

Agenda Item:	5.1
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Site:	Land South of College Road, Denstone
Proposal:	P/2019/01489 - Outline application including details of access to develop land for the erection of 5 No. dwellings (comprising 2 No. Affordable Housing units, 2 No. Over 55's units and 1 No. Open Market Unit).

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

Application Number:	P/2019/01489	
Planning Officer:	Alan Harvey	
Type of Application:	Outline Application	
Applicant:	Mr Ball	
Ward:	Churnet	
Ward Member (s):	Cllr Sankey	
Date Registered:	13 December 2019	
Date Expires:	25 th June 2021 - Various time extensions have been agreed with the applicants to take into account revised submissions, the serving of a Certificate B and the reporting of the application to Planning Committee	
Reason for being on Agenda	Called to Committee by Cllr Sankey on the basis of the level local interest (objections) and given it is considered that the scheme does not comply with Policy SB2 of the Denstone Neighbourhood Plan in respect of Rural Exception Housing.	
Officer Recommendation	Approve , subject to conditions and a Unilateral Undertaking and subject to the applicants submitting further information within 56 days of the resolution which satisfactorily demonstrates to officers that the scheme would not exacerbate off site surface water flooding.	

1. Executive Summary

- 1.1 The application site comprises some 0.44 ha of land which is currently part of a field/paddock on the south side of College Road, Denstone. The land, which slopes up westwards and is for the most part at a higher level than College Road, has a high mature hedge to its road frontage. The site is to be served by

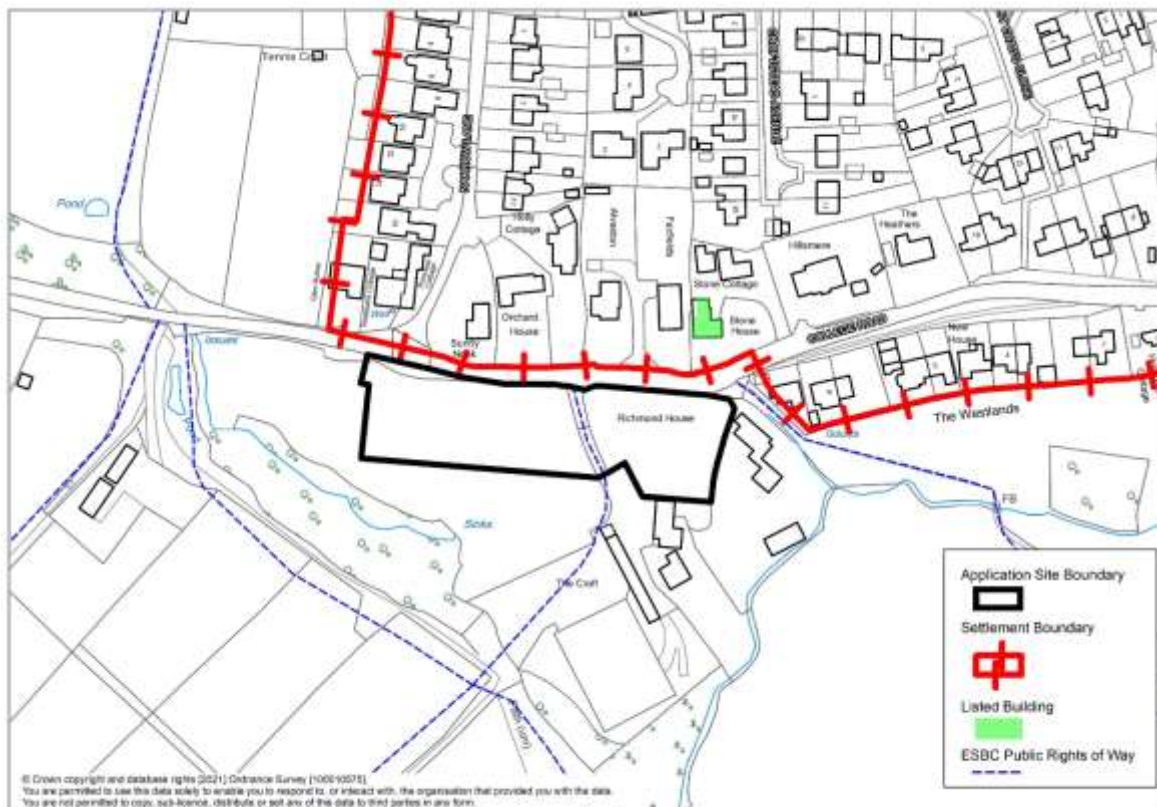
the vehicular access already serving the dwelling at The Croft which also forms the route of a Public Right of Way (Denstone 18) before it diverges to the south-west across the (wider) field/paddock area, to link with other public rights of way.

- 1.2 There is established residential development, predominantly of a post war period, along College Road to the east and to the north of the site. The nearest dwelling to the east at Richmond House is identified as a Local Built Heritage Asset in the made Neighbourhood Plan; as is The Croft to the south-east. The Grade II listed The Stone House is located to the north-east on College Road. To the west and south-west are agricultural lands.
- 1.3 The application site is outside settlement boundaries as defined in the East Staffordshire Local Plan. The site is within Flood Zone 1 and within 200 metres of an area identified as being of a high risk surface water flooding. There is an ordinary watercourse that runs west to east approximately 30 meters to the south-west of the site. The Natural England agricultural classification mapping shows the site as being Grade 3; this designation being classed as the best and most versatile agricultural land.
- 1.4 This is an outline application - with details of access only at this stage - for the erection of 5 No. dwellings; comprising 2 No affordable units, 2 No. over 55s units and 1 No. open market dwelling. The precise housing mix is as follows:
 - 1 x 2 Bed House - Affordable Housing,
 - 1 x 3 Bed (dormer) Bungalow - Affordable Housing,
 - 1 x 2 Bed Bungalow - Over 55's,
 - 1 x 3 Bed Bungalow - Over 55's and
 - 1 x 4 Bed Bungalow - Market Housing.
- 1.5 The scheme is therefore being proposed as a rural housing '*exceptions site*'; primarily under Policy SP18 of the Local Pan and Policy SB2 of the made Denstone Neighbourhood Plan. The scheme has been amended during the course of the application process and as originally submitted proposed 6 No. dwellings comprising 3 No. market properties and 3 No. affordable dwellings. Most recently – and subsequent to the most recent consultation process – one of the affordable units has been changed from a two bed bungalow to a three bed (dormer) bungalow to give the composition set out above (in paragraph 1.4).
- 1.6 Statutory consultees have raised no objections to the proposals that cannot be addressed by condition; although it is considered that there is an outstanding technical drainage issue at this point in terms of the impacts of surface water drainage outside the site (as is addressed in full in the Assessment section below).
- 1.7 Objections have been raised by Denstone Parish Council, the local ward member and the Constituency MP. A total of 28 No. individual local residents/interested parties have submitted objections to the scheme over the course of the application process which are summarised - and in turn the issues raised addressed - in the main body of this report.
- 1.8 It is considered that it has demonstrated that the submitted scheme meets the relevant development plan policy criteria for a *rural exceptions (housing) site* and

thus in principle the application complies with the aims of the relevant Local and Neighbourhood Plan policies and the National Planning Policy Framework.

- 1.9 It is considered that the proposal will not have an adverse impact on the residential amenities of surrounding occupiers, will not have a detrimental impact on the setting of the Grade II listed The Stone House or designated Local Heritage Assets, on highway safety, or the general character of the area (including key viewpoints identified in the made Neighbourhood Plan).
- 1.10 In light of the above conclusions on the planning merits of the case, the application recommended for **approval** subject to conditions and a unilateral undertaking. The unilateral undertaking would ensure that the scheme is delivered as an exceptions site in terms of the housing tenures specified. The recommendation for approval of the application is also subject the applicants having sufficiently demonstrated and submitted information to officers within 56 days of the resolution to approve that the scheme will not exacerbate off site surface water flooding.
- 1.11 **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 and Its Surroundings

- 2.1 The application site comprises some 0.44 ha of land which is currently part of a field/paddock area and which is located immediately to the south of College Road, Denstone. The land, which has a high mature hedge along the College

Road frontage, is bisected by the private road access to serve the dwelling at The Croft. The land within the site is uneven but rises in a westward direction; which means much of the site is above the road level on College Road.

- 2.2 There is established residential development along College Road to the east and to the north of the application site; much of which is of the post Second World period. The nearest dwelling to the east at Richmond House is of nineteenth century date and is identified as a Local Built Heritage Assets in the made Neighbourhood Plan; as is The Croft to the south-east. Richmond House is a lower land level than the application site. The Grade II listed Stone House is located to the north-east of the site on the opposite side of College Road. To the west and south-west are agricultural lands.
- 2.3 A Public Right of Way (Denstone 18) utilises the road access to The Croft off College Road before diverging south-westwards across the (wider) field area to join another Public Right of Way (Denstone 17). PROW (Denstone 17) runs alongside the south-western and western side of the wider field area to also connect with College Road. The Neighbourhood Plan in its Character Study identifies Key Views in the proximity of the application site and towards the application site respectively. These Key Views (Nos. 1 and 6 in the Neighbourhood Plan*) are shown on the extract plan in the Assessment section of this report. (**NB** Key View No. 1 actually comprises four different views).
- 2.4 The application site is outside settlement boundaries as defined in East Staffordshire Local Plan. The site is located in Flood Zone 1 and within 200 metres of an area with an identified high risk of surface water flooding. There is an ordinary watercourse that runs west to east approximately 30 meters to the south-west of the site. The Natural England agricultural classification mapping data shows the site as being grade 3; this designation being classed as the best and most versatile agricultural land.

3. Relevant Planning History

- 3.1 **Application ref: PA/00580/001** - Outline application for the erection of One No. dwelling on field to west of The Croft. Refused in November 1974
- 3.2 **Application ref: PR/09675/001** - Agricultural Workers dwelling at The Croft. Refused in May 1980.

4. The Proposals

- 4.1 This is an outline application for the proposed erection of 5 No. dwellings; comprising 2 No. Affordable Housing units, 2 No. Over 55's units and 1 No. Open Market Unit. Details of access alone are provided at this stage with all other matters reserved.
- 4.2 The scheme specifically proposes the following housing mix for the site:
- 1 x 2 Bed House – Affordable Housing
 - 1 x 3 Bed (Dormer) Bungalow – Affordable Housing
 - 1 x 2 Bed Bungalow – Over 55's
 - 1 x 3 Bed Bungalow – Over 55's
 - 1 x 4 Bed Bungalow – Market Housing

- 4.3 An upgrading of the existing vehicle access to the site would be undertaken in connection with the development, which will also continue to serve The Croft. The access works onto College Road would provide for an increased entrance width and associated visibility splays of 2.4m x 70m along College Road. A footway would also be provided within the site.
- 4.4 The applicants have submitted an illustrative drawing showing how 5 No. dwellings could be accommodated on the site; with all the plots proposed to the western side of the access road. The area to the eastern is now proposed to remain as open paddock land; although as originally submitted the scheme proposed development to the east of the access drive as well.
- 4.5 The supporting statement provided by the applicant sets out the following:
- The breakdown of the housing mix follows the requirements of the Housing Needs Survey (HNS) for the reasons set out in the original planning statement, whilst following the principles agreed with Council in March 2020.
 - At an appeal at 1Yoxall it was determined that a housing mix which included three 2 No. bed-bungalows for over 55's, a 3 No, bed market house and two No. affordable dwellings would be acceptable as it would meet the specific needs identified in the Housing Needs Survey (as is the case with this scheme) and that would meet other needs identified in the SHMA including the provision of bungalows for over 55's allowing for family homes to be made available elsewhere.
 - The Yoxall appeal decision also makes it clear that on the basis that the proposal meets market housing needs as set out in the Housing Needs Survey that viability information is not necessary, this again is the case with this scheme (at Denstone).
 - In following this principle the scheme at Denstone is acceptable and accords with relevant planning policy. There are also no opportunities for the need identified within the HNS to be met within the village
- 4.6 The scheme has been amended during the application process and originally proposed the erection of 6 No. dwellings - comprising 3 No. market properties and 3 No. affordable units - with two of the dwellings proposed to be located to the eastern side of the access drive. The proposals to provide development to the eastern side of the access drive were omitted by the applicants further to them to seeking to address flooding issues highlighted during the original consultation process and by the Flood Risk Assessment that accompanied the revised scheme. Other supporting documentation was revised as per the list set out in paragraph 4.11 below to take into account the layout amendments.
- 4.7 Further to the re-consultation process one of the affordable units has been changed from a two bed bungalow to a three bed (dormer) bungalow to give the present composition. It was considered by officers that a further re-consultation on this aspect of the scheme was unnecessary as the revision would not be likely

¹ Also for a rural exception development

to materially change the nature of objections/concerns that have already been expressed by the local residents, the parish council and other interested parties in respect of the principle of this outline application. The likely impact on the visual and residential amenities of the locality are also all necessarily addressed in this report in the context of the concerns already expressed in relation to these aspects.

- 4.8 Further to the completion of the re-consultation process the applicants were requested by officers to address an apparent contradiction in the surface water submissions in terms of them potentially causing increased surface water flooding elsewhere. This matter is also dealt with in full in the Assessment section of this report.
- 4.9 It is also pointed out that the application submission was also originally in the name of joint applicants as the application site comprises lands in two separate ownerships. This was amended to be a single applicant with the former joint applicant having been served with the relevant notice under Certificate B in mid-February 2021. The lands the subject of the Certificate B comprise the eastern area of the site and include the vehicular access to the site.
- 4.10 The applicant's agent has advised that the applicant would be prepared to enter into a unilateral undertaking in terms of the delivery of the local needs and over 55s dwelling tenures.

List of Supporting Documentation

- 4.11 The following documents have been provided as part of the application:
- Application Forms – as original (with Certificate A) and as revised (with Certificate B)
 - Site Location Plan
 - Illustrative Layout - original and revised.
 - Illustrative Street Scene (including levels) - original and revised.
 - Planning Statement
 - Heritage Statement
 - Planning and Heritage Statement Addendum (to accompany the revised plans).
 - Preliminary Ecological Appraisal
 - Housing Needs Survey - with supplementary submissions
 - Flood Risk Assessment - with supplementary statements.

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

5. Consultation Responses and Representations

- 5.1 A summary of the consultation responses over the application process is set out below:

Statutory and non statutory consultee		Response
5.2	Denstone Parish Council	Denstone Parish Council objected to the original submission in a substantive response on the basis that the application contravenes key aspects of the East Staffs

		<p>Borough Council Local Plan (of 2015) and the Made Denstone Neighbourhood Plan (of February 2017) on the following grounds summarised below:</p> <ul style="list-style-type: none"> • Development is not within the ‘Redefined’ settlement boundary • Significant impact on traffic issues already identified on College Road • Encroachment of the development on Open Countryside and negative impact on viewpoints as highlighted in the Neighbourhood Plan • The Housing need is already met by the provisions of the Neighbourhood Plan <p>The Parish Council also point out that they understand this land has been subject to two previous planning applications some 10-12 years ago, both of which were refused.</p> <p>The full text of the Parish Council’s response and associated diagrams are attached as Appendix A.</p> <p>In respect of the revised scheme, the Parish Council continue to raise objection to the scheme (and having appointed planning consultants to act on their behalf) it is pointed out the further to the comments submitted by the parish council on the original scheme in terms of grounds of objection it is recommended the proposal be refused (by the Borough Council) on the following grounds:</p> <ul style="list-style-type: none"> • The proposed development is outside of the settlement boundary and does not meet the criteria for rural exception. It is contrary to national, Local Plan and Neighbourhood Plan policies; <p>The proposed development would set a precedent for inappropriate development outside of the settlement boundary;</p> <p>The site is within 200m of land identified as high risk of flooding. Development of this site constitutes inappropriate development by virtue of building on previously undeveloped land that makes a positive contribution to reducing flood risk, exacerbating adjacent land with a high risk of flooding;</p> <p>The scheme comprises a standard suburban layout, rather than a site-specific response to the local context;</p> <p>The scheme harms the character of the area, encroaching into the open countryside; and</p>
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		<p>There are already safety concerns over the access onto College Road and the wider impact of additional vehicular movements in this location. These highways concerns have been raised by Staffordshire County Council and have not been sufficiently addressed in the revised scheme. The proposed development would exacerbate road safety problems.</p> <p>The full text of the consultant’s letter on behalf of the Parish Council are attached as Appendix B.</p> <p>The Parish Council also cite the village Neighbourhood Plan Monitoring Group insofar as the document ‘<i>Denstone Neighbourhood Plan 2012-2031 - history and applications approved since adoption of ESBC Local Plan on 15/10/15</i>’ points out that Denstone was identified as a Tier 2 village and the number of houses required to be built was 20. The total of approved applications (to date) is 18 with a further 1 No. application potentially in the pipeline. The detailed table of the approved schemes - as referenced in the named document - are attached as Appendix C.</p>
5.3	SCC Highways	<p>Considered the original access proposals to be unacceptable due to the provision of substandard visibility splays but raise no objections in principle to the revised scheme.</p>
5.4	SCC Public Rights of Way Officer	<p>Comment as follows:-</p> <p>Public footpath No.18 Denstone Parish, traverses the proposed development site via the existing access track from College Road to properties to the south-east.</p> <p>The intention would appear to be that at least part of this track is used as an access route for the proposed development. Consequently the developer should be made aware of the following -</p> <ul style="list-style-type: none"> • In the absence of a legally defined width for the public footpath the assumption must be that the public rights occupy the entire width of the track between boundaries. • The developer also needs to confirm that they have a private right to use the footpath with vehicles. If there is a private right to use with vehicles then the fact that the route is a public highway (footpath) takes precedence and needs to be stressed in any planning permission. The use by private vehicles is subject to, and subordinate to, the public’s right. In other words pedestrians have a public right and vehicles need to give way to them not the other way

		<p>around. This is particularly relevant where the public Footpath meets the Public Road.</p> <ul style="list-style-type: none"> • The permission of the owner of the lane needs to be sought in order to create a new access for the development site. <p>SCC Public Rights of Way Officer also comments that the potential for issues of safety to arise, relating to extra traffic on the lane and traffic entering/leaving the lane from the new development and the public road (College Road), needs to be addressed via the planning system. It is possible that a further planning application needs to be submitted.</p> <p>SCC Public Rights of Way Officer also points out that:-</p> <ul style="list-style-type: none"> • It is important that users of the path are able to exercise their public rights safely at all times and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. For instance heavy vehicular activity should not be allowed to make the way unsuitable for use to or dangerous to pedestrians. • If a path needs diverting as part of these proposals the developer must 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 County Council would need to be formally consulted on any proposal to divert this footpath. The applicants should be reminded that the granting of planning permission alone does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09). <p>SCC Public Rights of Way also advise that it should be noted, that there is the possibility of the existence of a currently unrecognised public right of way, at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.</p>
5.5	Peak and Northern Footpath Society (P&NFS)	Comment that the Public Right of Way (Denstone 18) is within the site and that another PROW (Denstone 17) is close and the P&NFS concern would be that use of the

		PROWs, and the access and safety of users could be affected during the work taking place. This should be made clear to the developers, and there should be no impact on the PROWs without the necessary Temporary Restriction Orders.
5.6	SCC Flood Risk Team	Advise that there are no recorded flooding hotspots within 20m or Ordinary Watercourses within 5m. The site is partially within the uFMfSW 1 in 30 year outline, and there appears to be a surface water flow route through the site shown on the uFMfSW 1 in 1000 year outline. Additionally, the flood map for surface water indicates some potential ponding within the site to the south of the location of the eastern dwellings. Finished floor levels and surrounding ground levels should be designed in accordance with building regulations to direct surface water away from dwellings and set floor levels at least 150mm above surrounding ground levels. The SCC Flood Risk Team also highlight that infilling between buildings and positioning of new builds can be problematic when surface water cannot follow its natural flow path. Sufficient drainage to capture and/or divert the flow may be needed to prevent ponding where the flow has been blocked. The interrupted flow path must not be re-diverted towards another property, but should be guided to re-join the original flow path at a point within the grounds on the property.
5.7	Environment Agency	Have no comments to make on this proposal as the constraints fall outside its remit but recommend that the Lead Local Flood Authority is consulted with regards to the flood risk assessment and surface water flooding.
5.8	Severn Trent Water Ltd	Have no objections in principle to the proposals subject to details of the disposal of foul and surface water flows being secured by condition.
5.9	Cllr Sankey	<p>Comments in calling in the application to committee that:</p> <p><i>“the development fails to meet Policy SB2 Rural Exception Housing of the Denstone Neighbourhood Plan”</i> and that</p> <ol style="list-style-type: none"> 1. <i>“The proposed development is outside the settlement boundary and does not meet the criteria for rural exception. This would also set a precedent for inappropriate development outside the settlement boundary.</i> 2. <i>There are already safety concerns along this stretch of road due to high volume of traffic, including many buses to Denstone College. The development would make the situation worse.</i>

		<p>3. <i>I understand that the proposed development is within 200m of land that has been identified as high risk of flooding.</i></p>
5.10	Kate Griffiths MP	<p>Advises that she writes on behalf of a constituent in Denstone representing the Neighbourhood Plan Monitoring Group and notes that the application has been discussed with Councillor Sankey and in turn comments that :-</p> <p><i>“I would like to support the Neighbourhood Plan Monitoring Group's comments and object to this application, on the following basis:</i></p> <p><i>The land is outside the settlement boundary for the village and therefore not suitable for a development of this kind.</i></p> <p><i>The land is in the vicinity of the flood plain. Some concerns are exacerbating adjacent land with a high risk of flooding and having a negative impact on existing adjacent land.</i></p> <p><i>I would be grateful for considering my objections to these applications and look forward to your confirmation that these have been noted.”</i></p> <p>(NB it is pointed out that officers have acknowledged receipt of the comments and advised that that they will form part of the committee report).</p>

Internal Consultees		Response
5.11	Conservation Officer	<p>Commented on the original scheme that he was not content that the impact on the setting of the listed building (The Stone House) had been fully addressed.</p> <p>In respect of the revised scheme the Conservation Officer advises comments that :-</p> <p><i>“The amended plans have reduced the scale of development proposed, retaining open paddock space at the eastern end of the site area which is the area nearest to the grade II listed ‘Stone House’</i></p> <p><i>This also means that the proposed dwellings will be located on land which benefits from the most robust landscape boundary to the road which would be retained through the development. The proposed 5 dwellings would therefore have very limited presence within the streetscape and would not be at all prominent from Stone House. The extent that their presence might be acknowledged Stone House already finds itself in a context largely made up of post war housing, including on the south side of College Road to its east.</i></p>

		<p><i>Stone House sits on an elevated sit north of College Road at a slight bend which makes it more visible from the east, neighbouring bungalows at Fairfields and Alvaston limit its presence in views from the west.</i></p> <p><i>In my view the proposed new dwellings would not adversely affect the special significance of Stone House as a listed building via its setting, with that special significance 'preserved' as is described as desirable within section 66 of the Planning (Listed Building and Conservation Areas) Act 1990."</i></p> <p>The Conservation Officer also concludes that having to regard to the relationship with Richmond House and The Croft – which are identified as a local non-designated heritage assets within the Neighbourhood Plan – that the amended scheme involving the removal of proposed development on the paddock to the east of the site retains the context and views of both properties in terms of their local environs.</p>
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6. Neighbour Responses

- 6.1 The application has been the subject of local publicity by way of site notices being posted and an advert placed in the local press. In addition, neighbouring occupiers were notified by letter in relation to the original and revised submissions. Representations have been received from 28 No local residents/interested parties; during the application process all of whom have raised objections/concerns which are summarised below.

Neighbour responses	
Principle of the development	<ul style="list-style-type: none"> • The site is outside of the village settlement limit as shown in the Borough Local Plan and the Denstone Neighbourhood Plan. It does not meet the criteria for rural exception sites and is therefore contrary to up to date National, Local Plan and Neighbourhood Plan policies. • This site was specifically assessed in the Neighbourhood Plan Housing Sites Assessment after representations from a local landowner and the conclusion was that <i>"it is not a preferred location."</i> • The Neighbourhood Plan identifies preferred areas for development (of which the application site is not one) which include small affordable dwellings. In addition to these, there are currently 12 No. properties on the market, within the Denstone Parish and a further 2 single storey dwellings approved in 2020 on College Road. • Denstone Neighbourhood Plan which was based on the SHLAA of 2017 has identified housing needs as

	<p>comprehensively as possible and takes into account housing needs from 2015-2031.</p> <ul style="list-style-type: none"> • The East Staffordshire Strategic Housing Land Availability Assessment (SHLAA) 2017 states the current application site is greenfield and available but not achievable, deliverable, suitable or developable. • This scheme is a disproportionate amount of development beyond what is required to meet the needs of Denstone Parish. • This outline application, with an indication of five dwellings, offers no certainty over what would actually be built • This residents of the village have already completed two No. detailed questionnaires where the views of residents have been used to develop the Neighbourhood Plan. • This application is based on an unofficial questionnaire (without the involvement of the Parish Council) which was conducted by a Private Developer and to which only 15% of the village responded. The questionnaire is not representative of the views of local residents or local needs and should not be given weight by the local planning authority. • To allow the scheme would be to undermine all the work done on the Neighbourhood Plan and to make a mockery of the Plan itself. • The site is not in a sustainable location and residents would be reliant on private motor vehicles to access facilities • There are well founded material issues based on national and local planning polices which mean this application should be refused.
Impacts on Residential Amenity	<ul style="list-style-type: none"> • The scheme would have an unacceptable relationship with the existing dwellings giving rise to overlooking impacts. • The scheme would be overbearing to adjoining and nearby dwellings by reason of the dwellings being at a higher land level. • Any loss of the hedge would lead to an invasion of privacy from five new dwellings opposite existing properties. • The development would not allow domestic activities in privacy.
Impacts on Visual Amenities	<ul style="list-style-type: none"> • The scheme would have an adverse impact on the existing rural character of the area. • There are concerns that hedgerow removal would be required far beyond that already stated for the visibility splay. If that was the case it is also questioned how the higher land behind the hedge would be retained. • The existing hedgerow to the site frontage should be retained to reflect the rural character of College Road

	<p>as any loss of the hedge would have a negative impact on the rural landscape of the village.</p> <ul style="list-style-type: none"> • The Neighbourhood Plan recognises that countryside reaching into the heart of the village is important to local people. This scheme would result in the loss of part of that countryside. • The scheme will detract from key views from College Road as identified in the Neighbourhood Plan. • The period associated with Covid lockdowns has seen residents enjoy local walks for mental and physical wellbeing with so few places like this are left to appreciate. • The building materials would be out of keeping with the locality. • The scheme comprises a standard suburban layout, rather than a site-specific response to the locality. • The submission of an outline application, with details limited only to access, cannot meet the design requirements of development plan policies. • With reference to the Separation Distance and Amenity SPD it is not considered that there is enough space to accommodate five dwellings with associated parking and servicing arrangements.
Heritage Asset Impacts	<ul style="list-style-type: none"> • The scheme detracts from the setting of the Grade II listed Stone House • The development would have a detrimental impact on the local heritage assets at Richmond House and The Croft. • Detailed submissions are required to assess properly the impact on all heritage assets.
Highways Impacts	<ul style="list-style-type: none"> • The development would exacerbate highway safety problems along College Road which is already heavily used as it serves a large of number of residential properties and Denstone Hall College. This usage will increase again in September 2021 when the Preparatory School (with a role of 134 pupils) transfers to the College site. • The development access is at a pinch point in the road. • The visibility splays from the development site junction are inadequate and would cause a highway danger to both vehicle drivers and pedestrians. • It is pointed out that the County Highway Authority have already raised concerns about the safety aspects of the scheme. • There would be an increase in service and delivery vehicles turning off and onto the narrowest part of College Road. • The site entrance would actually become a pull in and passing point for coaches and other heavy traffic on College Road therefore, creating a safety hazard for

	<p>vehicles and pedestrians/cyclists, at the site access and proposed footpath.</p> <ul style="list-style-type: none"> • The proposed path is not safe given the need for two vehicles to pass on the remaining road area.
Flood and drainage impacts	<ul style="list-style-type: none"> • This is a greenfield site, with open banked fields and becks and dykes and therefore the development will impact on natural drainage from the surrounding landscape. The application submissions do not offer any assurances that increased surface water discharge can be mitigated. • There is already inadequate drainage in the locality especially after heavy rain. This causes flooding outside Richmond House, and other parts of College Road. • College Road is shown on the Environment Agency mapping as an area as being at risk of surface water flooding. Development will inevitably increase that possibility with significant hard standing and tarmac (being shown on the proposed plans) and the site being on a higher land level to College Road will exacerbate problems further. • Development of this site constitutes inappropriate development by virtue of building on previously undeveloped land that makes a positive contribution to reducing flood risk. • The flooding impacts on College Road also would lead to part of the new footway being inaccessible.
Ecology	<ul style="list-style-type: none"> • The scheme would be harmful to nature and wildlife particularly the loss of hedgerows. • The built development and associated footpath and roads and associated cutting back of the hedges will inevitably have negative short and long term impacts on ecology and local wildlife. • The ecology report is not considered to be sufficient given protected species have been spotted in the locality of the site and it fails to mention the presence of bees in the locality and the prevalence of birds. It seems to be based on one visit and generic data and should not be relied upon.
Other Matters	<ul style="list-style-type: none"> • The scheme would create a precedent making similar proposals outside the village settlement boundaries difficult to resist.

6.2 In the various objections to the scheme the proposals are referenced as being contrary to the National Planning Policy Framework, Policies SP1, NP1, SP2, SP4, SP8, SP18, SP24, SP25, DP1, DP3, DP5 and DP6 of the Local Plan, Policies DP1, DP2, SB1, SB2, H2, BE1, BE2, T1, NE2 and Appendices 2 (Key Views), 3 (Non-designated Local Heritage Assets) and 5 of the made Neighbourhood Plan and to the guidance in the Borough Council's Housing

Choice and Separation Distances and Amenities Supplementary Planning Documents.

- 6.3 Photographs and videos have been provided by local residents showing the evidence of surface water flooding along College Road.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- NP1 - Role of Neighbourhood Plans
- SP1 - East Staffordshire Approach to Sustainable Development
- SP2 - Settlement Hierarchy
- SP4 - Provision of Homes 2012-2031
- SP8 - Development outside of settlement boundaries
- SP16 - Meeting Housing Needs
- SP17 - Affordable Housing
- SP18 - Rural Housing Exception sites
- SP24 - High Quality Design
- SP25 - Historic Environment
- SP27 - Climate Change, Water Body Management and Flooding
- SP29 - Biodiversity and Geodiversity
- SP30 - Landscape Characteristics
- SP35 - Accessibility and Sustainable Transport
- DP1 - Design of New Development
- DP2 - Designing in Sustainable Construction
- DP3 - Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 - Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP6 - Protecting the Historic Environment: Other Heritage Assets.
- DP7 - Pollution and Contamination
- DP8 - Tree Protection

Denstone Neighbourhood Plan (Made in February 2017)

- DP1 - Sustainable Development Principle
- DP2 - Infrastructure (Flooding and Drainage)
- SB2 - Rural Exception Housing
- H2 - Meeting the needs of all sectors of the population
- BE1 - Protecting and enhancing local character
- BE2 - Protecting and enhancing local built heritage assets
- BE3 - Protecting and enhancing archaeological sites.
- T1 – Traffic impacts of developments
- NE2 - Nature Conservation.
- Appendix 2 - Key Landscape Views

- Appendix 3: Non-Designated Local Heritage Assets (including references where applicable to the Historic Farmsteads Map).

Supplementary Planning Documents

- East Staffordshire Design Guide
- Separation Distances and Amenity
- Parking Standards
- Housing Choice

Assessment

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

- Principle of the Development
- Heritage Asset and Visual Amenities impacts
- Residential Amenity
- Access and Highway Matters
- Flood Risk and Drainage
- Biodiversity and Ecology
- Legal Obligations

8.0 Principle of Development

8.1 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.

8.2 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.*

8.3 The Local Plan sets out in Strategic Policies 2 and 4 provide 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

8.4 The settlement of Denstone is identified in Policy SP2 of the Local Plan as a Tier 2 Settlement and Policy SP4 sets out the proposed distribution of housing growth over the Plan period, with there being a requirement of twenty No. dwellings within Denstone.

8.5 The application site is located outside the defined settlement boundary to Denstone within the Local Plan. The NPPF (at paragraph 79) sets out the national guidance for development in the countryside and Strategic Policy 8 (SP8) of the Local Plan provides specific guidance and criteria on how to deal with development in the countryside and is relevant in this case. Policy SP8 in dealing with the principle of development states inter alia 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 an adopted 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*

8.6 Strategic Policy 8 (Development Outside Settlement Boundaries) goes on to set out further material factors, such as highway safety, residential and visual amenity issues, which would be applicable where proposals in principle fall within one of these categories set out above.

8.7 The applicant has sought to demonstrate that the proposal can be considered as acceptable under the Rural Exception Site provisions of Policy SP8 subject to meeting the requirements of Policy SP18. The submissions include a Housing Needs Survey in support of the application. This was undertaken in September 2019 and covers the village of Denstone only.

8.8 Local Plan Policy SP18 (Residential Development on Exception Sites) states:

Where the Council is satisfied in the light of evidence that there is a need for new affordable housing or Traveller pitches which will not otherwise be met, permission may be granted for a small development to specifically meet that need on a suitable site outside a settlement boundary provided that:

- *Evidence of need is provided in accordance with the Housing Choice SPD;*
- *The development will specifically meet the assessed need;*
- *The site is within or on the edge of a settlement;*
- *The site is within easy reach of local services and facilities;*
- *The scale of development is appropriate given the size of the existing settlement;*
- *The majority of units (dwellings and pitches) provided on the site will be affordable housing or Traveller pitches to meet the need. A minority of the units provided may deliver a mix of market housing that is appropriate to meet local need based firstly on a housing needs survey and secondly on other evidence of need in that part of the Borough;*
- *Permission will be subject to agreement of cascade arrangements to provide priority in perpetuity for local people;*
- *Occupation of Traveller pitches will be restricted to Gypsies, Travellers and Travelling Showpeople;*

- *Affordable housing will remain affordable in perpetuity.*
- *The development complies with other relevant policies in this Plan.*

8.9 The made Denstone Neighbourhood Plan Policy DP1 (Sustainable Development Principles) sets out the overall aims for development schemes. At paragraph A it states:

Planning permission will be granted for development in Denstone Parish at a scale and in locations that accord with policies set out in the development plan where proposals would provide:

(1) New homes, to meet the dwelling requirement for Denstone Parish set by East Staffordshire over the Neighbourhood Plan period, but also taking account of the setting and character of the villages and addressing local housing demand in terms of size, type and tenure.

(NB: the other paragraphs of Neighbourhood Plan Policy DP1 are considered elsewhere in the report where they are considered to be most relevant).

8.10 Policy H2 (Meeting the needs of all sectors of the population) states:

“New housing development should include a range of house types and sizes to meet the locally identified needs of the population. The provision of smaller (one, two and three bedroomed) homes, homes suitable for older people and homes which meet the needs of people with disabilities are particularly encouraged and would be welcomed by the local community.”

In addition, Neighbourhood Plan Policy SB1 (Development within the Village Settlement boundary) in turn provides the criteria for development within the settlement boundary although as set out above this particular site is outside settlement limits.

8.11 Neighbourhood Plan Policy SB2 (Rural Exception Housing) states:

Proposals for small scale new housing development outside the defined Settlement Boundary of Denstone and the settlements of Stubwood, Quixhill and Prestwood will only be permitted if it is demonstrated that, the two criteria set out below can be met:

a) The development is on a small site, providing affordable housing for evidenced local need, in accordance with Local Plan Policy SP18 (Residential Development on Exception Sites). Small numbers of market homes may be permitted if essential to enable the delivery of affordable units; and

b) Development preserves or enhances the character & appearance of the area.

8.12 Taking into account Policies H2 and SB2 (a) of the Neighbourhood Plan and each of the Local Plan Policy SP18 criteria in turn; firstly the application is accompanied by a Housing Needs Survey. The survey was carried out in accordance with the Housing Choice SPD (2019) (section 9) regarding the methodology and survey questions. The survey questionnaire was delivered to

every household in Denstone in September 2019. The survey did not look to address the need of those who had aspirations of living within Denstone. The survey identified a need for 2 No. affordable homes (1x 2 bed house – affordable rent, and 1 x 3 bed house – shared ownership 50% purchase), and a requirement for 2 open market homes (1x 4 bed bungalow, and 1 x 2 bed bungalow) in Denstone.

- 8.13 In Appendix 1 of the Housing Needs Survey, it confirms that an additional 5 No. respondents who stated they required an alternative home in the village were not included in the analysis because they did not complete the GDPR permissions box on the questionnaire which enables Midland Rural Housing (the survey authors) to use their details in the analysis report. Unfortunately no correct contact information was provided by the respondents to enable verbal permission to be obtained. All of these respondents required open market purchases for small bungalows or houses to allow for downsizing.
- 8.14 Officers within the Council's Planning Policy team have taken the view that the additional need as identified by the Housing Needs Survey (HNS), can be considered in the determination of this application. As such, it is concluded that there is an overall need for 9 units within the village.
- 8.15 This application proposes 1 x 2 bed house (Affordable Housing), 1 x 3 bed dormer bungalow (Affordable Housing), 1 x 2 bed bungalow (Over 55's) 1 x 3 bed bungalow (Over 55's) and 1 x 4 bed bungalow (Market Housing).
- 8.16 The proposal meets the housing needs of 4 No. of the 9 households identified as being in need in the housing needs survey. 2 No. units (the 2 bed house for affordable housing and the 3 bed house for affordable housing which is now a 3 bed dormer bungalow) are from the formally identified need, and 2 No. (the 2 bed bungalow – over 55's and the 3 bed bungalow – over 55's) are from need identified from the 5 additional respondents. The additional unit (a 4 bed bungalow without restrictions) is an open market property.
- 8.17 The applicant claims that not all of the identified need can be provided for on-site primarily for viability reasons. In addition, the applicant considers that by providing the proposed affordable and over 55's units, this would free up other housing to other households identified as being in need. Having viewed the responses to the housing needs survey, it is considered on balance that this approach is reasonable and that this 'recycling' would also meet some of the other housing need identified, but not met through this application. In addition, the use of a legal agreement to secure a local lettings policy would also ensure that new properties are firstly made available to those with a local connection, or those on the housing register.
- 8.18 The proposal aims to meet the housing needs in the Housing Needs Assessment which also includes need in the form of over 55s accommodation. The applicant considers that due to viability, 1 No. unrestricted open market home is required to deliver the affordable units. Given that the proposal provides more than 80% affordable housing (or over 55s housing, which is considered to be pseudo-affordable housing as per the Yoxall (Weaverlakes) case allowed on appeal), it is considered that the proposal meets the policy requirements and the guidance set out in the Housing Choice SPD. The policy also requires any permission to be subject to agreement of cascade arrangements to provide priority in perpetuity for local people and that

affordable housing will remain affordable in perpetuity. These two factors can be included in a Unilateral Undertaking.

- 8.19 Further guidance on Rural Exception Sites can be found in the Housing Choice SPD (December 2019). Chapter 7 (paragraph 7.32) is relevant and reiterates the criteria in Policy SP18 and provides further guidance. The main consideration is the requirement that any additional market housing dwellings shall each not exceed 93 m² Gross Internal Area (GIA), to contribute to the wider need in rural areas for smaller dwellings. The proposed market property is a 4 bedroom bungalow and a condition of any outline approval could restrict the GIA to be in line with the Housing Choice SPD. It is considered the aim of the policy and guidance is to ensure dwellings on such sites are smaller properties and overall it is considered that in principle the proposal sufficiently addresses this with the provision of 2 x 2 No. bedroom properties and 2 x 3 No. bedroom properties.
- 8.20 It is important to consider if the proposed dwelling types and tenures mix could be met within the settlement boundary. Denstone is identified as a Tier 2 settlement (as per Policy SP2) with a development allowance of 20 dwellings to be delivered within the settlement boundary (as per Policy SP4) over the plan period. At present 11 No. dwelling units have had the benefit of planning permission within the settlement boundary and within the plan period, with 5 of those being delivered. This development alone would not meet either the affordable housing need, or market housing requirement identified in the housing needs survey. It is likely that over the plan period properties, (including bungalows), within the settlement, will become available through the natural home ownership cycle and that additional properties could acquire planning permission. However, it is not evident that appropriate dwellings will be available within the next five years, which is the time period those identified in the housing needs survey require new accommodation.
- 8.21 In terms of its proximity to services, the application site is located within some 500 metres of a range of local services and facilities including the village primary school, Denstone Farm Shop, church and village hall. There is also the Tavern public house on College Road and the village is served by the Swift Uttoxeter to Ashbourne/Derby bus service which runs along College Road (Monday - Saturday approx. every hour until early evening). The proposal, for 5 No. dwellings is considered of a commensurate scale given the size of the existing settlement. It is also considered that the distance to local services is not prohibitive for walking given that the majority of College Road from the local services to the application site has a pedestrian footpath; with the scheme itself providing a length of footway. As such it is considered the application proposal does constitute a 'site (which) is within or on the edge of a settlement' and therefore this criteria of Policy SP18 of the Local Plan is met.
- 8.22 In conclusion, in terms of the principle of providing a development scheme by way of an exceptions site, it is considered that the Housing Needs Survey (provided by the applicant) and development composition would be in line with the aims of the relevant criteria set out in Local Plan Policy SP18 and Neighbourhood Plan Policy SB2(a) in terms of meeting housing needs. It also follows, therefore, that in principle the application would be in line with the aims of Policies SP2, SP4 and SP8 of the Local Plan in terms of directing housing growth to the most sustainable locations. A unilateral undertaking/section 106

agreement would necessarily be required to secure the affordable and over 55's dwellings.

- 8.23 The remaining criteria of Local Plan Policy SP18 in terms of requiring that any “development complies with other relevant policies in this Plan” and the requirement of Neighbourhood Plan Policy SB2(b) that development preserves or enhances the character and appearance of the area are considered in detail below along with all other relevant material planning issues in terms of all other salient national, local and neighbourhood plan policies.

9 Impact on Heritage Assets/Visual Amenities

Relevant Policies

- 9.1 Section 16 of the National Planning Policy Framework states that proposals should not pose significant harm to any heritage asset and should aim to preserve or enhance the asset by way of sensitive and appropriate design.
- 9.2 Paragraph 184 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Policy DP5 of the Local Plan states that development which protects the character of listed buildings and conservation areas will be permitted.
- 9.3 Section 66(1) 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.
- 9.4 Policy SP25 of the Local Plan indicates amongst other things that development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Such heritage assets may consist of undesignated and designated assets including conservation areas, listed buildings, scheduled monuments, archaeological sites, registered parks and gardens and historic landscapes which contribute to the Borough's historic environment and local distinctiveness.
- 9.5 Detailed Policy 5 of the Local Plan goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed Policy 6 of the Local Plan aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status.
- 9.6 The made Denstone Neighbourhood Plan in its Policies BE2 and BE3 also sets out the local criteria for protecting and enhancing local built heritage assets and archaeological sites respectively. Appendix 3 to the Neighbourhood Plan identifies Richmond House and The Croft as Local Built Heritage Assets. Richmond House is described as “C19, red brick and Staffordshire blue tile roof

and The Croft as “*Substantial 2 bay. C19, red brick farmhouse, blue tile roof & outbuildings.*” The Croft is also on the Historic Farmsteads map.

- 9.7 Policy BE2 (Protecting and enhancing local built heritage assets) of the Neighbourhood Plan states that “where appropriate, all development proposals will be required to take into account the character, context and setting of the local built heritage assets (listed in Appendix 3) including important views towards and from the assets. Development will be required to be designed appropriately, taking account of local styles, materials and detail. The loss of, or substantial harm to a locally important asset will be resisted, unless exceptional circumstance is demonstrated.” Policy BE3 (Protecting and enhancing archaeological sites) states that “where appropriate development proposals should demonstrate that they have taken into account the potential impact on above and below ground archaeological deposits and identify mitigation strategies to ensure that evidence which could contribute to the understanding of human activity and past environments is not lost. Where a scheme has a potential impact on archaeological remains (below or above ground) a Heritage Statement or similar should be prepared in support of planning applications.”
- 9.8 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. The NPPF at paragraph 127 sets out a series of criteria for good design as follows: -
- “a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 9.9 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.

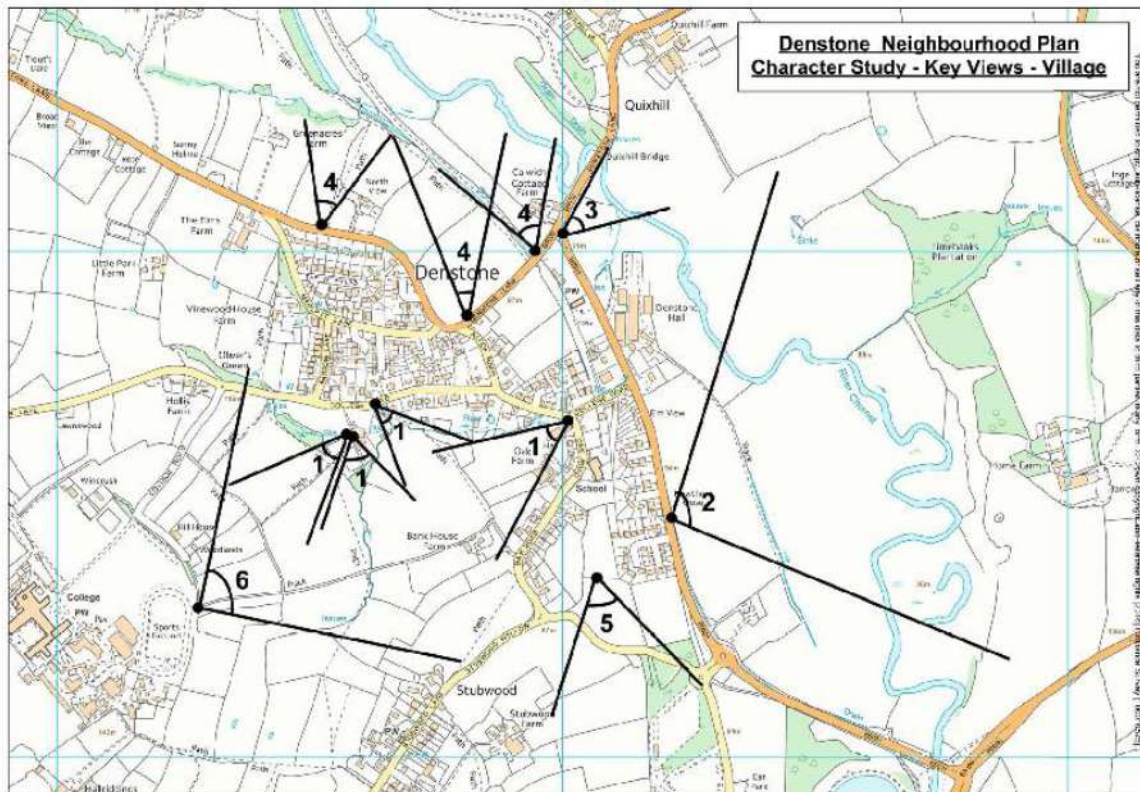
Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction. Policy DP1 of the Local Plan re-iterates the design principles set by Policy 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.

- 9.10 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 complement its surroundings.
- 9.11 The made Denstone Neighbourhood Plan Policies DP1, SB2(b), and BE1 seek to ensure that development in the village is sympathetic visually to the locality, including important views into or out of the village (outlined in Appendix 2 and referenced in Policy BE1). There are two key views of relevance to the application site which Appendix 2 of the Neighbourhood Plan identifies as follows:

Key View 1 : From College Road: looking west (across the village hall/shop) to the fields belonging to Oak Farm. This short view is a unique and distinctive feature of the village, bringing the rural setting into the centre. (The fields have remains of denuded ridge and furrow). There are also views of the rural setting of the village from the public footpaths running south from College Road from behind The Croft.

Key View 6: From the public footpaths around the College site which follow the contour lines and give views across the village and its rural setting.

These views are shown on the extract from the Neighbourhood Plan below.



9.12 Policy BE1 (Protecting and enhancing local character) of the Neighbourhood Plan states that:-

“A - Built development in and around Denstone village and the hamlets of Prestwood, Quixhill and Stubwood must protect, complement or enhance the historic rural character of the settlement and the landscape quality of the hinterland, which is identified in the Denstone Parish Landscape Character and Built Environment Assessment. Where appropriate applicants must explain, in a Design and Access Statement and/or Heritage 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:

- 1) the scale and form of the development,*
- 2) the density of the development,*
- 3) the materials to be used in the development.*

B - Development involving Historic Farmsteads and their setting will need to show that there will be no adverse impact on the built and landscape character of the location.

C - Any development in an area within the key views detailed in Appendix 2 and shown on the Key Views Village Map within Appendix 2 must ensure that key features of the view can continue to be enjoyed including distant buildings, areas of landscape and the juxtaposition of the village edge and surrounding countryside.

D - Development proposals should ensure that the distinctive and separate identities of Denstone village and Stubwood are not adversely affected by any development in the south and southwest of the Parish.”

- 9.13 Policy NE1 (Protecting the Countryside and Landscape) of the Neighbourhood Plan states that:-

“Any proposals for development in the rural areas should recognise and seek to protect and enhance the historic landscape and local character of the Parish. Field patterns and elements of the landscape heritage of the area, including ridge and furrow, field ponds, mature trees and historic hedgerows should be protected and incorporated into any landscape design schemes and their long term maintenance ensured.

In addition, development proposals should respect the longer views of the Churnet Valley and across to the Weaver Hills from Denstone village, as detailed in Appendix 2

Proposals should include consideration of the above factors in an appropriate landscape analysis either as a freestanding report or as part of a design and access statement.”

Assessment

- 9.14 The Grade II listed Stone House lies to the north-east of the site on College Road and as now revised the scheme does not propose any built development in the paddock area directly opposite the listed building (a position that can necessarily be secured by condition). In terms of its physical form therefore any scheme on the western side of the application site will have a degree of screening from the listed building with any views being restricted to that through the break in the hedge formed by the access road and of a roofscape over the hedge line. In this context and having regard to the post War development to that has occurred to envelop The Stone House on the northern side of College Road, and to the south-east, it is considered that the proposed dwellings will appear as an integral part of the modern housing that has occurred surrounding and as a backdrop to Stone House on College Road. As such it is concluded that the dwellings and the associated works would not have a detrimental impact on the setting of the Grade II listed building. The scheme would also have no material impacts on archaeological interests.
- 9.15 With regard to the relationship with the local heritage assets of Richmond House and The Croft, these buildings sit to the east and south-east of the site respectively and the ‘removal’ of proposed development on the paddock to the east of the site – during the application process – means the scheme now allows for the retention and context and views of both properties from the streetscape of College Road. There would therefore be considered to be no substantial harm to the way in which these buildings are appreciated or understood in the locality. Further, Richmond House in particular already has existing close visual associations with neighbouring residential development to the north and east and the proposed development would be better separated from it than existing development in either of these other directions. The Croft on the other hand has its most formal (principal) elevation facing south away from the proposed development, with the northern most portions of the building being later extensions effectively turning its back towards the village. Public

views of principal element of The Croft are only really possible from the public footpaths and via the driveway which is little more than a glimpse and would be unaffected by the development itself.

- 9.16 In terms of the views from the wider landscape, with regard to Key View 6 (in the Neighbourhood Plan) this is a long range view from a footpath to the south of Denstone looking across fields back towards the village. In the context of such a long range view it is considered that the proposal for a single row of 5 dwellings would have no substantial impact on the character of that view as looking back towards the village from outside of it would represent a minor change in the sense of its proximity on the village edge. Essentially, the development would be seen as a minor visual addition to the built form of the village, which already forms a backdrop to views in this direction. It is therefore also concluded it would not appear as a significant visual incursion into the countryside environs of the village.
- 9.17 In relation to Key View 1, this is actually identified as four viewpoints on the Neighbourhood Plan; none of which would incorporate a direct view of the development as now proposed. In relation to the position of one of the viewpoints, looking south-east from College Road, there would be a glimpse view of the development through the hedgerow on the frontage where the vehicular access is sited. A narrower glimpse view would also be obtained from College Road – further to the west - where the pedestrian access is to be provided into the development through the hedgerow. The proposed development would also be evident to the users of the Public Right of Way that utilises the access drive to The Croft before diverging to the south-west across the field area up towards the footpath at Key View 6. In all these views, however, it is considered that the development would be seen in the context of the predominantly post war development that has taken place on College Road to the north and east of the application site. As such the development is not considered to be likely to be so sufficiently detrimental to the character of the streetscape of this part of the village to warrant a refusal of planning permission on visual amenity grounds.
- 9.17 With regard to the land grading itself it is recognised that this is Grade 3 agricultural land; being the best and most versatile land in relation to which the NPPF encourages protection (at paragraph 170). The land in question is, however, only presently used as part of a paddock area and therefore, given the conclusions above on visual impacts it is again not considered the loss of this limited area of Grade 3 land in itself would provide sufficient justification to warrant a refusal of planning permission.

10 Residential Amenity

Relevant Policies

- 10.1 The National Planning Policy Framework, Policies DP1 and DP3 of the Local Plan and Denstone Neighbourhood Plan Policy DP1 seek to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 10.2 Policy DP7 of the Local Plan identifies that development will only be granted permission where they will not give rise to or be likely to suffer from, land

instability and/or unacceptable levels of pollution in respect of noise or light, or contamination of ground, air or water.

- 10.3 The Councils adopted Separation Distances and Amenity SPD sets out overall spacing standards for new residential development to ensure that existing and future occupiers have a good level of amenity and privacy to enjoy the place where they live.
- 10.4 Policy DP2 of the Local Plan and Neighbourhood Plan Policy DP1 provide for the designing in of sustainable construction/energy efficiency in any new development scheme. Neighbourhood Plan Policy DP1 also requires that new development should be served by a superfast broadband (fibre optic) connection.

Assessment

- 10.5 The illustrative plan submitted to accompany the revised scheme shows that 5 No. dwellings can be accommodated on the site and maintain a separation distance of some 50 metres from the nearest ‘adjoining’ residential property; this being The Croft to the south-east. This exceeds by some distance the minimum separation distance (of 22 metres) set out in the Separation Distances and Amenity SPD. With regard to the relationship with Richmond House to the east, it is recognised that this existing property is at a lower land level than the application site, However, given that there is a distance of at least some 45 metres between the gardens to the proposed dwellings and the existing garden to Richmond House, it is considered that the illustrative plan shows the site could be developed without giving rise to any significant overbearing, overshadowing or overlooking impacts on the residents of Richmond House. .
- 10.6 With regard to the relationship with the dwellings opposite - on the northern side of College Road - these would be effectively screened from the front elevations of the proposed dwellings by the mature hedgerow that is largely to be retained on the street frontage. However, even in the absence of any hedge row and even taken into account the site is at a higher land level there would – based on the illustrative plan – be a likely minimum separation distance of some 29.5 metres between the respective front elevations of the existing and proposed dwellings. Such a separation distance between front elevations would be considered to offer an acceptable relationship without giving rise to any significant loss of privacy to the residents concerned.
- 10.7 In relation to potential noise and disturbance it is not considered that the use of the private access road and associated parking facilities to serve 5 No. dwellings is likely to give rise to any significant impacts above that experienced already in the locality given the use of College Road to serve existing dwellings and the Denstone Hall College. Similarly, the continued use of the shared access to The Croft is unlikely to have a significant material impact on the residents of the new development given the likely relatively low levels of activity involved.
- 10.8 In terms of the future amenities of the occupants of the proposed dwellings, it is considered that the illustrative plan has demonstrated that 5 No. dwellings of the type specified can be accommodated on the site in accordance with the criteria of the Council’s Separation Distances and Amenity SPD with regard to

garden sizes. In terms of rear garden depths, whilst it may be the case that on any reserved matters scheme these may not all meet the recommended minimum depth of 9 metres, given that the rear gardens will adjoin the retained field area, this will mean that no overlooking or loss of privacy concerns would arise.

- 10.9 With regard to designing in of sustainable construction/energy efficiency and the provision of superfast broadband (fibre optic) connection these are provisions that can be necessarily secured at the detailed reserved matters stage in line with Policy DP2 of the Local Plan and Neighbourhood Plan Policy DP1.

11 Access and Highway Matters (including Public Rights of Way)

Relevant Policies

- 11.1 The NPPF 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.
- 11.2 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. Neighbourhood Plan Policy T1 indicates that the developments should not be detrimental to highway safety and should have measures to be taken to deal with the traffic impacts of the scheme and take any opportunities for improving the pedestrian and cycle connectivity.
- 11.3 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.
- 11.4 The Parking Standards SPD requires inter alia the following for residential developments:
- 2 or 3 bedrooms 2 spaces
 - 4 or more bedrooms 3 spaces

Assessment

- 11.5 At the position of the proposed development College Road serves residential properties along its length and the roads off it, along with the school traffic to Denstone Hall College. The Parish Council and local residents consider that

the vehicular access to serve the development is at a pinch point in the road and the increased traffic and visibility concerns will mean that the development would be detrimental to highway safety.

- 11.6 The County Highway Authority in relation to the original proposals provided an initial recommendation of refusal due to restricted visibility along College Road from the access, however, with the provision of the revised plan showing that the development scheme is able to provide 2.4m x 70m visibility splays over land within the applicants control or the public highway the Highway Authority consider these sufficient for this proposal. As such the County Highway Authority raise no objections in principle. The scheme will also provide an additional pedestrian facility along College Road behind the (largely) retained hedgeline with a formation pedestrian accesses.
- 11.7 With regard to off street parking provision and turning facilities, whilst the layout submitted is only illustrative at this stage it is considered that it demonstrates that facilities commensurate to a development of 5 No. dwellings – and their bedroom numbers - could be necessarily accommodated within the application site.
- 11.8 It is therefore concluded that the proposals, subject to the necessary highway related conditions recommended by the County Highway Authority, would not prejudice the safe or efficient use of the highway network in compliance with policies SP1 and SP35 of the Local Plan, Denstone Neighbourhood Plan Policy T1 and the Parking Standards SPD.
- 11.9 There is a public right of way (Denstone No. 18) which utilises the existing access drive to The Croft, which in its upgraded form will also serve the proposed development. The County Council Public Rights of Way (PROW) Officer comments that the potential for issues of safety to arise, relating to extra traffic on the lane and traffic entering/leaving the lane from the new development and the public road (College Road), needs to be addressed via the planning system. In this respect, as set out above, the County Highway have assessed the safety implications of the highway proposals and raised no objections in principle.
- 11.10 The County Council Public Rights of Way (PROW) Officer - along with the Peak and Northern Footpath Society - also emphasise that it is important the developer needs to be aware of the rights of footpath users, the priorities in terms of use (pedestrians over vehicular traffic) and the need to ensure that the route is not blocked either during the construction or occupation phase of the development. This matters have been drawn to the applicant's attention during the application process and a copy of the County Council Public Rights of Way (PROW) Officer's response will be referenced by its attachment to any decision notice.
- 11.11 The County Council Public Rights of Way (PROW) Officer also comments that there is the possibility of the existence of a currently unrecognised public right of way, at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. The Public Rights of Way (PROW) Officer indicates that it may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public. Whilst these comments are noted it is considered that in the absence of any identified

statutory right of way it would be unreasonable to defer any decision on this application at this stage in respect of this matter.

12. Flood Risk and Drainage

Policy Context

- 12.1 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.
- 12.2 Paragraph 155 of the NPPF states that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”* Paragraph 163 of the NPPF indicates that in determining planning applications, Local Planning Authorities should ensure that the flood risk is also not increased elsewhere.
- 12.3 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.
- 12.4 Policy SP27 of the Local Plan 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.
- 12.5 Policy DP2 Infrastructure of the Neighbourhood Plan in relation to Flooding and Drainage states that:-

“Development should not increase the risk of flooding and/or drainage problems and proposals should demonstrate that, where appropriate, measures are included that mitigate and adapt to the impacts of climate change.

Proposals for new development must be accompanied by a site-specific flood risk assessment where this is required by national policy and guidance or by the Environment Agency or Staffordshire County Council or East Staffordshire Borough Council. All proposals must demonstrate that flood risk and any impact on sewerage systems, will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant. Information with the application should show how mitigation measures will be satisfactorily integrated into the design and layout of a development.

The flows from new development sites in the Churnet River catchment should not exceed the flow expected from a mean annual flood on the existing undeveloped site. Wherever feasible development proposals will be expected to incorporate rural sustainable drainage systems (RSuDS) which should be integrated with hard and soft landscaping, access and parking provided to serve developments.”

Assessment

- 12.6 In relation to the provision of on-site drainage, Severn Trent Water Ltd have no objections in principle to the proposals subject to details of the disposal of foul and surface water flows being secured by condition.
- 12.7 In relation to flood risk a Flood Risk Assessment (FRA) was required to be submitted as part of the application process. The FRA assesses all potential sources of flooding to and from the site including fluvial, pluvial (surface runoff/sewers), ground water, reservoirs and any other artificial sources.
- 12.8 The FRA concludes that the site within Flood Zone 1 has a low flood risk and the County Council as the Lead Flood Authority have indicated the importance of finished floor levels and surrounding ground levels being designed to direct surface water away from dwellings and to set floor levels at least 150mm above surrounding ground levels. These are matters that could necessarily be addressed by conditions of any approval.
- 12.9 The FRA does, however, also acknowledge the development will increase the impermeable surfaces on the site which has the potential to increase surface water runoff from the site; with the latter being particularly salient in that it is within 200 metres of areas identified of being high risk of surface water flooding with mapped depths of up to 900mm. This means that surface water flooding:
- *“happens when heavy rain cannot drain away*
 - *is difficult to predict as it depends on rainfall volume and location*
 - *can happen up hills and away from rivers and other bodies of water*
 - *is more widespread in areas with harder surfaces like concrete”*
- 12.10 The applicants Flood Engineers have advised that a drainage strategy designed to manage this potential impact through the use of Sustainable Drainage Systems (SuDS) will be required. The SuDS scheme would integrate surface water risk management within the site and would follow the surface water discharge hierarchy (as per The SuDS Manual, CIRIA C753); with that being (1) Infiltration to the maximum extent practical; (2) Discharge into surface water; (3) Discharge to surface water sewer and (4) Discharge to combined sewer.
- 12.11 The applicants Flood Engineers commented further that “infiltration at the site may be an option but this would need confirming via infiltration testing. The most likely and appropriate discharge point for the surface water drainage would be the unnamed watercourse south of the proposed site. Attenuation could be provided which would enable a controlled discharge to this watercourse so this does not exceed the current greenfield run-off rate. Failing the above two options a controlled discharge to a public sewer system along the main road could also be explored. Finally, the applicants Flood Engineers commented that “given that this is an outline planning application in would be unusual at the stage to provide a detailed drainage plan for the proposal (owing to the potential for changes to layout etc.....) and we would expect the final details to be subject to a planning condition.”
- 12.12 The applicants were nevertheless at this stage requested by officers to further address the apparent contradiction in the surface water submissions in the

application in terms of them potentially causing increased flood elsewhere. In response, the applicants agent advises (in summary) that:-

- The applicants flood risk consultants indicate that the only way to provide the information requested by the planning officers is to complete a formal drainage plan. This would be at considerable cost to the applicants and would be completed on the basis of an indicative layout that may be subject to change at detailed stage.
- Drainage conditions are routinely attached to both outline and detailed planning permissions, even on major schemes, and the request seems to be somewhat onerous. There are 3 options (as set out at paragraph 13.11) suggested for drainage all of which are achievable subject to detailed design and it is hoped that these are appropriate for presentation to the Committee.
- It is fully appreciated that planning officers are trying to cover all issues, however, it is considered there is sufficient information, However, if Planning Committee feel differently it is within their jurisdiction to defer a decision until they have this information, however we would sincerely hope that is not the case as conditions pertaining to detailed drainage designs are commonplace on planning decisions.

12.13 In relation to the position of the applicants it is respected that it is normally the case that there is an engineering solution in relation to drainage matters and that a more detailed report on the matter would add cost at time in the application process whereby it is has not been indicated to them that the scheme has support in principle. On other hand, however, officers believe that in the absence of further drainage details at this stage it is not definitively possible to conclude that flood risk and drainage aspects of the scheme are in full accordance with Policy SP27 of the Local Plan and the guidance set out in the NPPF. Thus by way of addressing this potential impasse, and given due regard to the fact that this is a single technical issue amongst a number of more fundamental matters of principle in this exceptional rural housing site case, it is considered that it would be reasonable for the application to be reported to committee at this stage with a proviso that further drainage information is provided to officers to agree.

13. Ecology, Biodiversity and Trees

Relevant Policies

13.1 Paragraph 175 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.

13.2 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.

13.3 Policy SP29 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. Policy NE2 of the made Denstone Neighbourhood Plan sets out the criteria for nature conservation to require that all proposals for new development demonstrate how the design has taken into account its potential impact on local habitats and species. Policy NE2 also indicates that opportunities should also be taken by developers and landowners to link sustainable drainage solutions in new development to complement nature conservation objectives

- 13.4 Policy DP8 relates to tree protection. This policy states that where there are existing trees of value on site developers must ensure that new developments are designed to retain as many trees as possible.

Assessment

- 13.5 An Extended Phase 1 Habitat Survey has been submitted in support of the proposals which indicates no protected species were identified on the site, although it advises that the hedgerows to the site provide a suitable habitat for a number of species in relation to foraging and providing linkages (and local representations indicate that protected species have been seen in the locality). The Survey also recommends a number of ecological mitigation proposals including the provision of bat and bird boxes, controls on lighting and the provision of a wildlife pond. These mitigation measures, which an informative will indicate should also include swift bricks, will be necessarily secured by way of conditions to any approval.
- 13.6 The scheme will result in the loss some mature hedgerow with the improvement works to the vehicular access and the formation of a pedestrian access into the site. Such losses could, however, reasonably be mitigated by compensatory planting/habitat enhancement on the paddock area to the east of the driveway. These could be secured as part of any landscaping condition attached to any approval. A condition of any approval will also require that the hedgerow to the site frontage be protected during the course of the development. The intended use of a SuDs scheme for surface water drainage would meet the aims of Neighbourhood Plan Policy NE2 to link sustainable drainage solutions in new development to complement nature conservation objectives
- 13.7 It is therefore concluded, in the light of the applicant's submissions along with the necessary mitigation conditions, that the issue of the impacts on protected species and biodiversity of the scheme has been appropriately addressed at this outline stage.

14. Legal Matters/Unilateral Undertaking

- 14.1 As set out within the above report - if the application is approved - a Unilateral Undertaking will have to be necessarily provided by the applicants to ensure that the future residents of two of the proposed dwellings are limited to affordable housing occupation and the residents of another two dwellings are subject to over-55's provision. These obligations would comply with the NPPF and the statutory tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010

15. Conclusions

- 15.1 It is considered that having interrogated the applicants submissions thoroughly that the development would in principle contribute positively towards meeting the Borough's requirement to provide additional housing to meet the needs of present and future generations. The site is also well located relative to local services and facilities, which are accessible by a range of modes of sustainable travel.
- 15.2 The proposal also meets housing needs identified in the Housing Needs Assessment and provides a suitable level of affordable housing. It is also recognised that the applicants are willing to enter a Unilateral Undertaking to provide for the delivery and retention of affordable housing and over 55's housing in line with the criteria set out in Policy SP18 of the Local Plan and Policy SB2 of the Neighbourhood Plan.
- 15.3 It is considered that the scheme would also not harm the character and appearance or the setting of designated or non-designated heritage assets. The scheme would also not be significantly detrimental to visual amenities of the streetscape or the wider village setting, including key views.
- 15.4 Furthermore, the amenities of existing neighbouring dwellings will not be materially harmed given the separation distances and screening involved and highway safety is not significantly affected by the proposed development. The scheme would be acceptable in principle in biodiversity terms.
- 15.5 The proposed development is therefore considered to be in line with the aims of the policies in the East Staffordshire and made Denstone Neighbourhood Plans, associated supplementary documents and the National Planning Policy Framework. It is considered, however, that in order for any scheme to be formally granted planning permission that the outstanding technical issues in respect of surface water flood risk need to be definitively addressed.

16. RECOMMENDATION

be approved subject to a Unilateral Undertaking and the following conditions and the applicants submitting further information within 56 days of the resolution which satisfactorily demonstrates to officers that the scheme would not exacerbate off site surface water flooding

1. Expiration Date of outline permission

The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Reserved matters details

No development shall take place until plans and particulars of the layout, scale and appearance of the building(s) to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the

development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.

Reason: The application is in outline with details of access only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. Reserved matters submission date

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990.

4. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans/documents listed below subject to compliance with other conditions of this permission.

Location Plan (Scale 1:2500) and vehicular access details only as shown on Drawing No. A4396-001 P9 dated as being received on 12th November 2020.

Elite Ecology - Land off College Road, Denstone: Preliminary Ecological Appraisal (November 2019) dated as being received on 5th December 2019.

Reason: For the avoidance of doubt as application is in outline with only access details reserved at this stage and to ensure the development will not adversely affect highway safety, residential or visual amenities or the setting of heritage assets nor exacerbate flooding risks in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP4, SP8, SP16, SP17, SP18, SP24, SP25, SP27, SP29, SP30, SP35, DP1, DP2, DP3, DP5, DP6, DP7 and DP8, the made Denstone Neighbourhood Plan Policies DP1, DP2, SB2, H2, BE1, BE2, BE3, T1 and NE2 (and associated Appendices), East Staffordshire Housing Choice Supplementary Planning Document, the East Staffordshire Design Guide, the East Staffordshire Separation Distances and Amenity Supplementary Planning Document, East Staffordshire Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

5. Form of development and type and number of dwellings

This approval shall only provide for built development on the western side of the access drive to The Croft (as shown on the area hatched on the attached plan) and for the development of the site for five No. dwellings specifically comprising the following mix;

- 1 x 2 Bed House - Affordable Housing,
- 1 x 3 Bed (dormer) Bungalow - Affordable Housing,
- 1 x 2 Bed Bungalow - Over 55's accommodation
- 1 x 3 Bed Bungalow - Over 55's accommodation
- 1 x 4 Bed Bungalow - Market Housing.

Reason: For the avoidance of doubt and to ensure the development will comply with East Staffordshire Local Plan Policies SP1, SP2, SP4, SP8, SP16, SP17, SP18, SP25, DP1, DP3, DP5 and DP6, made Denstone Neighbourhood Plan Policies DP1, SB2, BE1 and BE2, the East Staffordshire Housing Choice Supplementary Planning Document, and the National Planning Policy Framework.

6. Levels details

The details required under condition 4 above shall include plans to a metric scale showing the proposed land levels of the site including site sections, all regrading works and the finished floor levels of all buildings and the finished levels of the access road and footway(s). The proposals should be provided in the context of the details of existing land levels and using a fixed datum. The development shall be undertaken strictly in accordance with all approved details.

Reason: To ensure the development will not adversely affect residential or visual amenities or the setting of heritage assets nor exacerbate flooding or contamination risks or compromise ecological interests in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, SP27, SP29, DP1, DP3, DP5 and DP7, the made Denstone Neighbourhood Plan Policies DP1 DP2, BE1, BE2, and NE2 (and associated appendices), the East Staffordshire Design Guide, the East Staffordshire Separation Distances and Amenity Supplementary Planning Document and the National Planning Policy Framework.

7. Drainage

The details required under condition 4 above shall include detailed plans to a metric scale for the disposal of foul and surface water flows. The development shall be completed strictly in accordance with all approved details before any dwelling is first occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues in the locality and to minimise the risk of pollution in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7, the made Denstone Neighbourhood Plan Policies DP1 and DP2 and the National Planning Policy Framework.

8. Construction Management Plan

No development (including any associated groundworks) shall take place until a Construction Management Plan, which shall specify the days and hours of operation, the parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of plant and materials used during the construction of the development, and measures to mitigate the deposition of deleterious material on the public highway, has been submitted and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be implemented and adhered to throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety (including for the users of public rights of way) and residential amenities in accordance with East

Staffordshire Local Plan Policies SP1, SP24, SP35 and DP7, the made Denstone Neighbourhood Plan Policies DP1 and T1, and the National Planning Policy Framework

9. Tree/Hedge Protection (Bespoke)

No development shall take place on the site until a tree and hedge protection scheme and a method statement for the works within the Root Protection Area to 'British Standard BS 5837' has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme as shown on the approved plans/documents shall be put in place prior to any works commencing on the site (including any ground or site clearance works) and shall be retained in situ at all times during the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP24, SP29 and DP8, made Denstone Neighbourhood Plan Policy BE2 and the National Planning Policy Framework.

10. Ecology (Bespoke)

Unless otherwise first agreed in writing by the Local Planning Authority the construction phase of the scheme hereby approved shall be undertaken in accordance with the recommended mitigation measures set out in the report of Elite Ecology - Land off College Road, Denstone: Preliminary Ecological Appraisal (November 2019) dated as being received on 5th December 2019.

Reason: In the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP24, SP29 and DP8, made Denstone Neighbourhood Plan Policy BE2, and the National Planning Policy Framework.

11. Details of lighting

No development shall take place above slab level until a detailed scheme of lighting for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and no other lighting shall be installed on the site unless first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the locality and in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP29, DP1, DP3, DP5, DP6 and DP7, made Denstone Neighbourhood Plan Policies DP1, BE1, BE2 and NE2, the East Staffordshire Design Guide and the National Planning Policy Framework.

12. Details of Materials

No development shall take place above slab level until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the locality/setting of heritage assets in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1, DP3 and DP5, Denstone Neighbourhood Plan Policies DP1, BE1 and BE2, the East Staffordshire Design Guide and the National Planning Policy Framework.

13. Ecology (Bespoke)

No dwelling shall be first occupied until details of ecological enhancement measures to be installed on the site (including a timetable of implementation) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by the recommendations set out in the Elite Ecology - Land off College Road, Denstone: Preliminary Ecological Appraisal (November 2019) dated as being received on 5th December 2019. The approved ecological enhancement measures shall be installed in accordance with the approved timetable and thereafter be retained and made available at all times for their designated purposes.

Reason: In the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP24, SP29 and DP8, made Denstone Neighbourhood Plan Policy BE2, and the National Planning Policy Framework

14. Visibility (Bespoke)

The development hereby permitted shall not be brought into use until the visibility splays across the areas coloured blue and red on the approved drawings (as listed at condition 4 above) from a point 2.4m back from the carriageway edge in the centre of the access have been provided. Once provided the visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the made Denstone Neighbourhood Plan Policies DP1 and T1 and the National Planning Policy Framework.

15. Access provision (Bespoke)

No part of the development hereby permitted shall be first occupied until the approved access to the site within the limits of the public highway has been completed and all common access, servicing and turning areas have been provided in accordance with details first approved in writing with the Local Planning Authority. Once provided all common access, servicing and turning areas shall thereafter be kept clear and made available at all times for their designated purposes

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the made Denstone Neighbourhood Plan Policies DP1 and T1 and the National Planning Policy Framework.

16. Access provision (Bespoke)

No part of the development hereby permitted shall be first occupied until a pedestrian footway has been provided within the site in accordance with

details first approved in writing with the Local Planning Authority. Once provided the footway shall be maintained and made available for use at all times for pedestrians for the life of the development.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the made Denstone Neighbourhood Plan Policies DP1 and T1 and the National Planning Policy Framework.

17. Parking Areas to be provided (Bespoke)

Prior to the first occupation of any dwelling hereby approved, the parking spaces associated with the respective plot(s) shall be provided in a bound material in accordance with details first approved in writing with the Local Planning Authority. Once provided the parking areas shall thereafter be made available at all times for the parking of vehicles.

Reason: In the interests of highway safety and in accordance with the aims of East Staffordshire Local Plan Policies SP1, SP24 and SP35, the made Denstone Neighbourhood Plan Policies DP1 and T1, the East Staffordshire Car Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

18. Landscape Implementation (Bespoke)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the landscaping scheme installation die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policy SP1, SP24, DP1 and DP8 the East Staffordshire Design Guide and the National Planning Policy Framework.

19. Boundary Treatments (Bespoke)

Prior to the first occupation of any dwelling hereby approved, the boundary treatments for the respective plot(s) shall be erected in accordance with the approved plans (as required under condition 2 above).

Reason: To safeguard the visual amenities of the area and the privacy of occupiers of new dwellings and in accordance with the aims of East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

Informatives

1. Engagement

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development

complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

2. Details of Proposed Materials

The applicant is advised that in complying with Condition 12 above regarding the submission of samples and details of all external materials, ensuring the product name and manufacturer is provided and must be submitted in writing to the Local Planning Authority as part of the relevant Discharge of Condition application along with correspondence confirming that date on which samples will be made available on-site and where they will be located.

3. Pre-commencement Conditions

The conditions identified below require details to be approved before commencement of the development/works.

Conditions No(s) 8 and 9.

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

Requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606.

Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

4. Surfacing of Access, Footways, Parking and Turning Areas

The applicant(s) is/are advised that in complying with Conditions 15, 16 and 17 above materials with a high degree of porosity would be the most likely to be acceptable as they will reduce the amount of surface water run-off.

5. Ecological Responsibilities

The applicant(s) is/are advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

6. Details of Construction Manager

The applicant(s) is/are advised that the contact details for the construction manager should be supplied to the Environmental Health Manager prior to the commencement of construction works by emailing the Pollution Team (pollution.team@eaststaffsbc.gov.uk).

7. Highways Informative

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

8. Landscape Details

You are advised that the details of landscaping required under condition 4 should include details of boundary treatments.

9. Public Footpaths

The applicant(s) is/are advised that the Public Footpath(s) which cross the site should not be obstructed or extinguished as a result of this development either during or after construction. Your attention is also drawn to the comments of the Public Rights of Way Officers on the issues of hierarchy of use of any public right of way.

10. Swift Bricks and Hedgehog holes

You are advised the details of the ecological mitigation measures shall include the provision of at least one swift brick to a dwelling on the site. All close boarded fencing shall have provision for hedgehog holes.

11. Approved Plan Clarification

You are advised that condition 2 provides solely for the vehicular access works as shown on Drawing No. A4396-001 P9 dated as being received on 12 November 2020 and does not imply any approval for the layout or design of the dwellings shown on the drawing. These details will need to be agreed under the reserved matters submissions as per the other conditions of this grant of outline planning permission.

12. Waste

The developer will be required to provide the appropriate external storage containers for refuse and recycling collection (in accordance with the Council's specification). Further details may be found at:

<http://www.eaststaffsbc.gov.uk/sites/default/files/docs/bins/WasteStorageandCollectionGuidance.pdf>

13. Legal Agreement

This permission is subject to a Unilateral Undertaking.

17. Background papers

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

- Local and national policies outlined in above in section 7
- Papers on Planning application file P/2019/01489.

18. Human Rights Act 1998

18.1 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.

19. Crime and Disorder Implications

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

20. Equalities Act 2010

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

For further information contact: Alan Harvey
Telephone Number: 01283 508618
Email: dcsupport@eaststaffsbc.gov.uk