and are expanded upon in the SPD on Open Space (September 2010). This proposal provides for a play area on site and associated open space (0.05ha), along with a large area of National Forest Planting (1.09ha). Thus the Open Space provided for by this application equates to 1.14ha which is well in excess of the requirement of the SPD which equates to 0.99ha. This is further highlighted in the Open Space Assessment which has been submitted with the application. A contribution towards maintenance of the public open space will be negotiated through the Section 106 Agreement. The proposal is consistent with these saved policies.

3.32 Saved Policy T1 discusses highway safety. A full Transport Assessment and Travel Plan have been submitted with the application. The Transport Appraisal concludes that the proposed access is consistent with a Major Access Road as defined in the Staffordshire Residential Design Guide and is therefore suitable for the proposed development. Having analysed the existing traffic and proposed traffic generated from the development the report concluded that the impact of the development traffic on the local highway network is negligible. In terms of car parking 211 spaces are provided for by this development which is more than adequate. The site has good links to public transport, walking and cycling links and is highly accessible. The proposal is therefore in accordance with Saved Policy T1.

3.33 The proposal accords with Saved Policy T1 in terms of its accessibility as there is the opportunity for a potential footpath route to be provided which would run through the land to the north of the site and link up with the Redhouse Farm development (planning reference P/2012/01215). This would provide a link from Shobnall to the Outwoods settlement which would improve accessibility to the settlement itself, including the Queens Hospital.

3.34 The application will also improve the parking situation along Forest Road by providing the opportunity for rear vehicular accesses to all of the properties along Forest Road which abut the southern boundary of the application site (east of the access road), which will create secure parking spaces. In addition, the properties along the access road are also provided with a space. This will improve the highway situation as currently residents along Forest Road tend to park on the street which is
to the detriment of highway safety, this application will take cars off the street and improve highway safety in the area.

3.35 Whilst the development is not consistent with Saved Policy NE1 it has been agreed by the Council that this policy is out of date in respect of housing development in that it is preventing the delivery of much needed housing. It is concluded that the development accords with the other Saved Policies of the Local Plan 2006.


3.36 The New Local Plan for East Staffordshire is in progress. The Pre Submission Local Plan Planning for Change 2012-2031 was the subject of consultation which ended in November 2013 and it was submitted to the Secretary of State for Examination purposes on 9th April 2014.

3.37 In accordance with Paragraph 216 of the NPPF whilst the emerging plan has been submitted for Examination its policies are afforded little weight in the decision making process as there are still unresolved objections. This site is located adjacent the settlement boundary as identified in the emerging plan.

3.38 Discussions have been ongoing with the Inspector since June 2014 regarding potential issues with the submitted Plan. Document E9 in the Examination Library sets out the provisional outline schedule of issues, which raises a number of issues including housing provision in the Borough. A pre hearing meeting took place on September 16th with the Examination Hearings commencing on 28th October, these will run until December 2014. As there are still a number of issues to resolve in respect of the emerging plan, it is given little weight in the decision making process of this application. This view has been endorsed in a recent committee report of 11th August 2014 (agenda item 5.4) which states:

"However, the Submission plan remains at a stage where it is still subject to change as part of the examinations process and there are unresolved
objections to its proposed housing allocations and settlement boundaries. On that basis, although the housing allocations and settlement boundaries within the Submission plan are thought to be consistent with the National Planning Policy Framework, it is considered on balance that only limited weight can currently be attached to the emerging plan in assessing whether the broad principle of residential development is acceptable in this location.”

3.39 Emerging Principle 1 and Emerging Strategic Policy 1 sets out the presumption in favour of sustainable development. This application meets a number of principles outlined in these policies. The site is on the edge of a settlement which has good access to everyday services and facilities. The design and landscaping for the proposal, as detailed in the Design and Access Statement is of high quality and will enhance the overall area, it also provides for a good mix of housing to achieve an inclusive community. The proposal makes provision for a potential footpath / cycle link on across land to the north of the site to link up with the approved Redhouse Farm development (P/2012/01215). This will allow this side of the settlement to be linked up with Outwoods and in particular will allow improved access to the hospital. The proposal represents sustainable development in line with this principle and emerging strategic policy.

3.40 Burton upon Trent is defined in the Emerging Plan as a sustainable location, expecting to accommodate 75.5% of the development over the Emerging Plan period. The application site is immediately adjacent the settlement and is a sustainable location close to services and facilities of the main Town. This is further endorsed by the nearby application at Redhouse Farm which has recently been approved at appeal (planning ref P/2012/01215) and the allowed appeal at Land South of Forest Road (planning ref P/2012/01359); the Inspector of the latter appeal stated (para 129 of Inspectors Report):

“.....the established developed character of Forest Road provides a strong link to the town centre. It is not disputed that the location is
sustainable in terms of access to local services and employment, including by public transport”

3.41 This site would also make an important contribution to the linkages between Shobnall and Outwoods especially improving pedestrian access to Queens Hospital by provision of a potential footpath to the North of the site. Indeed the residents of the recently approved site to the south of Forest Road will also benefit.

3.42 Emerging Strategic Policy SP8 considers development outside of settlement boundaries. However this policy has yet to be tested through the Examination process and is therefore afforded little weight in the decision making process. As discussed below East Staffordshire Borough Council is unable to demonstrate a 5 year supply of deliverable housing sites. Given the current situation it is inevitable that the Council will have to release sites immediately adjacent settlements to accommodate housing growth which was recently shown in the upheld appeal at Redhouse Farm (planning application P/2012/01215) and Land South of Forest Road (planning application P/2012/01359). The Inspector in the latter appeal stated (para 168 of Inspectors Report):

“I conclude that the proposal would provide a sustainable form of development. The settlement boundaries protected by the development plan must be considered out of date. The acknowledged shortfall in housing supply indicates a short term need to provide additional land in sustainable locations, while the emerging longer term strategy shows that substantial Greenfield releases will be required. Any harm to the landscape character and appearance would be mainly confined to the short to medium term”

3.43 Emerging Strategic Policies 9 and 10 consider developer contributions for infrastructure and education. This application makes provision for contributions, if deemed necessary, by way of a Section 106 Agreement.
3.44 Emerging Strategic Policy 17 considers affordable housing. Its states that on sites more than 4 dwellings of 0.14 hectares an average of 25% of the dwellings should be affordable, with at least 13% being on site. To expand on this Policy the Council issued a consultation document entitled Housing Choice SPD in April 2014. This document is in its infancy and requires sites on the edge of Burton to provide for 33% of affordable housing (13% on site and 20% commuted sum). This document is afforded no weight at the present time as it has only just been issued for consultation purposes. The application proposes 15% affordable housing on site and 15% contribution in line with the adopted policy and agreed at pre application discussions.

3.45 Emerging Strategic Policy 24 outlines design criteria. The submitted Design and Access Statement outlines the design philosophy of the development and is summarised in Paragraph 3.27. The proposal accords with the objectives of Emerging Strategic Policy 24.

3.46 Emerging Strategic Policy 26 considers the National Forest. Appendix 1 of the Pre Submission Plan states that on sites over 0.5ha 20% of the site should be set aside for National Forest planting. This development will achieve and far exceed the aims of this Policy by setting aside a large area of the site (1.09ha) for National Forest planting which equates to 27% of the sites overall area.

3.47 Emerging Strategic Policy 27 considers climate change, water body management and flood risk. A Flood Risk Assessment has been submitted with the application which concluded that the proposed buildings are located within a low risk flood area and risk from the adjacent local watercourse is small. An attenuation pond is provided for by this development thus providing a sustainable urban drainage system. The development is in accordance with Emerging Strategic Policy 27.

3.48 Emerging Strategic Policy 29 considers Biodiversity and Geodiversity. An ecological appraisal has been submitted with the application which concluded that there was a small population of Great Crested Newts found at the nearby pond 60m from the site, mitigation measures are proposed to ensure the newts are protected. A full breeding bird survey was also undertaken which found 4 breeding birds, mitigation
measures are proposed to ensure future breeding of these birds. Shobnall Brook is adjacent to the site and is a site of Biological Interest. An 8m buffer has been provided to ensure that the Brook is protected. In conclusion the site will enhance its biological value through reseeding the grassland areas with meadow mix and planting of native plants and trees along the already established hedgerows. The site will be able to achieve a net gain in biodiversity, its development therefore accords with Emerging Strategic Policy 29.

3.49 Emerging Strategic Policies 23 and 32 considers play facilities and open space. A play area is provided on site and the development overall achieves 40% of the net developable area being set aside for open space; this is highlighted in the Open Space Assessment. A contribution towards maintenance of the open space can be secured by way of Section 106 Agreement if necessary.

3.50 Emerging Strategic Policy 35 considers accessibility and sustainable transport. A Transport Assessment has been submitted with the application which concludes that the impact of the development traffic on the local highway network is negligible. In terms of car parking 211 spaces are provided for by this development which is adequate. The site has good links to public transport, walking and cycling links and is highly accessible. The development is fully consistent with this emerging policy.

3.51 The application makes provision for the opportunity for rear vehicular accesses to all of the properties along Forest Road which abut the southern boundary of the application site (to the east of the access road). In addition the properties along the access road are provided with a car parking space; this is an important benefit of the application as it will
i) Ensure safe secure parking within private curtilages
ii) Reduce on street parking along Forest Road.

3.52 The application has a very important benefit in terms of pedestrian linkages as a potential footpath link is provided into the residential development approved at Redhouse Farm (planning ref P/2012/01215). This will improve accessibility for the residents in Shobnall, including residents of the recently approved development
south of Forest Road, into the Outwoods area and in particular allow greater accessibility to Queens Hospital.

3.53 The Emerging Plan also contains a number of detailed polices, the following are applicable to this application:

i) DP1 – Design of new development  
ii) DP2 – Designing in Sustainable Construction  
iii) DP3 – Design of New Residential Development, Extensions and Curtilage Buildings  
iv) DP8 – Tree Protection

3.54 The submitted Design and Access Statement outlines the design philosophy of the development and is summarised in Paragraph 3.27. The proposal accords with the objectives of the emerging detailed policies.

3.55 This site lies immediately adjacent the settlement boundary and in the absence of a 5 year housing land supply and the fact that the emerging plan has not been through the Examination stage this emerging policy should be given little weight in the decision making process. In respect of the other emerging policies the development accords with their principles.

4. Five Year Housing Land Supply

3.56 The issue of the 5 year housing land supply has been debated at length. This section will provide an analysis of the 5 year housing land supply in the Borough beginning with the appeal at Red House Farm (planning ref P/2012/01215) which was allowed on 12th November 2013.

3.57 The Redhouse Farm appeal (planning ref P/2012/01215) debated housing supply in detail. The Inspector stated (para 9.6 of Inspector’s Report):

“\nThe evidence indicates that there is some uncertainty about the housing delivery from sites included in the Council’s 5 year housing supply and the figure included for windfall sites.......Based on the above, I find that the
Council’s supply of deliverable housing is likely to be significantly below the figure of 4.60 years, calculated in June 2013. The figures given by the appellants of 2.37 years and by the Rule 6 Party of 1.51 or 1.75 years are likely to be an under estimate, given the recent planning permissions that have been granted. However, the supply of deliverable housing sites is more likely to be in the region of 3 years, based on 650 dwellings per year target, taking account of a 20% buffer for persistent under delivery and spreading the past shortfall over a 5 year period”

3.58 Following this appeal the Council reviewed its housing land supply figures. It was acknowledged by the Council that based on Regional Spatial Strategy figures of 650 dwellings per year (Note on 5 Year Housing Land Supply Methodology 31st October 2013), that a 5 year housing land supply could not be met. The publication of the document Note on 5 Year Housing Supply Methodology on 31st October 2013 showed the housing supply calculation. It used the Sedgefield method and also included a 20% buffer for past chronic and persistent underdelivery. The document stated that the Council had a 3.9 year housing land supply.

3.59 This undersupply was further endorsed by the Inspector in the Land to the South of Forest Road appeal, which was allowed on 12th February 2014 (planning ref P/2012/01359) who stated (para 168 of Inspectors Report):

“I conclude that the proposal would provide a sustainable form of development. The settlement boundaries protected by the development plan must be considered out of date. The acknowledged shortfall in housing supply indicates a short term need to provide additional land in sustainable locations, while the emerging longer term strategy shows that substantial greenfield releases will be required.”

3.60 The Council therefore accepted that it had a 3.9 year housing land supply and this was highlighted in a recent committee report taken to the 28th April 2014 Planning Applications Committee (item 6.3 para 10.2.7, planning ref P/2014/00039) which stated:
“The Council has recently published a supply position of 3.9 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.”

3.61 However since the publication of the above Committee Report and Appeal decision the Council has published a new housing monitoring document entitled ‘Note on 5 Year Land Supply Methodology 31\textsuperscript{st} March 2014’ published on 31\textsuperscript{st} March 2014.

3.62 This document sets out the housing land supply as of March 2014 and uses the new housing requirement figure contained within the Pre Submission Local Plan Planning for Change 2012-2031, which equates to 613 dwellings per year. The methodology adopted places underdelivery in the first 5 years and includes a buffer of 20% for persistent and chronic underdelivery.

3.63 The conclusion of this document is that the Council has a housing land supply of 4.14 years.

3.64 It is therefore concluded that at the present time the Council does not have a 5 year housing supply of deliverable sites and this is confirmed in a recent committee report of 11\textsuperscript{th} August 2014 (agenda item 5.4)

“The Council’s latest position is that as of March 2014, it can only demonstrate a 4.14 year supply. Housing supply policies within the adopted local plan are therefore not considered to be up to date, a point that was conceded at various appeals in 2013”

3.65 However in reality the housing land supply figure for the Borough is likely to be lower than the aforementioned figure of 4.1 years.
The Five Year Housing Land Supply calculation used by the Council is challenged for a number of reasons; the main issue is that the Council is proposing an annual figure of 613 dwellings which is considerably less than the RSS figure of 650 per year. This is contrary to the guidance contained within the NPPF which is clear in that its primary objective is to “significantly boost the supply of housing”.

There is no doubt that through the Examination period housing numbers will be debated at length. Representations have already been made in respect of housing numbers and raise serious concerns about the provision of less houses per year (613) compared with the requirements of the old RSS (650). One such Organisation that has raised concern in their letter dated 29th November 2013 is the Housebuilders Federation who stated:

“The Council must cooperate with all its neighbouring authorities to ensure that all housing needs are addressed. Since the revocation of the WMRSS on 20th May 2013 it is not business as usual. The WMRSS was informed by an objective of urban renaissance, whereby the Metropolitan Urban Areas (MUA) would absorb large numbers of future projected households from across the region. Unfortunately today this strategy is beginning to unravel as MUAs demonstrate an unwillingness in the case of Coventry or inability by Birmingham to fulfil this role. There has also been a significant drop in the collective level of housing provision envisaged by LPAs across the region, which is estimated to have fallen by -8%. HBF research shows that to date the overall adopted and emerging plans for the West Midlands will only provide 17,085 homes per year compared to the previous WMRSS target of 19,795 per annum. Such a substantial reduction in housing provision across the region could have significant implications for future housing provision in East Staffordshire.”

On this basis a more realistic calculation is provided below using the figure of 613 per year as a base but also demonstrating that if the higher RSS figure of 650 per year is used then the number of dwellings required per year is considerable higher:
Table 3 - Housing Requirement for the next 5 years 2014/5-2018/19
(figures from Note on Five Year Land Supply Methodology 31st March 2014), using the figure of 613 dw per year and 650 per year

<table>
<thead>
<tr>
<th></th>
<th>Dwellings based on 613 dwellings per year</th>
<th>Dwellings based on 650 dwellings per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre Submission Local Plan requirement (613 x 5)</td>
<td>3065</td>
<td>3250</td>
</tr>
<tr>
<td>Underdelivery</td>
<td>1332</td>
<td>1332</td>
</tr>
<tr>
<td>Plan requirement + underdelivery (using Sedgefield method ie underdelivery to be delivered in first 5 years) (3065+1332)</td>
<td>4397</td>
<td>4582</td>
</tr>
<tr>
<td>Add 20% for underdelivery (20% of 4397)</td>
<td>879</td>
<td>916</td>
</tr>
<tr>
<td>Actual number of dwellings required over 5 years (4397 + 879)</td>
<td>5276</td>
<td>5498</td>
</tr>
<tr>
<td><strong>Number of dwellings required per year</strong></td>
<td><strong>1055</strong></td>
<td><strong>1100</strong></td>
</tr>
</tbody>
</table>

3.69 The claimed supply for the Borough is as follows (figures from Note on 5 year Land Supply Methodology 31st March 2014)
Table 4 – East Staffordshire Borough Council’s Claimed Housing Supply

| Housing Pipeline (sites with planning permission) incl 10% lapse rate | 1497 |
| Housing Pipeline (proportion of large sites with planning permission) | 920 |
| Deliverable sites | 1268 |
| Windfalls (5x90) | 450 |
| **Total** | **4135** |

3.70 Based on the above figures when using the figure of 613 dwellings per year the Borough has a housing land supply of **3.9 years** (4135/1055). However if the figure of 650 dwellings per year is used, which is more likely and in line with NPPF guidance then the Council only achieve a housing land supply figure of **3.75 years** (4135/1100).

3.71 Discussions with the Council regarding its submission of the Pre Submission Local Plan for Examination without a 5 year housing land supply, indicate that a 5 year housing land supply figure would be achieved as the emerging Local Plan progresses. Adoption is some conceivable time away and to achieve a 5 year supply on the day of its adoption the Council need to allow / identify sites adjacent to the settlement boundary that will deliver sustainable development; the application site is one such site.

3.72 The Examination procedure will no doubt involve considerable debate as to what represents the fully objective assessed housing need for the Borough. The Council is currently providing a figure which is well below the RSS figure; it is suggested that this will increase through the Examination period.

3.73 It is therefore concluded that whichever methodology is used the Council fall well short of the 5 year land supply requirement advocated by the NPPF.
Furthermore when the claimed supply as outlined in the Note on 5 year Land Supply Methodology 31st March 2014 is analysed it becomes clear that this claimed supply is in fact too optimistic.

The following table analyses the sites that have been identified as coming forward within the next 5 years in the Note on 5 year housing land supply methodology 31st March 2014.

Table 5 - Sites for housing delivery as per the Note on 5 year housing land supply methodology 31st March 2014

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Proposed completions over next 5 years</th>
<th>% of overall total (4135)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing pipeline (sites with pp)</td>
<td>1497</td>
<td>36.2</td>
</tr>
<tr>
<td>Windfalls</td>
<td>450</td>
<td>10.9</td>
</tr>
<tr>
<td>Land South Of Branston</td>
<td>240</td>
<td>5.8</td>
</tr>
<tr>
<td>Beamhill</td>
<td>240</td>
<td>5.8</td>
</tr>
<tr>
<td>Pinfold Rd</td>
<td>120</td>
<td>2.9</td>
</tr>
<tr>
<td>Pirelli</td>
<td>120</td>
<td>2.9</td>
</tr>
<tr>
<td>Red House Farm</td>
<td>120</td>
<td>2.9</td>
</tr>
<tr>
<td>Forest Road</td>
<td>80</td>
<td>1.93</td>
</tr>
<tr>
<td>Branston Depot</td>
<td>125</td>
<td>3.02</td>
</tr>
<tr>
<td>Model Dairy Farm</td>
<td>84</td>
<td>2.03</td>
</tr>
<tr>
<td>Branston Locks</td>
<td>310</td>
<td>7.5</td>
</tr>
<tr>
<td>Pennycroft Lane</td>
<td>49</td>
<td>1.21</td>
</tr>
<tr>
<td>W of Uttoxeter</td>
<td>200</td>
<td>4.84</td>
</tr>
<tr>
<td>Harehedge Lane*</td>
<td>80</td>
<td>1.93</td>
</tr>
<tr>
<td>Bargates / Molson Coors*</td>
<td>100</td>
<td>2.41</td>
</tr>
<tr>
<td>Molson Coors Middle Yard*</td>
<td>80</td>
<td>1.93</td>
</tr>
<tr>
<td>Derby Road*</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Brookside Industrial Estate*</td>
<td>120</td>
<td>2.9</td>
</tr>
<tr>
<td>Hazelwalls*</td>
<td>120</td>
<td>2.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4135</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

*sites with no live application as of March 2014
From this certain issues arise. It is highly unlikely that 36.2% of total completions will come from extant planning permissions. The document entitled Housing Pipeline and Completions Data (March 2014), sets out all of the sites that are relied upon to determine the housing pipeline sites. When the Table entitled Housing Pipeline (sites with planning permission as at 31.03.2014) is analysed it is clear to see that many of them have not even commenced development. The following Table shows the major sites (ie over 10 dwellings) contained within this Table that have not yet started development, this excludes the Deliverable Sites.

**Table 6 – Housing Pipeline Sites that have not commenced Development as of March 2014 (Housing Pipeline and Completions Data March 2014)**

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Number of dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance House Nursing Home</td>
<td>40</td>
</tr>
<tr>
<td>Uttoxeter Highways Depot</td>
<td>30</td>
</tr>
<tr>
<td>Land either side of Dove Way</td>
<td>56</td>
</tr>
<tr>
<td>Rear of 38-34 Bridge Street</td>
<td>14</td>
</tr>
<tr>
<td>Land at Burton Road (self builds)</td>
<td>12</td>
</tr>
<tr>
<td>St Georges Park</td>
<td>28</td>
</tr>
<tr>
<td>Land N of Guinevere Ave</td>
<td>100</td>
</tr>
<tr>
<td>Howards Transport</td>
<td>86</td>
</tr>
<tr>
<td>Land off Tatenhill Lane</td>
<td>28</td>
</tr>
<tr>
<td>Land to the E of Efflinch Lane</td>
<td>130</td>
</tr>
<tr>
<td>Site at 48, 49 and 50 Park Street</td>
<td>12</td>
</tr>
<tr>
<td>Former Plasplugs Ltd</td>
<td>138</td>
</tr>
<tr>
<td>164 High Street</td>
<td>14</td>
</tr>
<tr>
<td>Nelsons Inn</td>
<td>10</td>
</tr>
<tr>
<td>40 Scalpcliffe Road</td>
<td>12</td>
</tr>
<tr>
<td>Thornton Precision Welding</td>
<td>12</td>
</tr>
<tr>
<td>Barwood Products</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>742</strong></td>
</tr>
</tbody>
</table>
3.77 None of the above sites have started development as of March 2014. The calculation undertaken by the Council does include a 10% lapse rate figure for none delivery. Therefore if a 10% lapse rate is taken off 742 this equates to a figure of 668 dwellings which are in the calculated claimed supply but have not yet started commencement. This equates to 45% of the total housing pipeline sites (668/1497*100). It is highly unlikely that this 45% will come forward in the next 5 years when a start hasn’t even been made on site as of March 2014.

3.78 Furthermore when looking at the individual sites contained within Table 5 the claimed supply states that Branston Depot, Branston Locks and Land South of Branston, all of which are in close proximity, will provide 16.32% of the total housing over the next five years. It is a logical viewpoint that if sites are too close together then a saturation point arrives whereby sales will fall off. It is therefore very optimistic to seek to achieve 16.32% of the overall completions from sites in very close proximity to each other.

3.79 The application site is modest in size and unlike much larger sites to the North eg Red House Farm does not require significant front loaded infrastructure. Hence it is able to be delivered quickly and contribute to the 5 year supply with immediate effect.

3.80 There are a number of sites that have no live application as of March 2014 (identified by * in Table 5) which equates to 12.07% of the supply; once again this is very optimistic. The sites, whilst in the pre submission local plan have yet to be tested at the Examination, following which outline planning permissions, reserved matters applications, including the negotiation of Section 106 Agreements will need to be completed. It is highly unlikely that these sites will achieve 12.07% of the completions over the next five years due to the timescales that are involved in securing planning permission, following which the sites will have to be prepared and infrastructure installed prior to any completions on site.

3.81 The interesting figure in Table 5 is that of windfalls. The NPPF definition of windfall is as follows:
“Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.”

The Council are using a windfall figure of 90 dwellings per year which equates to 10.9% of the overall total of supply for the next 5 years; this is an extremely high figure and is in addition to the housing pipelines sites ie sites that already have planning permission. The application site is identified in the SHLAA document 2013 under site ref 91 (see Appendix 1). However the SHLAA clearly states that the site is not deliverable or available. It therefore can be considered as a windfall site based on the definition of Windfall in the NPPF. Therefore if the Council is to achieve a windfall figure of 90 dwellings a year sites such as the application site will need to come forward over the next 5 years. The application site is partially brownfield in an extremely sustainable location; it is deliverable, developable, and available and would therefore help to meet this windfall figure.

3.82 It is therefore concluded that East Staffordshire Borough Council does not have a 5 year housing land supply. It is stated in the annual monitoring report that it has a supply of 4.14 years; however it has been calculated that at best only a 3.9 year supply can be achieved using the figure of 613; however if using the RSS figure this number decreases to 3.75 years. The claimed supply is also challenged, it is highly unlikely that the even using a 10% lapse rate that all of the housing pipeline sites will be developed, 45% of them have yet to make a start on site (with a 10% lapse rate deducted). 12.07% of the claimed supply from sites which are in the Pre Submission Local Plan have yet to secure any planning permission and the claimed supply for the approved sites is also challenged as 16.32% is proposed to come from 3 sites in close proximity. It is therefore concluded that the 5 year supply calculation is overly optimistic. In any event the housing supply figure falls well short of the 5 years required by the NPPF and therefore Paragraph 14 of the NPPF is engaged which is discussed below.
5. Paragraph 14 (NPPF) & Sustainability

3.83 Paragraph 14 provides the framework for the determination of planning applications. With regard to the current planning application paragraph 14 is engaged for a number of reasons:

a) The housing policies of the Local Plan are “out of date” because the Plan is now 3 years beyond its intended life span;

b) The saved policies of the Local Plan are “silent” within the meaning of paragraph 14 as to where the admitted housing need should be located; it only says where development cannot go;

c) Policy NE1 is inconsistent with the cost-benefit analysis and therefore fails the para 215 test and are therefore out of date as far as para 14 is concerned.

d) The emerging local plan has only just been submitted for Examination purposes and there are still a number of unresolved objections in respect of housing numbers

e) The 5 year housing land supply contained within the emerging local plan is challenged as outlined in the previous section.

f) The proposal represents sustainable development.

3.84 The Council accepts that Policy NE1 is a relevant out of date housing policy, which was highlighted in the recent appeal decision at Red House Farm, discussed previously. Policy NE1 is worded in such a restrictive manner and does not allow for a balanced approach which is advocated by Paragraph 8 of the NPPF.

3.85 The cost /benefit approach to the NPPF was considered in the recent High Court case Anita Colman (Claimant) and Secretary of State for Community and Local Government and North Devon District Council and RWE Npower Renewables Limited (case no. CO/1283/2012). Mr Justice Parker considered the inconsistency of the costs/benefit approach of the NPPF and the express terms of Local Plan policies. In particular, he opined that the express terms of Policy ENV1 of the Council’s saved Local Plan did not permit any “countervailing, economic or similar benefit to be weighed in the scales”. The Policy stated:

"Development in the countryside will only be permitted where: 

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35
a. A rural location is required;
b. It provides economic or social benefits to the local community; and
c. It protects or enhances its beauty, the diversity of its landscape and historic character, the wealth of its natural resources and its ecological, recreational and archaeological value”.

3.86 His view was that any benefits that could be taken into account would be rejected as being contrary to the “language and rational of the relevant policies”. The claimant sought to argue that such benefit would constitute a “material consideration” and such should be “read with” the policy.

3.87 Mr Justice Parker rejected that argument for two reasons:

1. The NPPF is directing decision makers to the express terms of the relevant policies and then comparing the express terms with the cost/benefit approach in the NPPF; and
2. A ‘material consideration’ is materially and conceptually distinct from considerations identified in a development plan and will not carry the same weight as a matter identified in the development plan.

3.88 He concluded that there was an inconsistency between the NPPF and the relevant planning policy in the development plan.

3.89 In my view the Colman judgement is relevant as both Policy ENV1 of the North Devon Local Plan and Saved Policy NE1 of the East Staffordshire Local Plan fails to take account of any countervailing economic or similar criteria and NE1 is therefore inconsistent with the cost-benefit approach in the NPPF and its thrust to promote sustainable development. Paragraph 8 of the NPPF is clear that the economic, social and environmental dimensions of sustainable development are mutually dependent and should not be considered in isolation.

3.90 Based on this and the fact that the emerging Core Strategy has only just been submitted for Examination purposes and therefore has unresolved objections
Paragraph 14 of the NPPF is engaged which provides and assumption in favour of sustainable development.

3.91 This site is extremely sustainable located close to everyday services and facilities. Within a 5min walk there is a small convenience shop and the local primary school is within a 10 minutes’ walk. Within 15-20mins there is Shobnall Leisure Centre, Shobnall Marina and public footpaths up to Sinai Park. Local medical facilities are located within the town centre and the site benefits from good access to public transport links with service number 10 providing hourly services along Forest Road into Burton-upon-Trent. In addition the town benefits from a railway station with frequent services to Derby and Birmingham.

3.92 The appeals at Red House Farm and Land South of Forest Road which were recently allowed are very close to the application site. Whilst each site has to be assessed on its merits it is concluded that the application site is equally as sustainable as the appeal sites. The application site is not the subject of any national, regional or local designation with respect to archaeology, landscape value and bio-diversity. The site is capable of early delivery and in effect represents a natural extension of the current built form.

3.93 Furthermore the application is supported by two major housebuilders with a trusted record of delivery in the Borough.

3.94 In addition to its sustainability credentials the application proposes the opportunity for rear vehicular accesses to all of the properties along Forest Road which abut the southern boundary of the application site (to the east of the access road) along with a car parking space for residents along the access road. This will lead to an important benefit by removing on street parking along Forest Road thus improving highway safety and residential amenity for these properties.

3.95 The proposal incorporates a potential footpath link to the north of the site to connect it with the Red House Farm site. This will improved accessibility for new and existing residents in the area.
3.96 Environmentally the site sets aside 27% of the overall site area for National Forest Planting which is also an important benefit and far exceeds policy requirements.

3.97 The provision of Public Open Space on the site – play facility and National Forest area far exceeds the requirements of the SPD. The SPD requirement equates to 0.99ha whereas this application provides for 1.14ha. In total 40% of the net developable area of the site is set out as open space.

3.98 None of the submitted reports – contamination, ecology, transport or FRA indicate that there are any constraints to the delivery of this site.

3.99 The proposal therefore represents sustainable development.
6. The Planning Balance

3.100 The overall planning balance is therefore summarised in the Matrix below

Table 7 – The Planning Balance

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Potential Benefits</th>
<th>Potential Adverse Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic</td>
<td>• Construction jobs</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>• New Homes bonus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Rateable income</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Increased spending in the local economy</td>
<td></td>
</tr>
<tr>
<td>Social</td>
<td>• Market Housing</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>• Affordable Housing</td>
<td></td>
</tr>
<tr>
<td>Environmental</td>
<td>• Vehicular rear accesses along Forest Road</td>
<td>• Some minor unavoidable harm to local landscape character as a result of green field development</td>
</tr>
<tr>
<td></td>
<td>• Reduction in on street parking along Forest Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Car parking for properties along the access road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Potential footpath link to the north of the site</td>
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<tr>
<td></td>
<td>• A large area of the site (27%) is set aside for National Forest planting</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• An overprovision of Public Open Space (40% of the net developable area)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Net gain in biodiversity</td>
<td></td>
</tr>
</tbody>
</table>

This clearly demonstrates the overall benefits that will accrue if the proposal is allowed.
SECTION 4: CONCLUSION

4.1 This Planning Statement together with the accompanying specialist reports have assessed all of the material considerations associated with the application.

4.2 East Staffordshire Borough Council does not have an up to date Local Plan to determine the level of housing and its spatial distribution of development. The East Staffordshire Local Plan is time expired and relevant policies are out of date.

4.3 The recent appeal which was allowed at Red House Farm (planning ref P/2012/01215) stated that (para 9.1 of Inspectors Report):

“The Council has referred to saved policies in the ESLP and policies in the SSSP in its reasons for refusal. The policies in the SSSP have since been revoked and the Council accepted at the Inquiry that the ESLP Policy NE1, which has been referred to in its first reason for refusal, is out-of-date. I find this policy out-of-date as the settlement boundaries on the Inset Plan are those for the plan period up to 2011 which no longer reflects the current housing needs”

4.4 The Council accepts this view and accept that Policy NE1 is out of date.

4.5 In respect of the most recent housing trajectory of March 2014 based on the Pre Submission Local Plan – Planning for Change 2012-2031 it is accepted by the Council that it does not have a 5 year housing land supply – it accepts it has 4.14 years.

4.6 This figure is challenged and at best it has been calculated that the Borough has a housing supply figure of 3.9 years. If using the RSS figure this reduces further to 3.75 years.

4.7 The 5 year housing land supply has been debated at length above. It has been proven that the sites contained in the claimed supply are over optimistic. Therefore
in reality the housing supply figure for the Borough will be below the 3.9 years that has been calculated.

4.8 In any event the Council is unable to prove a 5 year housing land supply as advocated by the NPPF. As a consequence the National Planning Policy Framework provides the basis for determining the application.

4.9 Paragraph 47 of the NPPF requires local authorities to "boost significantly the supply of housing". Furthermore it requires Local Authorities to identify at least a 5 year supply of deliverable housing sites. By virtue of paragraph 49 any relevant policies for the supply of housing should not be considered up to date. Housing policies should be considered in the context of the presumption in favour of sustainable development.

4.10 In this application it has been demonstrated that of March 2014 the Pre Submission Local Plan cannot demonstrate a 5 year housing land supply.

4.11 Paragraph 14 of the NPPF is therefore engaged for a number of reasons:

- The proposal represents sustainable development
- The relevant policies in the East Staffordshire Local Plan are out of date
- The saved policies of the Local Plan are "silent" within the meaning of paragraph 14 as to where the admitted housing need should be located; it only says where development cannot go;
- Whilst the Pre Submission Plan has been submitted for Examination there are still a number of unresolved objections to the housing figures.
- The Borough cannot demonstrate a 5 year housing land supply
- The proposed build rates are too optimistic.

4.12 Previous sections of this statement have demonstrated that significant benefits will arise from the development. The Planning Support statement demonstrates that benefits will occur with regard all three dimensions of planning as outlined in paragraph 7 of the NPPF. Paragraph 8 states that these roles are not to be taken in isolation. The benefits of development are:
1. Economic Benefits

Both the NPPF and Section 143 of the Localism Act indicate that financial matters are capable of being material considerations in the determination of planning applications. The proposal will result in the creation of construction jobs, new homes bonus, rateable income and increased spending in the local economy.

2. Market Housing

The need for housing in the district has been identified. The Council’s current position is that it is not able to provide a 5 year housing land supply. Indeed when the supply is analysed the figure is likely to be less than has been calculated as the supply is far too optimistic.

3. Affordable Housing

The Strategic Housing Market Assessment October 2013, Updated April 2014 states that the annual need for affordable dwellings is 1483 units over the plan period (para 8.79). Delivering affordable housing represents a major social benefit which can be secured by way of planning condition or a Section 106 Agreement. This proposal achieves 15% of affordable housing on site and provides for a commuted sum for the remainder via the Section 106 Agreement.

4. Sustainable Design

The submitted plans and Design and Access Statement demonstrate that the development at this site will be very sustainable. The site is located close to everyday services and facilities. The proposal sees the construction of high quality energy efficient housing which is shown in the submitted Design and Access Statement.

5. POS and National Forest Planting
This development sets aside 27% of the overall site for National Forest Planting. This well exceed the policy requirement for such planting which is 20%. This will lead to excellent environmental benefits. In addition the proposal provides for an overprovision of Public Open Space as required by the Council’s SPD, in total 40% of the net developable area is set aside as open space.

6. Rear vehicular access for properties along Forest Road / Additional Car Parking

This application provides the opportunity for rear vehicular accesses to all of the properties along Forest Road which abut the southern boundary of the application site (Numbers 48-10); in addition a car parking space is provided for residents along the access road (Numbers 50-55). This is excellent planning gain by taking cars off the Forest Road, improving highway safety and providing improved residential amenity for the existing residents.

7. Sustainable potential footpath linkage with appeal site to the North

This development provides for a potential footpath link to the north of the site into the adjacent appeal site. This will be extremely beneficial for local residents – new and existing as they will be able to access services and facilities easier in Outwoods, in particular Queens Hospital.

4.13 This Planning Support Statement has assessed the application against the NPPF, the saved policies contained within the East Staffordshire Local Plan (2006), and the emerging policies contained within the Pre Submission Local Plan.

4.14 There are no potential adverse impacts which would significantly or demonstrably outweigh the benefits that will arise out of this development and therefore in accordance with the NPPF planning permission should be granted.