

Agenda Item:	6.5
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Site:	Land off Lightwood Road, Yoxall, Burton on Trent, Staffordshire,
Proposal:	Outline application for up to 135 dwellings including means of access

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

[Hyperlink to Application Details](#)

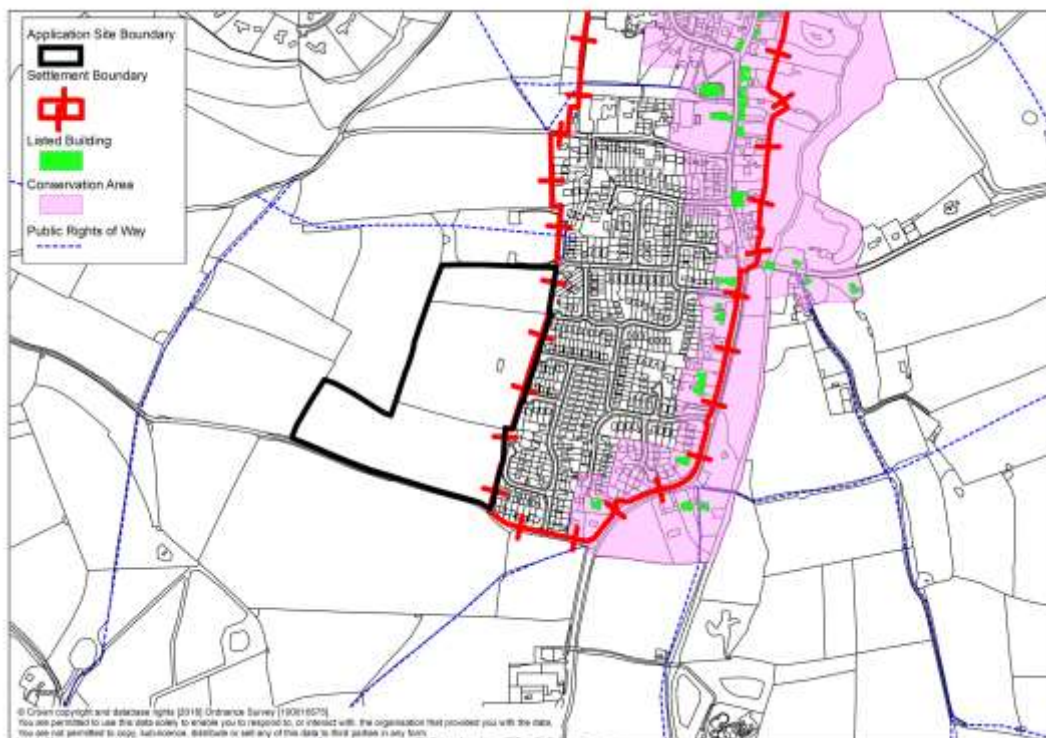
Application Number:	P/2017/01385
Planning Officer:	Emily Christie
Type of Application:	Outline Planning Application
Applicant:	Gladman Developments Ltd.
Ward:	Yoxall
Ward Member (s):	Councillor A Johnson
Date Registered:	22 November 2017
Date Expires:	15 February 2018 and an extension of time has been agreed to 27 th April 2018

1. Executive Summary

- 1.1 The site equates to 7.36 hectares (approximately 18 acres) located to the west of Yoxall with Lightwood Road to the east and Bondfield Lane to the south.
- 1.2 The application is submitted in outline and proposes the erection of up to 135 dwellings including means of access.
- 1.3 The site is to be accessed via a single access point between 59 and 61 Lightwood Road. There is also an emergency access proposed to the south east of the site onto Bondfield Lane.
- 1.4 Statutory consultees have raised no objections that cannot be overcome by planning conditions.
- 1.5 The Highway Authority has raised no objections to the development.

- 1.6 There have been 126 letters of objection received from local residents, raising concerns with the development, which include the development being located outside of the development boundary, as designated in the adopted Local Plan and the Made Yoxall Neighbourhood Development Plan. In addition it is contended that the proposal would not comply with the allowances for residential development within the countryside identified within the Yoxall Neighbourhood Plan and that it would have an adverse impact on the character of the rural locality, have an adverse impact upon biodiversity, neighbouring residential amenity and highway safety.
- 1.7 In conclusion, the site is located outside of the Yoxall settlement boundary and is not identified as a location for housing development in the adopted Local Plan or Made Yoxall Neighbourhood Plan. A proposal of the same scale on this site was refused by the Council previously and a subsequent appeal dismissed by the Planning Inspectorate on the grounds that the proposal was in direct conflict with the aspirations of the Local Plan and Yoxall Neighbourhood Plan. In light of the above, the granting of permission would be contrary to the Council's settlement hierarchy Local Plan Strategic Policies SP2, SP4 and SP8 of the Local Plan and policy H2 of the Made Yoxall Neighbourhood Plan. Both plans are adopted and can be attributed full weight. The application is therefore recommended for refusal on the above grounds.
- 1.8 **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.**

Map of site



2. The site description

- 2.1 The site comprises a parcel of Grade 3 (Good to Moderate) agricultural land to the west of Yoxall with Lightwood Road to the east and Bondfield Lane to the south.
- 2.2 The site equates to 7.36 hectares (approximately 18 acres). The site is currently split into three agricultural fields with boundaries defined by established hedgerows.
- 2.3 The site is bound to the west by agricultural fields, residential development to the east and Ferrers field, a recreation field to the north. Bondfield Lane abuts the southern part of the site with agricultural fields beyond.
- 2.4 The application site is largely flat and there are a number of landscape features within the site, including hedgerows and hedgerow trees that add to the edge of village, rural character of the site. There is one redundant barn structure on the site.
- 2.5 The site lies outside of the Yoxall settlement boundary as defined by the adopted Local Plan and 'Made' Yoxall Neighbourhood Plan. The site is also not allocated within the Yoxall Neighbourhood Development Plan, which was Made on 17th August 2015.

3. Planning history

- 3.1 P/2014/01664 - Outline application for up to 135 dwellings, including details of access (Revised Description, Illustrative Layout, Context Analysis Plan, Emergency Access Plan, Transport Assessment, Travel Plan and Addendum Planning Design and Access Statement - Dated as Received 27th April 2015) – Refused 20/11/2015. Subsequent appeal lodged and dismissed 09/12/2016.
- 3.2 The previous appeal for 135 dwellings was determined by hearing in October 2016 with the decision being published on 9th December 2016. The Inspector found that the Council could demonstrate a five year land supply and therefore the policies in the Local Plan were up to date. The Inspector also considered the Judgement in the matter of *East Staffordshire Borough Council v Secretary of State for Communities and Local Government and Barwood Strategic Land [2016 EWHC 2973]* which concluded that the presumption in favour of sustainable development only exists within the circumstances set out within paragraph 14 of the Framework. It does not therefore apply to a proposal which is in conflict with an up-to-date local plan.
- 3.3 The Inspector found conflict with the Council's settlement hierarchy Local Plan Strategic Policies 2 and 4, Strategic Policy 8 and with Neighbourhood Plan Policy H2. In relation to benefits proposed by the scheme, the Inspector concluded that these did not indicate that the proposal should be determined other than in accordance with the development plan.

4. The proposal

- 4.1 The application is submitted in outline for the erection of up to 135 dwellings, including details of the means of access. All other matters are reserved for later approval.
- 4.2 The dwellings will be served via a new vehicular access that is proposed to be formed off Lightwood Road adjacent to properties 59 and 61 Lightwood Road. There will be emergency access to the south east of the site onto Bondfield Lane.

List of supporting documentation

- 4.3 The following documents have been provided as part of the application:

- Planning Application Form
- Air Quality Screening Letter
- Arboricultural Assessment
- Archaeology Desk Based Assessment
- Ecological Appraisal
- Utilities Appraisal
- Flood Risk Assessment
- Drainage Analysis
- Development Framework Plan
- Health Impact Assessment
- Housing Needs Statement
- Landscape and Visual Impact Assessment
- Noise Assessment
- Phase 1 Contaminated Land Assessment
- Socio-Economic Sustainability Statement
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Location Plan
- Proposed Access Drawing

4.4 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

	Statutory and non statutory consultee	Response
5.2	Parish Council	<p>Introduction</p> <p><i>Urban Vision Enterprise has been appointed by Yoxall Parish Council to submit a statement to East Staffordshire Borough Council outlining an evidence based objection to the proposed development of land off Lightwood Road, Yoxall (P/2017/01385: Outline application for up to 135 dwellings including means of access, Lightwood Road, Yoxall).</i></p> <p><i>It is considered that the proposal should be rejected for the following reasons:</i></p> <ul style="list-style-type: none"> • <i>The proposal is contrary to Local Policy in that it conflicts with the adopted Development Plan (both the East Staffordshire Local Plan 2012-2031, and the Yoxall Neighbourhood Development Plan);</i> • <i>The proposal is contrary to National Policy;</i> • <i>Proposed access and highways arrangements are deficient; and</i> • <i>The proposal places unnecessary pressure on local infrastructure.</i> <p><i>The following is an overview of the key areas of consideration.</i></p> <p>Local Policy</p> <p><i>The current adopted Development Plan comprises the following:</i></p> <ul style="list-style-type: none"> • <i>The East Staffordshire Local Plan 2012-2031;</i> • <i>The Yoxall Neighbourhood Development Plan;</i> • <i>Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026; and</i> • <i>'Saved Policies' from the Staffordshire and Stoke-on-Trent Minerals Local Plan 1994-2006.</i> <p><i>East Staffordshire Local Plan 2012-2031</i></p> <p><i>The proposal fails to address in a satisfactory way the sustainable development strategy within the Plan, namely to focus development within the urban areas of Burton-on-Trent and Uttoxeter, and growth in strategic villages. Yoxall is identified as a 'Tier 2 Village', which will deliver 2.5% of the Borough's growth, a matter addressed by the Yoxall Neighbourhood Development Plan (see below). Clearly a</i></p>

	<p><i>proposal of this scale and nature would be better suited to the larger settlements in accordance with the Local Plan's sustainable development strategy.</i></p> <p><i>The proposal also conflicts with a number of policies within the Local Plan, particularly:</i></p> <ul style="list-style-type: none"> <i>• Strategic Policy 1: East Staffordshire Approach to Strategic Development</i> <p><i>The proposal fails to positively address this policy in a number of ways. The site is not located on, and does not have good links to the strategic highway network, and access to local services is achievable but inconvenient.</i></p> <ul style="list-style-type: none"> <i>• Strategic Policy 2: Settlement Hierarchy</i> <p><i>Strategic Policy 2 identifies Yoxall as a Local Service Village (a Tier 2 settlement), where new development will be limited to 2.5% of the Borough's overall development requirements, and that such development should be located within the settlement boundary.</i></p> <p><i>The settlement boundary within Yoxall has been established by the Yoxall Neighbourhood Development Plan, and this site is located outside of this. In addition, Yoxall has achieved its housing requirements through a site allocation within the Neighbourhood Plan through a scheme which is currently under construction.</i></p> <ul style="list-style-type: none"> <i>• Strategic Policy 3: Provision of Homes and Jobs 2012-2031</i> <p><i>It is understood that East Staffordshire Borough Council can demonstrate a five-year housing land supply, and so this policy is still up to date.</i></p> <ul style="list-style-type: none"> <i>• Strategic Policy 4: Distribution of Housing Growth 2012-2031</i> <p><i>Strategic Policy 4 sets out a requirement of 40 homes for Yoxall, and although it is acknowledged that this is a minimum, clearly an additional 135 homes would be unsustainable given that this would be, in effect, more than 60 years' worth of growth based on current Local Plan evidence.</i></p> <ul style="list-style-type: none"> <i>• Strategic Policy 8: Development Outside Settlement Boundaries</i> <p><i>The proposal off Lightwood Road is outside of the Yoxall settlement boundary, and therefore must be in accordance with this policy. The applicant cannot satisfy any of the</i></p>
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	<p><i>requirements of this policy.</i></p> <ul style="list-style-type: none"> • <i>Strategic Policy 16: Meeting Housing Needs</i> <p><i>Although it can be argued that the proposal off Lightwood Road will positively address Strategic Policy 16, it is the principle of the site that is in question. Therefore compliance with this policy is immaterial if the principle of the site's use for residential development cannot be established.</i></p> <ul style="list-style-type: none"> • <i>Strategic Policy 17: Affordable Housing</i> <p><i>As with Strategic Policy 16, the proposal off Lightwood Road will positively address Strategic Policy 16, though this will be immaterial if the principle of the site's use for residential development cannot be established.</i></p> <ul style="list-style-type: none"> • <i>Strategic Policy 35: Accessibility and Sustainable Transport</i> <p><i>The proposal does little to improve accessibility and provide sustainable transport solutions. Indeed, the development would be car-based, and would exacerbate such challenges, and therefore it would fail to positively address Strategic Policy 35.</i></p> <p><i>Yoxall Neighbourhood Development Plan</i></p> <p><i>The Yoxall Neighbourhood Development Plan was made in August 2015, and is now a part of the Local Plan. This proposal conflicts with the following policies within the plan.</i></p> <ul style="list-style-type: none"> • <i>Policy H1: Development Inside Yoxall Settlement Boundary</i> <p><i>The proposal off Lightwood Road falls outside of the Yoxall settlement boundary which is defined in the plan, therefore the proposal conflicts with Policy H1.</i></p> <ul style="list-style-type: none"> • <i>Policy H2: Housing Development Outside Yoxall Settlement Boundary</i> <p><i>The purpose of Policy H2 is to focus development within the village's defined settlement boundary, whilst allowing for a limited amount of exceptional development elsewhere. The proposal falls outside of the defined settlement boundary, but it is neither limited, nor exceptional.</i></p> <p><i>National Policy</i></p> <p><i>The National Planning Policy Framework (NPPF) carries a presumption in favour of sustainable development and it</i></p>
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would appear that the applicant is seeking to pursue this new policy development to justify the development of the site in the light of the current position of the emerging Local Plan, and local housing land supply issues.

Whilst there may be issues to address in terms of local housing supply, the presumption is in favour of sustainable development. It is considered that this proposal is not sustainable for the following reasons:

- The development of the site would lead to a significant increase in the size of the settlement, and would deliver adequate local infrastructure improvements to cater for such growth; and*
- To put this into perspective, Yoxall has seen the development of 80 new dwellings over the past 25 years to 2015; the proposed development would be just over 42 years' worth of growth on just one site, and this is in the context of current housing requirements in the village having being met. This proposal would have the potential to prevent the village from planning for any future changes and needs.*

The proposal will also place unnecessary pressures on local infrastructure; this is discussed further below.

Site Specific Issues

Access and Highways Arrangements

In addition to the policy areas identified above, it is considered that the proposed access arrangements to the proposed development are deficient.

As discussed previously, two access points are proposed, off Bondfield Lane, with the main access point off Lightwood Road. A development of this scale and nature has the potential to significantly increase the volume of traffic on local roads, and the access arrangements are considered deficient, particularly the proposed access point off Lightwood Road which would see significant traffic movements through what is essentially a short road constructed as a cul-de-sac.

Local Infrastructure Issues

This proposal would increase the size of the village significantly, and this would place a huge burden on local infrastructure that is not being properly addressed by the development proposition.

This is evidenced by the local GP surgery who have confirmed that they are currently operating at capacity. The

		<p><i>practice has also stated that they would be unable to meet the requirements of the proposed development and have the data to prove this case. In essence a new surgery would need to be provided, and a new GP employed at a time of national shortage.</i></p> <p><i>In addition, the local school is already at capacity and would require significant expansion to cope, and is questionable as to whether the proposed s106 contributions would address these issues.</i></p> <p>Summary</p> <p><i>In summary, it is considered that the application should be refused on the following grounds:</i></p> <ul style="list-style-type: none"> • <i>The proposal is contrary to local policy, specifically the East Staffordshire Local Plan 2012-2031, and the Yoxall Neighbourhood Development Plan;</i> • <i>The proposal does not constitute sustainable development and is therefore contrary to the National Planning Policy Framework;</i> • <i>Proposed access and highways arrangements are considered to be deficient; and</i> • <i>The proposal places unnecessary pressure on local infrastructure.</i> <p><i>Consultation</i></p> <p><i>We suggest that Gladman’s consultation SCI statement should be closely scrutinized as the Parish Council’s own local research confirmed that an overwhelming number of local residents are opposed to this application and we assume that these views will have been accurately recorded in the applicant’s submissions to yourselves.</i></p>
5.3	SCC Highways	<p>No objection subject to conditions including the submission of a construction management plan, a master plan, details of site accesses and temporary access to be used during construction, provision of a pedestrian crossing and a travel plan.</p> <p>Guidance on the Travel Plan are also provided.</p>
5.4	SCC Education	<p>The education contribution for a development of this size would be as follows;</p> <p>28 Primary School places (28 x £11,031 = £308,868), 16 High School places (16 x £16,622 = £265,952) and 3 Sixth Form places (3 x £18,027 = £54,081). This gives a total request of £628,901 for up to 135 houses including 27 RSL dwellings.</p>

5.5	SCC Flood Risk Team	No objections subject to a condition requiring details of a sustainable surface water drainage system.
5.6	SCC Archaeology	No objection subject to a condition: <i>Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the District Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved details"</i>
5.7	SCC Rights of Way	<p>The application documents recognise the existence of Public Footpath No. 56 Yoxall Parish which crosses the application site inside the eastern boundary from north to south. It appears that the planned works will have a direct impact on the public right of way and this needs to be addressed before planning permission is given.</p> <p>The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).</p> <p>It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.</p> <p>As the proposed access road bisects the public footpath, we would ask that warning signs are placed on both footpath and access road to warn vehicles of pedestrians and vice versa.</p>

		We would ask that trees are not planted within 3 metres of the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.
5.8	Environment Agency	No objection.
5.9	Severn Trent Water	No objection subject to a condition requiring details for the disposal of foul and surface water.
5.10	Natural England	No objection subject to appropriate mitigation being secured in relation to the Cannock Chase SAC. A monetary contribution is required.
5.11	Ramblers Association	No objection subject to Public Footpath No.56 Yoxall Parish being retained and not obstructed in any way by the development.
5.12	Staffordshire Wildlife Trust	Staffordshire Wildlife Trust submits no objection to the proposals, and would welcome further consultation and involvement in detailed design should permission be granted, as the site has good opportunities for meaningful habitat enhancement and creation. We advise the following are sought: Before determination – Information: A. Clarify which hedges are ‘important’ under the Wildlife and Landscape criteria of the Hedgerow Regulations 1997, revise Phase 1 Habitat survey plan to show accurately the types of hedges present. Secured through conditions should permission be given in future – A. Assessment of higher value hedgerows (HEGS score 2- or above) against Staffordshire Local Wildlife Site criteria. Avoidance and minimisation of impacts to any species-rich hedges. B. Detailed landscaping specifications to include soils and preparation, new habitat design with reference to SBAP targets and LWS criteria, enhancement of retained hedgerows, use of locally native planting mixes and locally sourced seed material, locations and types of bird and bat boxes. C. Detailed surface water drainage design, with more surface features such as ditches/ swales in green areas, and amphibian-friendly road design. D. Recommendations as laid out in the Ecological Appraisal October 2017 by FPCR E. Method statement for clearance/ construction to reduce impacts to amphibians. F. Ecological Management Plan to secure ongoing management and monitoring of important habitats and species.

5.13	The National Forest	<p>The NFC is disappointed that the submission does not state how the requirements of Strategic Policy 26 will be addressed. The required 1.47ha of woodland planting and landscaping could be accommodated on site if the proposed areas of public open space are suitably landscaped.</p> <p>The NFC requests that the Development Framework Plan is amended to show avenue tree planting to the primary road.</p> <p>The NFC also requests that the following conditions are imposed:</p> <ul style="list-style-type: none"> • Details submitted with the reserved matters application setting out how the requirements of Strategic Policy 26 will be addressed on site. • Protection of retained trees and hedgerows. • Further details and implementation of avenue tree planting as required by Strategic Policy 24.
5.14	Architectural Liaison Officer	<p>I object to this application. The main concern is that the existing vulnerable dwellings and plots that back onto the existing Public Right of Way (Green Corridor) will suffer as a result of providing greater ease of access and escape for potential criminals. Coupled with the addition of access to the north and south of these proposals, this creates an even higher level of pedestrian permeability and ease of access and escape. Providing this permeability without providing direct natural surveillance over the Green Corridor and links to Public Open Space provides potential criminals with the opportunity to explore this neighbourhood unchallenged with further ease of access and escape having committed crime.</p> <p>Further guidance is included in their full response.</p>
5.15	Sport England	No objections.

Internal Consultees		Response
5.16	Environmental Health	<p>Noise</p> <p>The noise consultants have confirmed that as there is no proposed changes from the recent 2015 planning application and the application, there is no change to the impacts that have been assessed, therefore, Environmental Health has no objections subject to</p>

		<p>condition as recommended previously:</p> <p>Conditions</p> <ol style="list-style-type: none"> 1. Prior to the commencement of development, the applicant shall submit to and for the approval by the Local Planning Authority measures to minimise adverse impacts of noise on existing residential receptors in the Lightwood Road cul-de-sac associated with the creation of the access on Lightwood Road. Development has the meaning in the informative below. <i>The condition is advised so that the Local Planning Authority has opportunity to comment on the final design and layout to ensure the external amenity areas of adjoining properties (particularly 59 and 61 Lightwood Road) are protected from traffic noise on the development site to minimise adverse impacts from the change in sound level unless the LPA that this can be satisfied by an alternative condition.</i> 2. Prior to the commencement of development, a noise control strategy shall be prepared and submitted to and agreed by the Local Planning Authority to minimise adverse impacts of noise and vibration during the development. The scheme shall use the guidance available in the most recent version of BS5228 parts 1 (noise) and 2 (vibration). Development has the meaning in the informative below. 3. No construction vehicles or heavy goods vehicles associated with the development shall access the development site via Lightwood Road unless by prior agreement with the Local Planning Authority. Development has the meaning in the informative below. 4. Development hours (Development has the meaning in the informative below), but does not include staff arrival at the site, meetings held on the site or site walkovers/ setting out using non-noise making equipment. <ul style="list-style-type: none"> ▪ 08:00 – 18:00 Monday to Friday ▪ 08:00 – 16:00 Saturday (EXTERNAL WORKS TO FINISH AT 14:00) ▪ 10:00 – 14:00 Sunday/ Bank Holiday (THERE SHALL BE NO EXTERNAL WORKINGS) <p>INFORMATIVE</p> <p><i>For the purpose of the above conditions, development shall include all aspects of construction, including enabling works, initial ground works, deliveries, works undertaken by utility companies, construction of access roads,</i></p>
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		<p><i>construction of properties, piling and construction storage yards and offices.</i></p> <p>Air Quality</p> <p>No objections based on the submitted air quality assessment.</p> <p>Contaminated Land</p> <p>No objections based on the submitted preliminary risk assessment subject to conditions.</p> <p>A Phase 1 preliminary risk assessment undertaken by RSK, dated October 2017 has been submitted with this application which identifies the need for an intrusive ground investigation to reduce uncertainty in the conceptual model from ground contamination or ground gases; therefore, the following condition is proposed:</p> <p>CONDITION</p> <p>No development approved by this permission shall be commenced prior to submission (and subsequent approval in writing) of documents 1) and 2) to the Local Planning Authority (LPA), together with a timetable of works. Works can only proceed once written approval of the submissions has been obtained from the LPA.</p> <p>Any contaminated land assessment must be carried out in accordance with current UK guidance and should include a conceptual site model.</p> <p>In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration, I request the following:</p> <ol style="list-style-type: none">1) An Intrusive Site Investigation based on the findings of the desktop study carried out by a suitably qualified person. This should suitably characterise the site in terms of any contamination, asbestos, or gas generation that may be evident on site.2) If remedial measures are required, a Remediation Method Statement shall also be submitted, detailing works to be carried out to mitigate or remove the contamination.3) If any additional contamination is identified or discovered during works on site, which has not previously been considered in the Remediation Method Statement, then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the developer has submitted additional remediation proposals for approval.
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	<p>Any approved proposals shall thereafter form part of the Remediation Method Statement.</p> <p>4) Upon completion of the works, a Remediation Validation Report (Phase 3) shall be submitted. This should include a signed declaration outlining the remediation works that have been carried out, and confirmation that remedial targets have been achieved to the satisfaction of the LPA. This shall be submitted prior to any occupation of any of the dwellings on site unless otherwise agreed in writing by the LPA.</p> <p>It is recommended that all reports are submitted electronically where possible.</p> <p>PHASED DEVELOPMENT: If works are intended to complete on a phased basis, then it is acceptable to submit details, and subsequent validation reports on a phased basis also, provided that plans showing the relevant area are also submitted alongside the other details for each phase.</p> <p>Reason for condition(s): To detect and prevent unacceptable risks to health and pollution of the environment in accordance with the aims and objectives of the National Planning Policy Framework. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.</p> <p>ADDITIONAL NOTES</p> <p>i) It is essential that all parties concerned with the development of the site are informed of the risks and appropriate measures should be taken to protect worker safety, such as PPE and hygiene practices. All works shall be carried out with regard to Health and Safety legislation.</p> <p>ii) Any material imported for landscaped areas or gardens should be analysed to ensure it is suitable for use, the results of which should be submitted to the Local Authority for approval.</p> <p>iii) Please refer to the attached informative for advice on the requirements of this condition.</p> <p>INFORMATIVE</p> <p>The Council's Environmental Health Department offers the following advice regarding the preparation of the recording and remediation of ground contamination.</p> <p>– A Phase 1 'Desktop' Study, carried out by a competent</p>
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	<p>person, should be completed as a first step. This is used to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site (historic and current). The Phase 1 study will inform later stages of the investigation.</p> <p>– If the Desktop Study indicates a potential for contamination, a Phase 2 Intrusive Site Investigation should follow to identify areas of contamination and allow a site-specific risk assessment to be completed. This work should be completed in line with: BS10175 - Investigation of Potentially Contaminated Sites - Code of Practice; and BS5930 - Code of practice for site investigations. The main objective for this Phase 2 report should be to quantify the risk to human health, groundwater and surface water.</p> <p>– Where remediation of the site proves necessary, a remediation strategy may be discussed with this Authority's Contaminated Land Officer in advance of detailed submission to the LPA. This can be helpful to both parties in resolving any issues with the site.</p> <p>– To speed up the process, it is suggested that all investigation and associated reports are submitted to the LPA as soon as they are completed. These should be produced in duplicate with copies being made available to both Planning Control and Environmental Health Divisions of this Authority. Submission of an additional copy in electronic format is also welcomed.</p> <p>Advice on Phase 3 Reports – Remediation & Validation These reports should include information on the following:</p> <p>i) Remediation Statements</p> <ul style="list-style-type: none"> • Objectives of the remediation works. • Details of the remedial works to be carried out, to include: <ul style="list-style-type: none"> * Description of ground conditions (soil and groundwater). * Type, form and scale of contamination to be remediated. * Remediation methodology. * Site plans/drawings. * Phasing of works and approximate timescales. * Consents and licences e.g. (discharge consents, waste management licence, asbestos waste material removal licence etc.). * Site management measures to protect neighbours. • Details of how the works will be validated to ensure the remediation objectives have been met; to include: <ul style="list-style-type: none"> * Sampling strategy. * Use of on- site observations, visual/olfactory evidence. * Chemical analysis. * Proposed clean-up standards (i.e. contaminant concentration).
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		<p>ii) Validation Reports</p> <ul style="list-style-type: none"> • Include information as detailed in i) above. • Details of whom carried out the work. • Details and justification of any changes from original remediation statement. • Substantiating data - should include where appropriate: <ul style="list-style-type: none"> * Laboratory and in situ test results. * Monitoring for groundwater and gases. * Summary data plots and tables relating to clean-up criteria. * Plans showing treatment areas and details of any differences from the original remediation statement. * Waste management documentation. • Confirmation that remediation objectives have been met.
5.17	Waste Management	<p>The developer will be required to provide the appropriate external storage containers for refuse and recycling collection (in accordance with the Council's specification) or pay a financial contribution to the Council for their provision via a Section 106 Agreement. If a Section 106 Agreement is not appropriate, this should be referenced by way of a suitable condition. This will be based on £75 per dwelling.</p> <p>The developer must ensure that all containers are provided to residents prior to occupation and prior to the commencement of the Council's collection service. A detailed specification of all container types may be obtained from the Environment section.</p>
5.18	Open Spaces	<p>A 135 home site requires the following open space provision. Developers should note that under provision in one type can be offset with over provision in the other. Additionally, SUDs should be excluded from the sum of total of any open space provided.</p> <p>Children's equipped play 135 x 1.16 = 156.6sqm2 Parks & Gardens 135 x 3.02 = 407.7sqm2 Semi natural greenspace 135 x 68.4 = 9234sqm2 Amenity greenspace 135 x 29.7 = 4009sqm2, Allotments 135 x 7.89= 1065sqm2 Playing pitches= 6200sqm2.</p>
5.19	Planning Policy	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the Framework refers to this statutory presumption and paragraph 12 states that development proposals that conflict with an up-to-date development plan should be refused unless material considerations indicate otherwise.</p> <p>The Local Plan sets out in Strategic Policies 2 and 4 a</p>

		<p>development strategy directing growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:</p> <ul style="list-style-type: none"> • Focus the majority of development at Burton Upon Trent • Allocate a significant level of development at Uttoxeter • Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and • Control new development in all other villages and hamlets <p>Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:</p> <ul style="list-style-type: none"> • essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or • providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or • in accordance with a 'made' Neighbourhood Plan; or • development under the Rural Exception Sites policy • Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or • Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or • Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or • Provision for renewable energy generation, of a scale and design appropriate to its location • Otherwise appropriate in the countryside <p>The application site is outside the settlement boundary for Yoxall and is not one of the exceptions listed in SP8. As such does not conform to the strategy proposed in the adopted Local Plan.</p>
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	<p>The Yoxall Neighbourhood Development Plan was 'Made' on the 17th August 2015. Strategic Policy 4 of the Local Plan identifies that Yoxall, a tier 2 village (due to it offering a limited range of services and facilities), has an allocation of 40 dwellings. The Neighbourhood Plan acknowledges the need to accommodate this level of provision within Strategic Aims 1 and 2, which identify that the village will meet its strategic allowance, through permitting the development of a Greenfield site at Leafields Farm for 40 dwellings with the strategy also aiming to see the delivery of 20 dwellings by way of windfall within the settlement boundary.</p> <p>Section 4 of the YNDP identifies that after undertaking community consultation in April / May 2012, three potential sites were identified by residents in order to accommodate the strategic housing allowance identified for the village, which were Leafields Farm, Bond End and land at Bondfield End. The application site was not considered as a potential site to which assessment criteria would be applied.</p> <p>The application site is not located within the development boundary for Yoxall, as identified within illustration 5A of the Neighbourhood Plan. It therefore follows the scheme cannot be considered against the requirements of Policy H1, which relates to residential development within the development boundary and it falls for the application to be determined in accordance with Policy H2, which provides allowances for housing outside of the development boundary. The policy states that;</p> <p>Development proposals outside the Settlement Boundary will be permitted if it can be demonstrated that:</p> <ul style="list-style-type: none">a) the development is on a small site and would provide affordable housing for evidenced local need. Small number of market homes may be permitted where this is essential to enable the delivery of affordable units, andb) the development preserves or enhances the character or appearance of the area, andc) where relevant, the development brings redundant or vacant historic buildings back into beneficial re-use <p>A proposal of up to 135 dwellings may be considered small scale in some cases however this is not considered the case in relation to the Neighbourhood Plan where the development strategy is based on delivering 40 dwellings on one site allocation and 20 dwellings on windfall sites within the settlement boundary over the plan period 2012 –</p>
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		<p>2031. The proposal is in effect an extra 125% of housing to the strategy. Whilst the scheme would be required to provide affordable housing, it is evident that the scheme is not a predominately affordable housing development and as such does not meet the first criteria of the policy. It is not considered that the development of a greenfield site preserves or enhances the character or appearance of the area. In relation to the final criteria of the policy, the proposal does not involve the reuse of land or buildings and as such fails to comply with this Policy. Overall the proposal is contrary to the requirements of the YNDP.</p> <p>For housing applications outside settlement boundaries, in line with SP8 and SP18, applicants are required to provide evidence demonstrating housing need which cannot be accommodate within existing settlements. The applicant in meeting this requirement has stated that <u><i>a housing needs assessment was carried out in February 2017 by Pegasus in support of application P/2015/01739 and that therefore it is clear that in accordance with paragraph 9.4 of the SPD, that the results of a valid survey already exist from a previous development proposal and no further survey effort is required.</i></u> The Housing Choice SPD, which sets out guidance on housing needs surveys with the aim of supporting Strategic Policy 18 which allows for housing development in the countryside exceptionally, in particular for affordable led housing, states that a <i>“housing needs survey will need to be carried out once a specific development opportunity is being promoted, unless valid survey results already exist e.g. from the development of a Neighbourhood Plan or a previous development proposal.”</i></p> <p>The application P/2015/01739 was refused on 15th March 2018 and so it is not possible to provide judgement on whether the results demonstrate valid survey results. In any event, that survey concluded a housing need for 11 households, not for housing needs resulting in a scheme of 135 dwellings.</p> <p>The applicant also refers to information set out in the Local Plan regarding the overall housing requirement over the plan period, the affordable housing requirement and information on housing, including affordable housing completions concluding that housing need “is an authority wide problem and needs to be addressed as such, with all sustainable settlements capable of accommodating additional growth absorbing some of the requirement. Yoxall is identified as a tier 2 settlement and identified as one of the two largest villages in this tier, the other being Abbots Bromley, it is therefore evident that Yoxall is able to take higher levels of growth not suitable for other settlements in this tier.”</p>
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The Borough Councils 5 year land supply paper includes consideration of past delivery rates and concludes there is a five year land supply, meaning that the housing needs identified in the Local Plan will be met. With regards to affordable housing, there has been delivery of affordable housing since the plan was adopted and a number of signed S106 agreements committing to future delivery of affordable housing. Therefore provision of affordable housing as part of this proposal does not outweigh the policy conflict.

The applicant, through the determination process has also challenged the five year land supply calculation, published by the Council on 3rd November 2017. In particular the applicant has questioned the expected delivery of many of the sites. However it is not considered appropriate to alter single elements of the five year land supply, without a full review of all elements. The Council can demonstrate a five year land supply and there is, therefore, no need for the release of a large greenfield site outside of the Local Plan development strategy.

There are no material considerations that indicate the decision should be made otherwise than in accordance with the development plan. Overall, the proposal does not accord with the development strategy through conflicting with policies SP2, SP4 and SP8 of the Local Plan and policy H2 of the Local Plan and therefore the proposal is recommended for refusal.

Cannock Chase SAC

The site is located within the 15km catchment area of the Cannock Chase Special Area of Conservation (SAC) (at an approximate distance of 12km) and as such the development could have a potential impact upon the area by way of increasing the recreational pressure to the site. Whilst the proposed development, and the wider local area provides open space which would provide recreational opportunities for residents, including dog walkers, it is the situation now where developments are required to provide contributions to be spent on mitigation for Cannock Chase SAC. However monies, as agreed by the Cannock Chase SAC Partnership (of which Natural England is a member in an advisory role) will be gathered for developments within 0-8km. This is supported by DP11 of the Local Plan which states:

Development will only be permitted where it can be demonstrated that it will not lead (directly or indirectly) to an adverse effect upon the integrity of a European Site, alone or in combination with other plans or projects.

		<p><u>Cannock Chase Special Area of Conservation (SAC)</u></p> <p><i>All development that results in a net increase in dwellings within 15km of Cannock Chase SAC will be required to mitigate any adverse impacts upon the SAC in line with ongoing work by partner authorities to develop a Mitigation and Implementation Strategy.</i></p> <p><i>This may include contributions to access management and visitor infrastructure; publicity; education and awareness raising;</i></p> <p><i>The effective avoidance and/or mitigation of any identified adverse effects must be demonstrated and secured (e.g. by legal agreement) prior to approval of the development.</i></p> <p>Whilst the site is outside of the 8km ‘buffer’, due to the site being outside the development strategy on which the assessment of impacts has been based a financial contribution is considered appropriate as a way to mitigate against the additional impacts on Cannock Chase SAC. This would ensure there is no significant effect on the Cannock Chase SAC in combination with other plans, projects and programmes. This approach is consistent with advice provided by other authorities within the SAC Partnership. A figure of £230 per dwelling (£31,050 in total) is considered reasonable and in line with that forming the basis of an agreed and costed mitigation package for the Cannock Chase Partnership.</p> <p>It is worth noting that the mitigation isn’t required to make the development acceptable in planning terms, but to meet the Habitat Regulations. East Staffordshire Borough Council has a duty as a Competent Authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that planning application decisions comply with the Habitats Regulations.</p>
5.20	Housing Strategy	<p>The affordable housing requirements in line with Strategic Policy 17 will be as follows:</p> <p>40% of scheme will be required for affordable housing. The amount of affordable housing which must be on site can be determined at the reserved matters stage and at a level consistent with any evidence of local need, but no less than 13%.</p>

6. Neighbour responses

6.1 126 letters have been received. The comments are summarised below:

Neighbour responses	
Principle	The site is outside of the defined development boundary and is not supported in the Yoxall Neighbourhood plan – it is

	<p>therefore contrary to adopted planning policies.</p> <p>A similar development has already been submitted and consequently refused by the LPA and the Planning Inspectorate – nothing has changed in policy terms since then.</p> <p>Local services such as schools and healthcare providers are at capacity and cannot cope with additional development. The doctor surgery is privately owned and does not have capacity to expand.</p> <p>Unsustainable development - Brownfield sites in towns should be utilized before any more land in rural villages is developed.</p> <p>Yoxall has delivered its quota of housing allocated to the village and as such no further development other than the windfall sites should be allowed to come forward. Insufficient evidence to suggest that there is further need for housing in the village.</p> <p>The scale of the development is disproportionate to the scale of the existing village.</p> <p>Loss of the rural edge to the village and impact upon the character of the area.</p> <p>The development would increase the number of dwellings in the village by a quarter.</p> <p>No demand in the village for further development. The need has been met by other development in the village already.</p> <p>New dwellings in the village are yet to be occupied suggesting there is no demand.</p> <p>No employment opportunities in the village that would support the additional development.</p> <p>Loss of valuable agricultural land.</p> <p>Development does not cater for first time buyers or those wanting to downsize, not enough affordable homes. Insufficient housing mix proposed.</p> <p>The Neighbourhood Plan should be respected – it was written by the villagers and expresses their wishes with regard to development in Yoxall.</p> <p>The village cannot be accused of ‘NIMBYism’, the village has proactively allocated development to meet local need and this</p>
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	<p>has been satisfied through recent development in the village.</p> <p>The Council can demonstrate a robust 5 year land supply and as such this proposal is not justified.</p> <p>Inadequate services and facilities within the village to serve a growing population of this magnitude, meaning people will be forced to leave the village to obtain such goods and services which is in itself wholly unsustainable.</p> <p>S106 monies are unlikely to benefit the local community as monies are often put into a wider 'pot' and spent elsewhere. Therefore there would be no direct benefit to the local community.</p> <p>The submission fails to make an adequate case for the social, environmental and economic benefits of the scheme.</p> <p>This is a huge development which is out of character with the scale of the existing village.</p> <p>The proposal completely underestimates the landscape and visual significance of the site. Significant intrusion into the open countryside affecting its character and appearance.</p> <p>Impact upon the historical character and form of the village. This is a rural village within the National Forest, this character should be respected.</p> <p>A development of this size would dilute the village's sense of community to its detriment.</p> <p>Lack of open space provision for the enjoyment of adults – why is open space always aimed at children. The scheme should include a trim trail or outdoor gym.</p>
Impacts on Amenity	<p>Noise, pollution and disturbance from both the new dwellings and the access route.</p> <p>The volume of traffic using the existing quiet residential roads will have a negative impact upon the existing resident's quality of life.</p> <p>Loss of 'green community space'.</p> <p>Light pollution</p> <p>Loss of privacy to existing dwellings.</p> <p>Severe disruption during construction phases.</p>

Highways Impacts	<p>The access is via a narrow cul-de-sac which is not adequate to cope with the volume of traffic proposed.</p> <p>135 dwellings using this single access point is unpractical and dangerous.</p> <p>There is inadequate public transport to and from the village.</p> <p>The additional traffic in the village will put undue pressures on existing road network.</p> <p>The A515 is a very busy road and snakes through the village, the road cannot cope with yet more traffic. HGVs and Articulated vehicles use the road and cause congestion.</p> <p>Congestion in the village further exacerbated by the development.</p> <p>The emergency access proposed onto Bondfield Lane is not safe nor adequate.</p> <p>Traffic surveys and assessments were undertaken in the middle of the day when people were out at works etc and do not therefore reflect the true situation.</p> <p>Lightwood road and surrounding residential areas are already compromised by a large amount of vehicles parking on the road. This will impede the access to the site significantly.</p> <p>Getting out onto the A515 will be very busy and dangerous.</p> <p>Inadequate pavements linking the development to the village centre, therefore there is significant danger to pedestrians.</p> <p>Bondfield Lane should be widened to create a second access/egress point to alleviate the heavy traffic through the estate. An island should be installed to manage traffic flows.</p> <p>Parking in the village is a big issue and will be further exacerbated by this development.</p> <p>Housing need should be met by way of delivering small windfall sites within the development boundary as stated in the Local Plan and Neighbourhood Plan.</p>
Flood and drainage impacts	<p>Additional pressure on existing sewage systems which are at capacity</p> <p>The use of attenuation ponds/lakes for drainage solutions</p>

	<p>pose a danger to children.</p> <p>Existing issues of surface water flooding in the area which will be exacerbated by the development. Neighbouring properties are already badly affected by this.</p> <p>Land levels are not shown accurately and therefore the flooding issues have not been assessed accurately.</p> <p>Hedges and ditches will be removed which will increase run off flows across the site and will have a negative impact upon the neighbouring properties.</p>
Ecology	<p>Loss of valuable habitat for wildlife.</p> <p>Loss of mature trees.</p> <p>Loss of important hedgerows.</p> <p>The application is not accompanied by a detailed soil analysis, this land is Grade 3 agricultural land and as such its loss is significant. Soil analysis should be undertaken to adequately assess the quality of the land.</p> <p>Loss of significant amount of biodiversity.</p>
Other	<p>Loss of views from existing dwellings.</p> <p>Loss of property values in the vicinity.</p> <p>The developers do not care about the village or who the development affects.</p> <p>The developer claims that they have engaged with the community extensively – this is not the truth.</p> <p>The submission of the application over Christmas was in poor taste by the developer.</p> <p>Pressure on the Parish Council to take on play areas and open space without sufficient funding is unfair.</p> <p>Neither the Council nor the villagers should be bullied by these developers. We need to stand by our Plans.</p>

7. Policy Framework

6.1 National Policy

National Planning Policy Framework

National Planning Policy Guidance

6.2 Local Plan

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 8 – Development Outside Settlement Boundaries
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 30 – Locally Significant Landscape and Views
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 5 – Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and Archaeology.
Detailed Policy 7 – Pollution
Detailed Policy 8 – Tree Protection

6.3 'Made' Yoxall Neighbourhood Plans

H1 – development Inside the Yoxall Settlement Boundary
H2 – Housing Development Outside Yoxall Development Boundary
H3 – Windfall Sites
D1 – Protecting and Enhancing the Historic Rural Character of Yoxall
D2 – Design of New Development
RE1 – Flood Risk

6.4 Supplementary Planning Documents/Guidance

East Staffordshire Design Guide
Parking Standards
Waste Storage and Collection Guidance for New Development
Yoxall Conservation Area Appraisal
Yoxall Village Design Guide
Community Infrastructure Levy (CIL) Regulations 2010
Written Ministerial Statement on Neighbourhood Planning of 10 July 2014.

8. Principle of Development

8.1 The NPPF states that 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. Paragraph 14 of the NPPF states that 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.

8.2 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

9. 5 Year land Supply

9.1 The most recent calculation uses figures as at 30th September 2017 and concludes there is 5.23 years of supply. Therefore the policies in the Local Plan and Made Neighbourhood Plan can be considered up to date.

10. Local Plan

10.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

10.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and

enhances buildings of heritage importance, setting and historic landscape character;

- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 As set out above the site is grade 3 agricultural land. In terms of the loss of agricultural land, the NPPF in paragraph 112 states ‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality’: The NPPF does not define “significant”, leaving that to the decision taker, however there is an obligation on local planning authorities to consult Natural England where in excess of 20 ha of BMV land is likely to be involved. It is considered that this indicates a threshold of national significance and the site does not fall into this category. Whilst the site will still result in a loss of grade 3 land, this is not grade 3a as specified in policy SP1 and therefore it is not recommended that the loss of agricultural land is a sufficient reason for refusal.

10.4 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:

- Focus the majority of development at Burton Upon Trent
- Allocate a significant level of development at Uttoxeter

- Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
- Control new development in all other villages and hamlets

10.5 The plan identifies a number of sustainable urban extensions which are expected to meet a variety of principles set out in Strategic Policy 7.

10.6 The site is located outside of any defined settlement boundary within the Local Plan (adopted 15th October 2015) and the 'Made' Yoxall Neighbourhood Plan ('Made 17th August 2015). Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:

- essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
- in accordance with a 'made' Neighbourhood Plan; or
- development under the Rural Exception Sites policy
- Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
- Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
- Provision for renewable energy generation, of a scale and design appropriate to its location
- Otherwise appropriate in the countryside

10.7 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

10.8 A key principle of the National Planning Policy Framework (NPPF) is directing development towards the most sustainable and least environmentally sensitive locations. Policy SP8 strives to secure the same objectives and therefore as a matter of principle it is compatible with the policies of the NPPF.

10.9 The strategy of the Local Plan is set out in Policies SP2 and SP4 and assigns growth to a hierarchy of settlements. The sustainable strategy ensures that growth is directed to a hierarchy of settlements with more growth assigned to settlements depending on their role, and the level of services and facilities that they have.

- 10.10 The application site is outside the settlement boundary for Yoxall and as such does not conform to the strategy proposed in the adopted Local Plan. It is also the case that 1000+ houses outside the strategy, many in the rural area have been consented over recent years which further supports that the site is not required to meet any identified need. Much of the Local Plan strategy has been consented in outline with reserved matters applications starting to be bought forward. The Borough Council is confident that the strategy is robust and deliverable.
- 10.11 The Yoxall Neighbourhood Development Plan was submitted to the Borough Council on the 9th February 2015 and submission consultation commenced on 16th February 2015 and ended on 31st March 2015. The Plan was examined by an Independent Examiner in April 2015 and the Council received the examiner's report on 5th May. The referendum took place on the 23rd July and 'Made' by the Council on 17th August.
- 10.12 The Yoxall Neighbourhood Plan can therefore be given full weight when determining if the principle of development is acceptable.
- 10.13 Strategic Policy 4 of the adopted Local Plan identifies that Yoxall, a tier 2 village (due to it offering a limited range of services and facilities), has an allocation of 40 dwellings. The Neighbourhood Plan acknowledges the need to accommodate this level of provision within Strategic Aims 1 and 2, which identify that the village will meet its strategic allowance, through permitting the development of a Greenfield site at Leafields Farm for 40 dwellings with the strategy also aiming to see the delivery of 20 dwellings by way of windfall within the settlement boundary.
- 10.14 Section 4 of the Yoxall Neighbourhood Plan identifies that after undertaking community consultation in April / May 2012, three potential sites were identified by residents in order to accommodate the strategic housing allowance identified for the village, which were Leafields Farm, Bond End and land at Bondfield End. The application site was not considered as a potential site to which assessment criteria would be applied.
- 10.15 An application to develop Leafields Farm was submitted to the Borough Council in January 2014, our reference P/2014/00039 for an 'Outline application for the erection of up to 40 dwellings including means of access with all other matters reserved'. A decision to conditionally approve the scheme was made on 02/10/2014. A subsequent reserved matters application was approved in 2015 and the development is nearing completion.
- 10.16 The application site is not located within the development boundary for Yoxall, as identified within illustration 5A of the Neighbourhood Plan. It therefore follows that the scheme cannot be considered against the requirements of Policy H1, which relates to residential development within the development boundary and it falls for the application to be determined in accordance with Policy H2, which provides allowances for housing outside of the development boundary. The policy states that; Development proposals outside the Settlement Boundary will be permitted if it can be demonstrated that:
- a) the development is on a small site and would provide affordable housing for evidenced local need. Small number of market homes may be

permitted where this is essential to enable the delivery of affordable units, and;

b) the development preserves or enhances the character or appearance of the area, and;

c) where relevant, the development brings redundant or vacant historic buildings back into beneficial re-use.

10.17 A proposal of up to 135 dwellings may be considered small scale in some cases however this is not considered the case in relation to the Neighbourhood Plan where the development strategy is based on delivering 40 dwellings on one site allocation and 20 dwellings on windfall sites within the settlement boundary over the plan period 2012 – 2031. The proposal is in effect an additional 125% of housing to the strategy. Whilst the scheme would be required to provide affordable housing, it is evident that the scheme is not a predominately affordable housing development and as such does not meet either policy SP18 of the adopted Local Plan or policy H2 of the Made Neighbourhood Plan. The impact on the character of the area is considered within this report and not concluded here. In relation to the final criteria of the policy, the proposal does not involve the reuse of land or buildings and as such fails to comply with this Policy. Overall the proposal is contrary to the requirements of the Yoxall Neighbourhood Plan.

10.18 Yoxall has a number of services and facilities including a post office, pubs, primary school, play areas, hairdressers, butchers, shop and health centre. These are all within approximately 600 metres of the application site. Through the consultation process, a response from the health centre has been received setting out that there is insufficient capacity at the practice to provide healthcare for new patients that would be expected from a development of this size. Having reviewed the response which sets out that the practice has a large number of patients, many of which live outside of the settlement of Yoxall it is not considered that this issue alone would warrant a refusal reason. It has become normal practice in many areas for people to have to travel to meet healthcare needs. Whilst this is not ideal, it is often outside the remit of the planning system. The applicant has addressed this issue briefly in the Health Impact Assessment and has stated that the issue could be alleviated by way of a financial contribution towards health care as part of a S106 Agreement. The letter from the Health Centre states even with a financial contribution the issue will not be solved as there will be further issues of how the practice can be expanded in its current form. However, it is considered a reasonable approach for a developer to provide a monetary contribution in order to ensure that the impacts from the development are adequately addressed. Therefore the issue is not considered significant enough to warrant a refusal reason.

10.19 - The Housing Needs Statement submitted as part of this application relies on the findings of the Housing needs assessment carried out as part of another planning application in the vicinity at Bond End by Pegasus in February 2017, a development proposing eight units (Planning Reference P/2015/01739). This approach is allowed under paragraph 9.4 of the SPD which states that a *housing needs survey will need to be carried out once a specific development opportunity is being promoted, unless valid survey results already exist e.g. from the development of a Neighbourhood Plan or a previous development proposal.*

10.20 The Housing needs assessment prepared to support the separate application referred to above concluded that there was a housing need arising from 11 households. The housing need was specifically for affordable housing or housing suitable for older people. This application was refused on the 15th March 2018 due to the scheme not providing sufficient affordable housing as required by Strategic Policy 18 of the Local Plan and the impact on the character of the area, particularly the Yoxall Conservation Area. Taking this into account, it is not considered that the housing needs set out in the supporting documentation from the Bond End application or subsequent refusal of the application results in material considerations, or an overriding need for the Lightwood Road development which means that the application should be determined with regards to the Development Plan.

10.21 Notwithstanding the numerous policy considerations referenced above and case made by the applicant, the application is contrary to SP2, SP4 and SP8 of the Local Plan and H2 of the 'Made' Yoxall Neighbourhood Plan and the principle of development is not supported by any relevant policy.

11. Design and Impact on the character and appearance of the area

11.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

11.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.

11.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.

11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.

11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. 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) 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.
- 11.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.7 Strategic Aim 3 of the Yoxall Neighbourhood Plan seeks to ensure that all new developments are well designed and therefore integrate successfully into the character of the village. Policy D1 states that development in and around Yoxall village must protect, complement or enhance the historic rural character of the settlement and its hinterland, which is identified in Appendix A: Yoxall Village Design Statement, Appendix B: Yoxall Character Analysis, and Yoxall Conservation Area Appraisal. Applicants must explain, in a Design and Access Statement or otherwise in writing, how the proposed development will protect, complement or enhance the historic and rural setting of the Parish with regard to:
- a) the scale and form of the development,
 - b) the density of the development,
 - c) the materials used in the development, and
 - d) elevated views of Yoxall village and its landscape setting.
- 11.8 The Yoxall Settlement Character Analysis (Appendix B of the Yoxall Neighbourhood Plan) states that the western edge of the settlement is defined in a contrasting manner. It comprises mainly residential development, but also the extended St. Peter's Church yard (burial ground), together with the playing field of Yoxall, St. Peter's Primary School. This edge generally lies on, or just below the 70 metre contour. The edge is 'balanced' in part with some retained hedgerow vegetation together with some more domestic (garden) scale planting, and also includes the Ferrer's Field play area. Whilst this edge is not defined on the ground by as strong a landscape feature as the eastern edge is, the consolidated linearity of the built form together with a generally consistent topographical level has created a clear definition that, whilst different in character to the eastern edge, is just as strong and just as important in its contribution to the overall character pattern of the settlement.
- 11.9 The area surrounding the application site is predominantly agricultural land on the rural western edge of the village with a more modern housing development running the entirety of the eastern boundary of application site. The development proposes to extend the built form out from the existing western edge of the settlement, which would jar with the linear form of existing development and consequently erode the rural edge and character of the settlement on the southern and western edges.

- 11.10 The application is accompanied by a development framework plan which broadly illustrates how the development may be accommodated on the site. The plan indicates the access point from Lightwood Road and shows blocks of development divided by the main circular access road, areas of linked open spaces and retained hedgerows. There is an area of public open space with an equipped play area in the centre of the site and an area to the west set aside for National Forest planting. To the south east of the site there is a SUDs attenuation feature and proposed location for an emergency access onto Bondfield Lane. To the eastern boundary there is a green corridor which accommodates the existing public footpath and retains it in its current position and route. This area also provides a degree of a buffer between the existing built form to the east.
- 11.11 The developable area proposed equates to an area of 4.54ha which results in a housing density of up to 29.7 dwellings per hectare (18 dwellings per hectare gross). The scheme offers 2.63ha of open space and sets aside 0.19ha for the SUDs attenuation pond/feature.
- 11.12 The layout of the site also raises a further issue for consideration given the location of the site to the edge of the village. The proposal will have a negative impact upon the open landscape character of Yoxall, especially when travelling along Bondfield Lane, away from the village. This harm is localised and subject to the use of a good layout and design, will not amount to a significant impact upon the character of the area. Looking towards the village from Bondfield Lane, the impact is considered in the context of the backdrop of existing housing and as such is not considered significant. There is no vehicle access onto Bondfield Lane apart from emergency access and this allows the character of Bondfield Lane to retain an element of rural character.
- 11.13 The indicative layout shows retention of hedgerows around the site boundary in most parts. There will be some removal for access. As noted above, the scheme is submitted in outline with all matters reserved, with the exception of the access arrangements, for later approval, however the illustrative layout shows the site is of a shape and scale conducive to accommodating the level of development proposed, and on balance it is considered that, subject to the submission of appropriate reserved matters, up to 135 dwellings can satisfactorily be accommodated on the site whilst preserving the character of the area

12. Residential Amenity

- 12.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks 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.
- 12.2 Whilst an indicative layout has been submitted, details of the design and position of windows of the proposed dwellings have not been included at this stage, however, the illustrative layout plan and Design and Access Statement demonstrate that there is sufficient space within the site to accommodate the number of dwellings proposed. The public right of way ensures that there will be sufficient distance between the proposed and existing properties.

12.3 The proposal will lead to an element of additional noise and disturbance through increased activity and comings and goings, particularly for those properties on Lightwood Road which is currently a cul-de-sac. The evidence shows that the level of noise will be no more significant than that of a usual housing development. Operating hours can also be conditioned. East Staffordshire Noise Officer has raised concerns over the evidence supplied with the application and whilst is in agreement with the findings in principle has concerns over the change in noise levels for those properties on Lightwood Road, particularly those directly adjacent to the access point onto the development site. In weighing up the balance it is considered that conditions could be attached to the decision should permission be granted to reduce the impacts during the construction phase and that careful consideration of boundary treatments, layout, materials and level of development at the entrance of the site can be carried out at reserved matters. Whilst this will not remove the impact it will go some way to reduce the impact. It is therefore not considered that the change in noise levels would have a significant adverse impact.

12.4 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.

13. Sustainability (energy efficiency and low carbon)

13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
- incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
- use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
- incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in 'Biodiversity by Design' or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;

- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

13.2 Whilst the proposal does not propose to include details of any renewable energy sources or specific green construction techniques it does propose the incorporation of a Sustainable Urban Drainage System (SUDS).

13.3 It is considered that other sustainable development techniques could be employed across the site to individual properties to include water conservation measures and renewable energy systems among others and could be secured by a condition if permission were to be granted.

14. Highway Matters

14.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

14.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

14.3 Strategic Aim 4 of the YNDP requires that new development be integrated into this area without worsening existing traffic problems.

14.4 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.

14.5 The application proposes a single point of access to serve up to 135 dwellings. The new vehicular access would be located off Lightwood Road between properties 59 and 61.

14.6 Whilst it is noted that there have been a number of concerns raised regarding impacts on the highway safety and amenity impacts for those residents, the proposal is satisfactory in highway terms. Emergency access in the south east corner of the site is proposed. Taking this response into account, it is not considered that the proposal would prejudice the safe or efficient use of the highway network. In arriving at this conclusion the views of the Highways Authority have been taken into account.

- 14.7 There are a number of public rights of way and permissive footpaths at the site and these have been incorporated into the indicative layout. There is some concern from the police architectural liaison officer regarding surveillance of and security as a result of the layout, however as it is indicative only these issues can be overcome through the reserved matters process

15. Historic Environment

- 15.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 15.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 15.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 15.6 Having regard to the relationship with heritage assets, the Yoxall Conservation Area is located approximately 115m to the east of the development. The nearest listed structures are located 145m to the east, the nearest being Bondfield Manor House which is a Grade II listed building.
- 15.7 The site is separated from all identified heritage assets by existing residential development and as such there is no intervisibility between the identified heritage assets set out above and the site in question. It is therefore considered

that the development will not harm the setting or character or appearance of any listed buildings or structures or conservation areas and as such Section 66 and Section 72 or are not engaged in this instance.

16. Flood Risk and Drainage

- 16.1 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. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 16.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 16.3 The site is classified as being wholly located within Flood Zone 1 with a very low risk of flooding.
- 16.4 The application is accompanied by a flood risk assessment and proposed drainage strategy. The proposed strategy includes the provision of sustainable urban drainage attenuation pond (SUDS) in the south east corner of the site. The SUDS will provide a storage facility for excessive surface water run-off and will reduce the rate at which it enters watercourses downstream. This means that surface water will not leave the site in an unrestricted, uncontrolled manner.
- 16.5 The attenuation feature will have the capacity to store the surface water arising from the development and discharge it at a suitable rate.
- 16.6 In light of the above, it is considered that a suitable drainage strategy can be employed to adequately address the drainage requirements for the proposed development. The proposal is therefore considered to be compliant with Local Plan Policy SP27 and Section 10 of the NPPF.

17. Affordable Housing and Housing Mix

- 17.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.
- 17.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence with the Housing Choice SPD setting out the expected housing mix for those locations.

17.3 Strategic Policy 16 states that in areas outside the main towns and the strategic villages shall provide a mix of dwellings to best meet local need according to a local housing needs survey or where applicable the Councils evidence base. The Local Plan is supported by a Strategic Housing Market Assessment (SHMA) which identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period. This assessment shows that for areas outside the main towns and strategic villages that the following market housing mix is required:

Type of Housing	Percentage
1 bedroom homes (flats, houses or bungalows)	2%
2 bedroom homes (flats, houses or bungalows)	17%
Housing for older people	50%
2 bedroom houses	5%
3 bedroom houses	20%
4 bedroom houses	6%
5 bedroom houses	0%

Whilst this mix does not specifically apply to Yoxall it is broadly consistent with policy D2 of the Neighbourhood Plan which states in criteria 5 that development should provide a mix of housing types and tenures that suit local housing needs, including housing suitable for older persons as appropriate. A condition could secure an appropriate housing mix at reserved matters stage.

17.4 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(3) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications. The standard should be applied to a range of properties and not just those larger properties.

17.5 Strategic Policy 17 states that housing-led residential development that will provide 4 or more dwellings or on a site of 0.14 hectares or more shall provide up to 40% of affordable housing. The policy states the following percentages:

- On previously developed land within the built up areas of Burton and Uttoxeter; 25%
- On greenfield sites within and on the edge of Burton and Uttoxeter; 33%
- On other land; 40%

17.6 SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.

- 17.7 The Housing Choice SPD provides guidance on the expected affordable housing mix of sites.
- 17.8 The application is in outline and therefore at this stage does not propose a specific housing mix including the on site affordable housing mix. At this stage, both housing mix and M4(2) can be secured via a suitably worded condition should the proposal be approved. A formula would be included within a S106 to ensure affordable housing provision is secured both on site and off site. Taking this into consideration, the proposal can meet the requirements of SP16 and SP17 including requirements set out in the Housing Choice SPD.

18. Green Infrastructure and National Forest

- 18.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.
- 18.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet
- 18.3 The submitted indicative development framework plan shows areas of the site set aside for public open space, national forest planting and retains the footpath that runs from the northeast corner to the southeast corner of the site and the permissive footpath along the southern boundary within defined green corridors.
- 18.4 Strategic Policy 26 supports the National Forest Strategy expects developments within the National Forest to contribute towards the creation of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.
- 18.5 The indicative development framework plan indicates an area within the southwest portion of the site, set aside for National Forest planting. However, The National Forest Company has expressed concern that the submission does not state how the requirements of Strategic Policy 26 will be addressed. A development of this scale is obligated to deliver 1.47ha of woodland planting and landscaping which should be accommodated on site and this could be easily achieved if the proposed areas of public open space are suitably landscaped. This matter would be addressed through the submission of a reserved matters application if permission were to be granted.

19. Landscape

- 19.1 One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. The NPPF states that local plans should include strategic policies for the

conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.

- 19.2 Strategic Policy 30 states that development proposals will be expected to demonstrate that they have taken into account the Landscape Character Assessment for Staffordshire and consist of a scheme which reflects the landscape character and where possible enhances the landscape quality.
- 19.3 The application for development is submitted in outline with all matters, with the exception of access, reserved for subsequent approval. However, the following plans and documents have been submitted to set out how the site may accommodate the level of development proposed:-
- Development Framework Plan
 - A Design and Access Statement
- 19.4 The area surrounding the application site is predominantly agricultural land on the rural western edge of the village with a more modern housing development running the entirety of the eastern boundary of application site.
- 19.5 The illustrative layout shows a development of up to 135 dwellings served via a new access road off Lightwood Road. The application for up to 135 dwellings which would give a low density of 18 dwellings per hectare gross. Dwellings are arranged around the new access roads, with three open spaces in the middle of the site, a SUDS feature in the south east corner and national forest tree planting in the west corner. The indicative layout shows green infrastructure through the site linking the areas of open space north-south and a green link along the public right of way on the eastern boundary.
- 19.6 The layout of the site also raises a further issue for consideration. Firstly, given the location of the site to the edge of the village, the proposal will have a negative impact upon the open landscape character of Yoxall, especially when travelling along Bondfield Lane, away from the village. This harm is localised and subject to the use of a good layout and design, will not amount to a significant impact upon the character of the area. Looking towards the village from Bondfield Lane, the impact is considered in the context of the backdrop of existing housing and as such is not considered significant. There is no vehicle access onto Bondfield Lane apart from emergency access and this allows the character of Bondfield Lane to retain an element of rural character.
- 19.7 In light of the above, it is considered that the indicative layout demonstrates that a development of up to 135 dwellings on the site could accord with the principles and provisions of the East Staffordshire Design Guide, and provide a high quality development appropriate to its context which accords with East Staffordshire Local Plan Policies SP24, DP1 and DP3.

20. Biodiversity

- 20.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 20.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 20.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 20.4 The application is accompanied by an ecological appraisal and whilst it is acknowledged that the development of the site will inevitably result in the loss of habitat and foraging grounds for the local wildlife populations, appropriate mitigation and enhancement measures can be secured. Appropriate landscaping and management of areas of open space, and the retention of and provision of new trees and hedges across both the sites, maintaining habitat connectivity to the open countryside beyond, will ensure that habitat lost as a result of the development is minimised. Subject to compliance with the conditions securing suitable mitigation measures, it is not considered that the development would result in an adverse impact upon on any European protected species. The proposal therefore satisfactorily meets the sustainability requirements of the NPPF in respect of ecology and biodiversity interests in accordance with Policy SP29 of the Local Plan.
- 20.5 The site is located within the 15km catchment area of the Cannock Chase Special Area of Conservation (SAC) (at an approximate distance of 12km) and as such the development could have a potential impact upon the area by way of increasing the recreational pressure to the site. Whilst the proposed development, and the wider local area provides open space which would provide recreational opportunities for residents, including dog walkers, it is the situation now where developments are required to provide contributions to be spent on mitigation for Cannock Chase SAC. However monies, as agreed by the Cannock Chase SAC Partnership (of which Natural England is a member in an advisory role) will be gathered for developments within 0-8km. This is supported by DP11 of the Local Plan which states:

Development will only be permitted where it can be demonstrated that it will not lead (directly or indirectly) to an adverse effect upon the integrity of a European Site, alone or in combination with other plans or projects.

- 20.6 *All development that results in a net increase in dwellings within 15km of Cannock Chase SAC will be required to mitigate any adverse impacts upon the SAC in line with ongoing work by partner authorities to develop a Mitigation and Implementation Strategy. This may include contributions to access management and visitor infrastructure; publicity; education and awareness raising; the effective avoidance and/or mitigation of any identified adverse*

effects must be demonstrated and secured (e.g. by legal agreement) prior to approval of the development.

20.7 Whilst the site is outside of the 8km 'buffer', due to the site being a large development outside the development strategy on which the assessment of impacts has been based, a financial contribution is considered appropriate as a way to mitigate against the additional impacts on Cannock Chase SAC. This would ensure there is no significant effect on the Cannock Chase SAC in combination with other plans, projects and programmes. This approach is consistent with advice provided by other authorities within the SAC Partnership. A figure of £230 per dwelling (£31,050 in total) is considered reasonable and in line with that forming the basis of an agreed and costed mitigation package for the Cannock Chase Partnership.

20.8 It is worth noting that the mitigation is not required to make the development acceptable in planning terms, but to meet the Habitat Regulations. East Staffordshire Borough Council has a duty as a Competent Authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that planning application decisions comply with the Habitats Regulations.

21. Open space

21.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.

21.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

21.3 SP32 and SP33 set out the requirements of open space provision across the Borough.

21.4 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.

21.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document.

21.6 The scheme offers 2.63ha of open space and sets aside a further 0.19ha for the SUDs attenuation pond/feature. The Open Spaces Manager has stated that a scheme of this scale is required to provide:

- Children's equipped play 135 x 1.16 = 156.6sqm²
- Parks & Gardens 135 x 3.02 = 407.7sqm²

- Semi natural greenspace 135 x 68.4 = 9234sqm2
- Amenity greenspace 135 x 29.7 = 4009sqm2,
- Allotments 135 x 7.89= 1065sqm2 Playing pitches= 6200sqm2.
- Total of 20,007.3 sqm (which equates to 2.7ha)

21.7 Where there is an under provision in one type of open space provision this can be offset with over provision in the other. Additionally, SUDs should be excluded from the sum of total of any open space provided.

21.8 The indicative layout therefore shows a small deficiency in the area of open space required, however it is considered that this small under provision could be addressed at reserved matters stage if consent had been forthcoming.

22. Education

- There is a need for education facility provision in East Staffordshire, particularly at Burton upon Trent. The need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be expected in Uttoxeter and Burton upon Trent. In addition, the policy describes how proposals for education facilities will be assessed. The education contribution for a development of this size would be as follows;
- 28 Primary School places (28 x £11,031 = £308,868),
- 16 High School places (16 x £16,622 = £265,952)
- 3 Sixth Form places (3 x £18,027 = £54,081).
- This gives a total request of £628,901 for up to 135 houses including 27 RSL dwellings.

22.1 The above contributions can be secured by way of including them as an obligation within a Section 106 legal agreement.

23. Section 106 Contributions

23.1 Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

23.2 National Planning Practice Guidance states that when CIL is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6

April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

23.3 The following contributions would be required if planning permission were to be granted. These contributions are set out below:

Item	Planning Obligation	Cost (where applicable)
Education	28 Primary School places (28 x £11,031 = £308,868), 16 High School places (16 x £16,622 = £265,952) and 3 Sixth Form places (3 x £18,027 = £54,081). This gives a total request of £628,901 for up to 135 houses including 27 RSL dwellings.	£628,901
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling	£10,125
Open space	Children's equipped play 135 x 1.16 = 156.6sqm2 Parks & Gardens 135 x 3.02 = 407.7sqm2 Semi natural greenspace 135 x 68.4 = 9234sqm2 Amenity greenspace 135 x 29.7 = 4009sqm2, Allotments 135 x 7.89 = 1065sqm2 Playing pitches = 6200sqm2. Total 2.7ha Management of open space and SUDS through the formation of a management company.	Onsite
Affordable Housing	Formula to be included within S106 but overall the site to provide up to 40% affordable housing with at least 13% as on site provision	To be confirmed at reserved matters stage
Travel plan monitoring / off site highway works	Residential Travel Plan monitoring fee Funding for pedestrian crossing to A515 and funding for highway improvements to existing bus stops	£6760 (monitoring fee for Travel Plan) Estimated at £8000
National Forest	1.47ha of woodland planting and landscaping	Onsite

Cannock Chase SAC	A figure of £230 per dwelling (£31,050 in total)	£31,050
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24. Conclusions

24.1 Paragraph 14 of the National Planning Policy Framework states in the third bullet point (approving development that accords with an up to date development plan without delay) that a proposal which is inconsistent with a relevant and up-to-date plan should be refused. This accords with paragraph 12 of the Framework; which says that proposals which accord with an up-to-date plan should be approved and proposals that conflict should be refused unless other material circumstances indicate otherwise. The presumption in favour of sustainable development will already permeate throughout an up-to-date Local Plan, and it follows in that by the same means an up-to-date development plan must also accord with the principles to significantly boost the supply of housing as advocated by paragraph 47 of the Framework. These elements can therefore not be material considerations where a development plan is up-to-date.

24.2 Furthermore the Council can demonstrate that they have a 5 year land supply for the delivery of housing units within the Borough.

24.3 Policy SP2 of the Local Plan states that development will be directed to the most sustainable locations in accordance with the settlement hierarchy. Yoxall is identified as a Tier 2 Local Service Village where development will be concentrated within the settlement boundary. Policy SP4 of the Local Plan states that the development requirement for Yoxall is 40 dwellings which will be delivered within the settlement boundary. The location is outside of the Yoxall settlement boundary and is not identified as a location for housing development in the adopted Local Plan or 'Made' Yoxall Neighbourhood Plan. The granting of permission would be contrary to SP2 and SP4 of the Local Plan and policy H2 of the 'Made' Yoxall Neighbourhood Plan. Both plans have reached such a stage where they can be attributed full weight and outweigh the presumption in favour of sustainable development accorded by the National Planning Policy Framework.

24.4 The application is therefore recommended for refusal on the above grounds.

24.5 RECOMMENDATION

24.6 REFUSE for the following reasons:-

24.7 East Staffordshire Local Plan Strategic Policy 1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals are located on, or with good links to the strategic highway network and should not result in vehicles harming residential amenity, cause highway safety issues or harm the character of open countryside.

24.8 East Staffordshire Local Plan Strategic Policy 8 states that outside settlement boundaries new development will not be permitted unless it is essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside, providing facilities for the general public or local community which are reasonably accessible on foot or by public

transport, in accordance with a 'Made' Neighbourhood Plan, is development under the Rural Exceptions Sites policy, is appropriate reuse of Rural Buildings, is infrastructure development where an overriding need for the development to be located in countryside can be demonstrated, provides renewable energy generation of a scale and design appropriate to its location and is otherwise appropriate in the countryside.

24.9 East Staffordshire Local Plan Strategic Policy SP2 of the Local Plan states that development will be directed to the most sustainable locations in accordance with the settlement hierarchy. Yoxall is identified as a Tier 2 Local Service Village where development will be concentrated within the settlement boundary. Policy SP4 of the Local Plan states that the development requirement for Yoxall is 40 dwellings which will be delivered within the settlement boundary. The location is outside of the Yoxall settlement boundary and is not identified as a location for housing development in the adopted Local Plan or 'Made' Yoxall Neighbourhood Plan. The granting of permission would be contrary to SP2 and SP4 of the Local Plan and policy H2 of the 'Made' Yoxall Neighbourhood Plan. Both plans have reached such a stage where they can be attributed full weight and outweigh the presumption in favour of sustainable development accorded by the National Planning Policy Framework (particularly paragraphs 12, 14 and 17).

25. Background papers

25.1 The following papers were used in the preparation of this report:

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2017/01385

26. Human Rights Act 1998

26.1 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.

27. Crime and Disorder Implications

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

28. Equalities Act 2010

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

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