
Agenda Item:	7.4
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Site:	Land Off, Woodlands Rise, Draycott in the Clay , DE6 5LE
Proposal:	Erection of 8 dwellings, comprising of 3 pairs of semi-detached dwellings and 2 detached dwellings and the erection of associated garages, including the formation of a vehicular access.

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/2017/01499	
Planning Officer:	Rob Duckworth	
Type of Application:	Detailed Planning Application	
Applicant:	Walton Homes Ltd	
Ward:	Crown	
Ward Member (s):	Councillor Gordon Marjoram	
Date Registered:	09 January 2018	
Date Expires:	22 June 2018	

1. Executive Summary

- 1.1 The application site is an approximately 0.37 ha rectangular field to the northern end of Woodlands Rise, which is situated between Draycott in the Clay and Marchington. The site lies outside any settlement boundaries identified in the policies map of the Local Plan; and therefore, Policy SP8 is particularly relevant in this instance as the site is defined as countryside. The site was refused permission for the same development in 2015.
- 1.2 The NPPF has a presumption in favour of sustainable development. The site has a location outside any development boundaries and separated from the nearest villages by open countryside and linked to them by a busy road without continuous footways. There are no immediate facilities nor services to serve any future residents of the site other than within Draycott and Marchington, which lie a significant distance away. The lack of continuous footways, distance to Draycott and Marchington, and the infrequent bus service means that journeys to both villages are likely to be dominated by the private car. The routes to either of these villages are not considered to

be conducive to alternatives modes of transport. The development is therefore not sustainable.

- 1.3 Drainage problems have been identified on the site and in the area, and evidence has not been provided to demonstrate how the proposed development will impact the on standing surface water, flooding and sewerage nor how the issues will be mitigated.
- 1.4 The submitted Preliminary Ecological Appraisal states that further surveys regarding reptiles are required. As per the ODPM Circular 06/2005 & Defra Circular 01/2005: Biodiversity and Geological Conservation, if there is reasonable risk to protected species the risk needs to be fully assessed prior to the determination of an application. In this instance, there is a reasonable likelihood of protected species on the site including reptiles, therefore the application could not be progressed until this information is suitably presented and would therefore be contrary to the aforementioned Circulars and Local Plan Policy SP29 and the NPPF.
- 1.5 There are no issues with the design, layout, landscape impact, neighbour amenity or heritage assets which have been assessed as being acceptable in accordance with the Local Plan Policies and the NPPF.

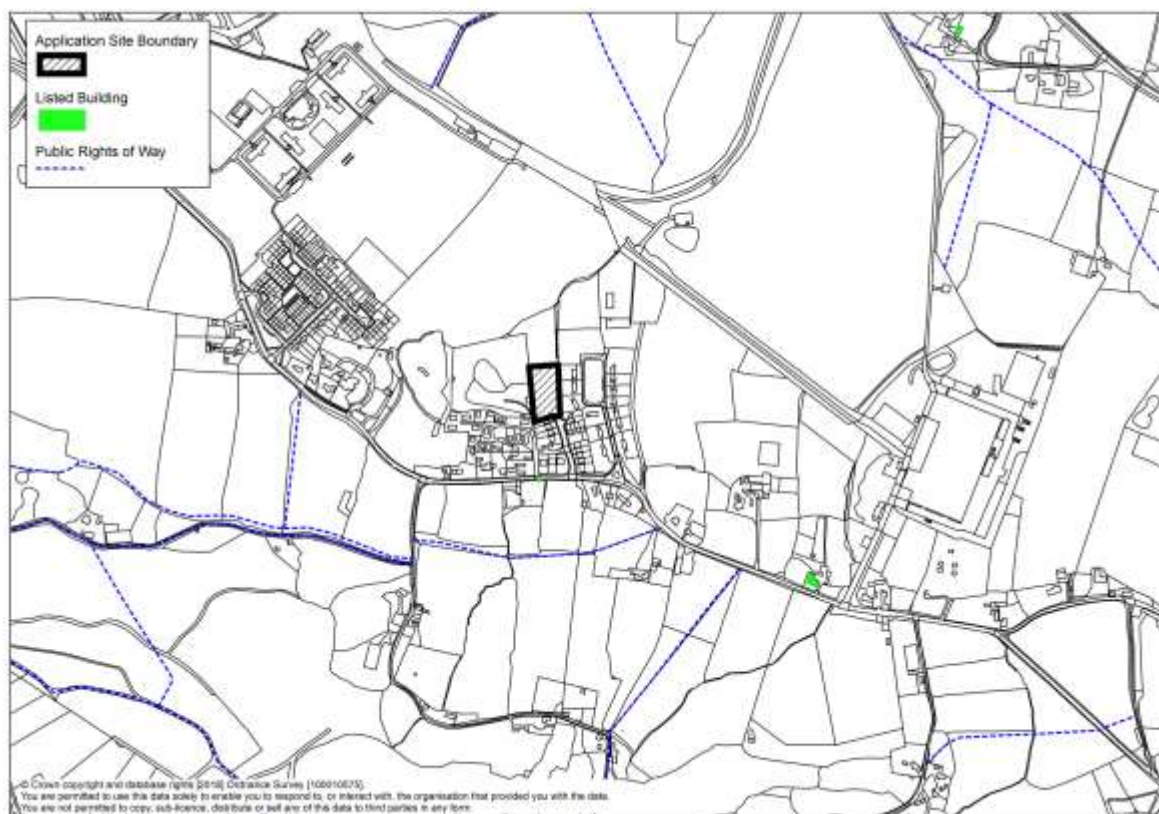
The application is recommended for refusal for the following reasons:

1. The proposed development is outside of settlement boundaries, as defined in the Local Plan and its policies map, and is, therefore, in the countryside. Policy SP8 of the Local Plan precludes residential development in the countryside unless certain tests are sufficiently met. In this instance none of the criteria of Policy SP8 have been met so the application is considered to be inappropriate and unacceptable.
2. The Local Plan plans for strategic growth of the Borough through the provision of allocated housing sites and a hierarchy of settlements in which developments would be suitable and acceptable. The location proposed for development is not identified as a location for housing development in the Local Plan under Policies SP2, SP4 and SP8. Whilst a Housing Needs Survey has been submitted it was not conducted in accordance with the methodology of the Housing Choice SPD and as such is not an accurate marker of specific housing need in the area, which would not otherwise be met. In respect of this it is considered that the granting of permission would be contrary to SP2, SP4 and SP8 of the Local Plan as well as the Housing Choice SPD.
3. Staffordshire County Council Flood Risk Team have highlighted an issue with surface water drainage and the potential of localised flooding. Insufficient information has been submitted to establish how the proposed development will impact upon the local hydrology, manage surface waters and prevent the exacerbation of current drainage issues and therefore, the proposals are unacceptable, contrary to Local Plan Policy SP27 and the NPPF.
4. The submitted Preliminary Ecological Appraisal states that further surveys regarding reptiles are required. As per the ODPM Circular 06/2005 & Defra Circular 01/2005 Biodiversity and Geological

Conservation – Statutory Obligations and their Impact within the Planning System where there is reasonable risk to protected species the risk needs to be fully assessed prior to the determination of any application. In this instance there is a reasonable likelihood of protected species on the site including reptiles, great crested newts, breeding birds and bats with potential foraging sites for bats and badgers, therefore the application cannot be granted until this information is suitably presented and be contrary to the aforementioned Circulars and Local Plan Policy SP29 and the NPPF.

5. The proposed development fails to demonstrate a safe and practical pedestrian route to the settlements and amenities in Marchington and Draycott-in-the-Clay thereby leading to an increased likelihood of pedestrian / vehicle conflict contrary to East Staffordshire Local Plan Policies SP1 and SP35 and Paragraphs 17 and 32 of the NPPF.
6. The proposed development fails to demonstrate that sustainable travel is viable and this would result in a high likelihood that residents of the proposed development would be unduly reliant on the private car for transport contrary to East Staffordshire Local Plan Policies SP1 and SP35 and Paragraphs 17 and 32 of the NPPF.

Map of site



2. The site description

- 2.1 The application site is located to the northern end of Woodlands Rise which is situated between Draycott in the Clay and Marchington. The site is roughly rectangular and appears vacant and overgrown and was formerly used as land for the grazing of horses and agriculture. The site is located between

the northern most houses of Deep Cut Road and The Willows Caravan Storage Facility with the northern most edge of the site level with No.11 Deepcut Road.

- 2.2 The site is generally level although it does slope down to the north. Dense hedges run around the eastern and western boundaries of the site with fencing on the southern boundary to Woodlands Rise. The site is not bounded to the north.
- 2.3 The site is located outside any settlement boundaries and therefore is in the countryside in respect of Local Plan Policies. The application site is 0.37 ha and is to be accessed off the turning head for Woodlands Rise as an extension of the road.
- 2.4 The site is in an area of archaeological interest being part of the former Army Barracks (MI ID1775 Army Camp, Prisoner of War Camp, Military Depot Marchington).

3. Planning history

- 3.1 P/2015/00680 - Erection of 8 dwellings, comprising of 3 pairs of semi-detached dwellings and 2 detached dwellings and the erection of associated garages, including the formation of a vehicular access. Refused (Delegated).
- 3.2 A planning appeal for outline permission for 8 dwellings at The Lont was allowed in March 2017, approximately 373 metres from the application site. Relevant planning history is a material consideration in decision making and it is considered that the appeal decision, due to it relating to a similar scheme in the broad vicinity of the Stubby Lane area is a material consideration for this application. In the appeal, the Inspector found that even though there was conflict with policies SP2, SP4 and SP8 of the Local Plan, because of the specific characteristics of the 'Lont' site on Stubby lane there would be very little harm by virtue of that conflict, which was considered to be "merely theoretical" and the proposal would not undermine the overall development strategy of the area and would comprise sustainable development. Whilst the appeal decision is a material consideration, there are reasons why the decision maker is not required to come to the same conclusion. Firstly, it is legitimate to consider the cumulative impact of the application and the permitted appeal scheme as well as the cumulative impact of the proposed development and other applications currently awaiting determination, considered separately in other items of this committee. Secondly, there remains the emphasis that decisions should be plan-led, with the expectation that where there are conflicts with an up-to-date plan, development proposals will normally be refused unless there is a compelling reason to grant permission. Thirdly, all applications should be determined on their own merits, which are discussed in detail in this report.

4. The proposal

- 4.1 Development consists of 8 dwellings, comprising of 3 pairs of semi-detached dwellings and 2 detached dwellings and the erection of associated garages. The detached dwellings are proposed to be two storey with the semi-detached properties to be two and a half storey (with rooms in the roof served by roof lights). The houses will be constructed in a row on the

western side of the site with the road on the eastern side as a continuation of the existing Woodlands Rise estate. The proposed dwellings are of a form similar to those on Woodlands Rise taking the general eaves and ridge heights, detailing and proportions but with a refreshed look. There are proposed to be three house types, each complementary to each other and the existing houses of Woodlands Rise. Some will have integral garaging but there will be two detached garages, one single and one a double. The double garage will be at the terminus of the extended road to provide a visible end to the street and development.

- 4.2 All the properties proposed will have four bedrooms and the parking provision ranges from three to four spaces.
- 4.3 There are to be two easement strips to make sure drainage channels are avoided, one to the south of the site and one between the 6th and 7th property from the south.

5. Consultation responses and representations

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

Statutory and non-statutory consultee		Response
5.2	Parish Council	<p>Draycott in the Clay Parish Council objects to this planning application due to concerns about any further development which would increase traffic on Stubby Lane. Stubby Lane already experiences dangerous traffic conditions and has no footpaths for significant stretches, making pedestrian use particularly hazardous.</p> <p>The Parish Council is also concerned that the local infrastructure, particularly the sewerage system, may be unable to cope with the proposed development and that local flooding issues would be made worse.</p> <p>If, despite these concerns, ESBC Planning Department is mindful to permit this application the Parish Council requests that a public right of way is created for pedestrians from a point opposite plot 8 over the fields towards the Biffa waste site on Moreton Lane (so that the footpath can connect to the existing rights of way when the site is re-opened).</p>
5.3	SCC Highways	<p>Recommend refusal for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development fails to demonstrate a safe and practical pedestrian route to the settlements and amenities in Marchington and Draycott-in-the-Clay thereby leading to an increased likelihood of pedestrian / vehicle conflict. 2. The proposed development fails to demonstrate that sustainable travel is viable and this would result in a high likelihood that residents would be unduly reliant on the private car for transport.

5.4	SCC Flood Risk Team	Known issues on the site and initial objection but following discussions a revised response is due before Planning Committee and will be reported by way of Update.
5.5	Severn Trent	Known issues on the site but no formal comments received but due before Planning Committee and will be reported by way of Update.
5.6	SCC Schools Organisation	In the catchment of schools so contributions should be sought (£13,827 for one Middle School space). Note: contributions cannot be sought for developments of less than 10 units.
5.7	SCC Historic Environment	No objection.
5.8	Severn Trent Water	Awaiting a final response which will be reported on the update sheet.
5.9	Staffordshire Wildlife Trust	No representations received.
5.10	Architectural Liaison Officer	No representations received.

Internal Consultees		Response
5.11	Environmental Health	No comments.
5.12	Environment Manager (Waste)	No objections but developer should contribute £75 per bin required via S.106 agreement. Note: contributions cannot be sought for developments of less than 10 units.
5.13	Planning Policy	Housing Needs Assessment is insufficient for purpose. More information is required in accordance with the House Choice SPD.

6. Neighbour responses

6.1 18 representations have been received.

Neighbour responses	
Principle	<ul style="list-style-type: none"> • Outside settlement boundaries • Unsustainable location: poorly connected, no services • Cumulative development impact • The Lont approval for 9 executive houses provides sufficient provision of need for the village. • Further housing need needs to be formally assessed. • No need for more houses of this type in the area (76 4-bed properties for sale in 5 miles and 516 within 10 miles) • Previously refused permission: the situation has not changed.
Impacts on Amenity	<ul style="list-style-type: none"> • Garage at end would change outlook of Woodlands Rise. • Application states that a permissive right of way could be

	<p>included but the Biffa landfill site precludes this.</p> <ul style="list-style-type: none"> • Unsustainable location: poor public transport and no services • Street lighting will result in evening amenity issues / light pollution. • Landfill site in the vicinity
Highways Impacts	<ul style="list-style-type: none"> • More vehicles using Woodland Rise; child safety • More use of Stubby Lane junction with high numbers of HGV movements resulting in safety risks. • Poor public footpaths. • Poor street lighting
Flood and drainage impacts	<ul style="list-style-type: none"> • Sewer capacity and regular blockages (Sewage has a capacity of 30 homes as noted in SHA/DES/S/S/1/5 original Woodlands Rise Application 1992. • Surface water issues (photographs show evidence) • A new improved system needs to be installed should the proposal be approved. • Beck / stream within 20m of site.
Design	<ul style="list-style-type: none"> • Design of proposed dwellings not in keeping with area.
Ecology	<ul style="list-style-type: none"> • Impact upon wetland area • GCN and other amphibian habitats • Badger habitats • Nesting birds • Development may cause harm to the tree roots of adjacent trees.
Individual and Cumulative Impacts	<ul style="list-style-type: none"> • One small development of 8 or so houses would not impact significantly. Cumulatively with other developments would be significant and detrimental.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP4 Distribution of Housing Growth 2012 – 2031
- SP8 Development Outside Settlement Boundaries
- SP16 Meeting Housing Needs
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP30 Locally Significant Landscape
- 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

Supplementary Planning Documents

- East Staffordshire Design Guide SPD
- Parking Standards SPD
- Housing Choice SPD

8. Principle of Development

- 8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

9. 5 Year land Supply

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

10. Local Plan

- 10.1 Policy SP1 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.

- 10.2 The Local Plan sets out in Policies SP2 and SP4 a development strategy directing growth to the most sustainable places. Policy SP8 provides guidance and criteria on how to deal with development proposals in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless the development is, amongst others:

- 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
- development under the Rural Exception Sites policy; or
- Otherwise appropriate in the countryside

- 10.3 The site lies outside any settlement boundaries identified in the proposals map of the Local Plan and is located between Draycott in the Clay and Marchington; therefore Policy SP8 is relevant in this instance.
- 10.4 The proposal fails to satisfy any of the criteria SP8 of the Local Plan. A Housing Needs Assessment was submitted with the application. The assessment states that housing needs assessments either focus on quantity of housing need and/or the types of housing required. The assessment then states that the quantity of housing need is already established and therefore the assessment focuses on the type of housing required. The applicant considers that due to the limited population of the Parish, a questionnaire will be an unreliable approach to identifying housing need and that data sets are instead considered the best approach. However in line with the relevant planning policies (particularly SP8 and SP18, although the latter relates to affordable housing and traveller pitches), any residential development outside settlement boundaries is required to be accompanied by a housing needs survey, identifying housing needs which would not be met through the development strategy identified in the Local Plan, or by developments currently permitted. In experience, the questionnaire approach is the only way to clearly set out the detailed need within the locality, the type and tenure of dwellings and the timing for when the need should be met.
- 10.5 The assessment pulls out data on households, house type, house values (and change in house values since 2013), housing tenure, level and type of employment, gender, age, marital status and health. The applicant claims that this demographic information demonstrates that Draycott is an affluent area, largely populated by professionals living in detached family homes, a trend which the applicant considers will continue hence the nature of the application. The applicant considers that the release of existing stock in the area by older residents downsizing alone is unlikely to fulfil this need.
- 10.6 It is not considered that the data referred to in the assessment is more detailed, or up to date than that used in the Strategic Housing Market Assessment (SHMA) which includes consideration of most of items and trends listed above. The Council have used the information in the SHMA to prepare the Local Plan and development Strategy; therefore, the submitted assessment doesn't provide any new or suitably detailed information about specific housing needs in the locality.
- 10.7 It therefore turns to whether the development strategy (level of housing need) is, or is still capable of being achieved. Whilst the applicant does not state that the proposal is an alternate way to meet the development strategy, the settlement boundary for Draycott was specifically drawn to accommodate the development strategy over the plan period (an allocation of 20 No. dwellings under Policy SP4).
- 10.8 The applicant refers to elements of the Councils five year land supply, particularly under delivery as an argument for the need for new homes. There is no dispute that homes are required, however the development strategy sets out where the objectively assessed housing need is to be delivered over the plan period. The five year land supply adequately addresses under delivery in the calculation and a 5 year land supply can be demonstrated; 5.23 years of supply as of 30th September 2017.

- 10.9 In order for a scheme for residential development outside the settlement to comply with the relevant policies in the plan, a revised housing needs survey in line with the guidance set out in the Housing Choice SPD is required. The purpose of a housing needs survey is to understand if there are any local households that are in specific housing need, such as for specialist housing or affordable housing which would not otherwise be met by the development strategy or current permissions. This was requested of the applicant but no further evidence/data has been received.
- 10.10 Furthermore, the location is not identified as a location for housing development in the Local Plan. The granting of permission would be contrary to SP2 and SP4 of the Local Plan.
- 10.11 The proposal is a greenfield site which has been used for agricultural purposes in most recent times. Whilst it is preferable to develop on brownfield sites rather than greenfield sites it is also important that the site is sustainably located. The proposal seeks to provide eight open market houses. The closest services, school and shop are in the village of Draycott in the Clay which is only accessible via car from the location due to lack of footpaths or public rights of way (PRoW). Marchington also has a range of services and is equally as difficult to access.
- 10.12 To provide context in terms of distances:
- | | |
|---------------------------------|---------------------|
| St Augustines School, Draycott: | 1 mile / 1.66km |
| Draycott Shop/Post Office: | 1.12 miles / 1.81km |
| Marchington School: | 1.7 miles / 2.74km |
| Marchington Shop: | 1.86 miles / 3km |
- 10.13 The only bus service that runs along Stubby Lane is service 402 operating on 2 hour frequency. This service only operates Monday to Saturday. The route links Uttoxeter with Burton upon Trent passing through Marchington, Draycott in the Clay, Hanbury and other smaller settlements. The closest bus stop, approximately 260m from the site towards Marchington, is not accessible via a continuous footway or public footpath and is poorly defined. There appears to be no hail and ride service available for the area (certainly not advertised online) which prevents impromptu trips without a car; this was a matter raised on a previous appeal decision at The Lont (APP/B3410/W/16/3148540) but no such service appears to exist. It is considered that the proposal will have an overriding need for car use. Previous applications in the vicinity stated the potential provision of a pavement towards Draycott would aid in the sustainability of the location but it is not considered enough to outweigh the unsustainable location.
- 10.14 A footpath along Stubby Lane was initially proposed following the grant of consent for an employment use at the Kuehne and Nagel site but the permission was not implemented and footpath never delivered.
- 10.15 In relation to the social arm of sustainability the development would contribute positively towards the government's aim of boosting the supply of housing, however, the Local Plan has a very clear direction on the

appropriate strategy to do this; developing a large quantum of housing in rural areas is not in accordance with the strategy. The site is not well located relative to local services and facilities which should, ideally, be accessible by a range of modes of sustainable travel. Whilst it is acknowledged that the proposal will lead to a larger population to maintain the existing local services it is considered that an increase of eight houses is not sufficient to rely on, especially considering the separation and poor links.

10.16 In terms of the economic arm there are obvious benefits associated with new development, especially during the construction period when the house building industry will employ staff, but this is limited. A similar argument could be had for a brownfield site in a sustainable location.

10.17 The proposal is in the countryside on a greenfield site which may provide habitats for a number of species so with respect to the environmental arm of sustainability the site is far from ideal and potentially harmful. Furthermore, the isolation from existing settlements and the reliance on private motor vehicles does not aid this arm.

10.18 It is considered that the proposal is in an unsustainable location, on a greenfield site in an area where housing is precluded, unless in special circumstances, which have not been demonstrated, and which will generate a need to use the car, and as such is considered unacceptable against the policies of the Local Plan and the NPPF.

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

11.1 Local Plan Policies SP1, SP24, DP1, DP3 and SP30 as well as the East Staffordshire Design Guide state that development proposals must contribute positively to the area in which they are proposed. The policies lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.

11.2 Policy DP2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.

11.3 Eight new-build dwellings are proposed and these are to continue the form of Woodlands Rise with houses in a row. The general size and scale of the proposed houses reflects the existing houses on Woodland Rise. The taller properties (2½ storey Type B) are at the northern (lowest) part of the site, thus reducing their visual height. The proposed layouts demonstrate a scheme of acceptable form and density.

11.4 The development will be a continuation of the existing form of Woodlands Rise on a quite well contained and discreet site with peripheral planting, therefore, there will be almost no impact upon the wider landscape and character of the area in accordance with the policies mentioned above.

11.5 The design of the proposed dwellings is not wholly reflective of surrounding properties, having a quality design of their own right, but would complement the existing properties in the area suitably.

- 11.6 It is considered that the proposal could satisfactorily accord with the Local Plan Policies SP1, SP24, DP1 and DP3 in design terms to provide a high quality built environment. It is not considered that Policy SP30 is significantly compromised by the proposals.

12. Residential Amenity

- 12.1 The National Planning Policy Framework and DP1 and DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 12.2 The proposed dwellings are sufficiently distanced from nearby properties as to not unacceptably affect the amenities enjoyed by the occupiers of these neighbouring dwellings. It is also considered that there would no adverse impacts from overlooking or a loss of light within the site between the new dwellings and the neighbouring sites. The proposal therefore accords with Policy DP3 of the Local Plan and the NPPF.
- 12.3 There has been comment that the garage at terminus of the proposed access will affect outlook of the countryside to the north. It is considered that the outlook from neighbouring properties will not be compromised; the view may be affected but not significantly.
- 12.4 The proposed residential use is unlikely to lead to significant additional noise and disturbance and it is the proposals would not unacceptably affect the amenities enjoyed by the occupiers of nearby dwellings. The proposals do indicate street lighting, which has been highlighted as a matter of objection, but the existing part of Woodlands Rise already has street lighting and the proposed increase would not be substantial.
- 12.5 In this regard it is considered that there will be no specific amenity issues associated with the development and therefore it will accord with Policy DP3 of the Local Plan and the NPPF.

13. Sustainability of Construction (energy efficiency and low carbon)

- 13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings.
- 13.2 The proposals do not specify any particular methods for the reduction of carbon but through modern design and construction methods the buildings will undoubtedly be much more efficient than those properties in the vicinity.

14. Highway Matters

- 14.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should 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.

- 14.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 14.3 The Council's Parking Standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 14.4 The application proposes to continue the Woodland Rise with a row of houses on one side of the road with the road being a natural continuation of the existing Woodland Rise.
- 14.5 The Highway Authority has objected to the proposal based on the lack of a safe and practical pedestrian route to the settlements and amenities in Marchington and Draycott-in-the-Clay thereby leading to an increased likelihood of pedestrian / vehicle conflict; and by reason that the proposed development fails to demonstrate that sustainable travel is viable and this would result in a high likelihood that residents would be unduly reliant on the private car for transport.
- 14.6 With regard to vehicular access, it is accepted that Stubby Lane is busy with HGV traffic and that it is not of an ideal specification for such vehicles but the vehicle movements associated with the addition of 8 dwellings is unlikely to result in any particular issues, especially when considering that Woodland Rise junction has been designed appropriately to cope with the road speeds and level of use. Visibility is appropriate for the road speeds and the additional traffic generated will not be significant enough to warrant a refusal on its own grounds.
- 14.7 The proposals have been amended to show 3m x 6m internal garage sizes and the parking provision for each property is either sufficient or in excess of what is required, as such the proposals meet the requirements of the Parking Standards SPD and County Highways advice, subject to the appropriate conditions.

15. Historic Environment

- 15.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against

other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 15.1 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. If there would be some harm to the setting of the listed building the Council should refuse planning permission unless the harm is outweighed by the planning benefits of the proposed development. This is a statutory presumption in favour of preservation (Barnwell Manor Wind Energy Ltd). Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.2 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 15.3 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 15.4 There are no designated above ground heritage assets - conservation areas or listed buildings - within 0.5km of the application site. The Marchington Conservation Area is some 1.24 km distant to the north-west and the nearest listed building at Draycott Lodge is some 0.54 km away to the south east on Stubby Lane. Given these separation distances and the topography of the intervening landscape, it is not considered that the proposal will have any impact on views into, or those out of designated areas, or affect any listed building or its setting and that the statutory duties under Section 66(1) and under Section 72 are not therefore engaged.
- 15.5 The site is within an area marked as an Archaeological Site – MI ID1775 Army Camp, Prisoner of War Camp, Military Depot, Marchington. Whilst the Staffordshire Historic Environment Record (HER) identifies a degree of historic interest within the area the Historic Records Officer has raised no archaeological concerns regarding the proposed development in this instance therefore it is considered that the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are satisfied and the proposals accord with the relevant policies of the Local Plan, as noted above, and NPPF. The scheme would have no archaeological implications.

16. Flood Risk and Drainage

16.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere.

16.2 The site lies within Flood Zone 1 and as such is at low risk from fluvial flooding. While it is acknowledged that localised flooding has occurred it is not considered that this could substantiate a grounds for refusing the application subject to an acceptable Flood Risk Assessment. Local Plan Policy SP27 expects all new development to incorporate Sustainable Drainage Systems (SUDS).

16.3 There are to be two easement strips to make sure drainage channels are avoided, one to the south of the site and one between the 6th and 7th property from the south.

16.4 SCC Drainage and Flooding Team have commented that there are serious issues and recommend refusal on the following grounds:

“In the absence of an acceptable Flood Risk Assessment (FRA)/Drainage Strategy we recommend refusal to the grant of planning permission for the following reasons:

The submitted documents do not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted documents are not acceptable because:

1. You do not appear to have considered surface water flood risk from a public sewer and piped watercourse that cross the site.
2. You have not established you have an agreed point of discharge for the surface water from your site.
3. You are not proposing an acceptable rate of discharge of surface water from the site in comparison to the existing site.
4. You have not established where/how attenuated water will be accommodated within the site.
5. You have not considered the risk of flooding from Woodlands Rise where a number of incidents have occurred historically
6. You have not set floor levels sufficiently above levels of local flood risk.

16.5 Flooding incidents in this location have only been revealed to us in recent months. But it appears there could be a real risk to the development as a result...”

16.6 The LLFA have commented that the issues are serious but if a solution could found then their objection can be lifted in lieu of a condition; this is ongoing and will be reported by an update to the report prior to Planning Committee.

- 16.7 Severn Trent Water has no objection to the proposal merely requesting a standard condition, although this has been questioned as it is clear that issues exist and persist; this is ongoing and will be reported by an update to the report prior to Planning Committee.
- 16.8 The percentage of comments in the objections that related to surface water and sewerage was high and photographic evidence was provided of standing water at the end of Woodlands Rise.
- 16.9 Based on the lack of information submitted at the time of writing it is considered that the proposals may give rise to more surface water, a greater impact upon the hydrology or the area and a greater burden on the sewerage of the area and as such would not be acceptable, contrary to Local Plan Policy SP27 and the NPPF.

17. Biodiversity

- 17.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 17.2 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.
- 17.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 17.4 The application is accompanied by a Preliminary Ecological Appraisal which concludes that the site may be suitable for reptiles and that further surveys are required. The survey suggests that lighting needs to be carefully considered as part of the scheme so as to limit the impacts upon foraging bats. The applicant advises that a further reptile survey is instructed for the warmer months.
- 17.5 Under Regulation 70 Conservation of Habitats and Species Regulations 2017/102 there is a need for the Local Planning Authority to be satisfied that there be no adverse impacts upon the integrity of any protected species. The evidence provided is too vague as to be conclusive as to the potential risks to protected species and therefore an Ecological Survey would be required to demonstrate that protected species are not to be impacted negatively by the development and/or to suggest appropriate levels of mitigation.
- 17.6 ODPM Circular 06/2005 & Defra Circular 01/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System; Part IV; Conservation of Species Protected by Law Paragraph 99 states (Case Officer emphasis):

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all

relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the procedure”

17.7 Based on the lack of conclusive information it is considered that the application cannot be approved nor can conditions be imposed as there is a reasonable chance of protected species to be present on the site, therefore the application could not be progressed until this information is suitably presented and would be contrary to the aforementioned Circulars and Local Plan Policy SP29 and the NPPF.

17.8 The proposals will lead to the removal of two poor quality trees within the site (Goat Willow) and the remainder of the peripheral trees and hedges are to be retained and protected through the usual practices of BS5837:2012 Trees in relation to design, demolition and construction. This is considered reasonable and acceptable and will allow for some screening of the proposed development as well as providing a softer, mature edge.

18. Contributions

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

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

18.2 Planning practice guidance states that section 106 planning obligations should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area).

18.3 Local planning authorities may choose to apply a lower threshold of 5-units or less to development in designated rural areas being areas as described under section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty. No affordable housing or tariff-style contributions should then be sought from these developments. In such situations, local planning authorities should only seek affordable housing contributions from developments of between 6 to 10 units as financial contributions and not affordable housing units on site.

18.4 The following obligations have been sought from consultees, however as set out above, these are not requested.

Item	Planning Obligation	Cost (where applicable)
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling.	Not requested – see paragraph 15.1 If approved can be conditioned.
Education	In the catchment of schools so contributions should be sought (£13,827 for one Middle School space).	Not requested – see paragraph 15.1

19. Conclusions

19.1 The NPPF has a presumption in favour of sustainable development. The site has a location clearly outside of any development boundary, separated from the nearest village Draycott in the Clay by open countryside and linked to it by a road without continuous footways. There are no immediate facilities and services to serve any residents on this site other than within Draycott and Marchington, which lie a significant distance away. The lack of continuous footway and distance to Draycott and Marchington, and the infrequent bus service means that it is likely that journeys to both villages would be dominated by the private car. The routes to either of these villages are not considered to be conducive to alternatives modes of transport. The development is therefore not sustainable.

19.2 In relation to the Local Plan, this proposal falls outside of the plan's strategy for housing growth so it is not required to deliver dwellings under the Local Plan during the Plan period. The proposal is outside any settlement boundaries and is therefore contrary to Policies SP2, SP4 and SP8 of the Local Plan and the Housing Needs Assessment is insufficient for the purposes here and has not been prepared in accordance with the requirements of the Housing Choice SPD.

19.3 Drainage problems have been identified on the site and in the area, and evidence has not been provided to demonstrate how the proposed development will impact the on standing surface water, flooding and sewerage nor how the issues will be mitigated.

19.4 The submitted Preliminary Ecological Appraisal states that further surveys regarding reptiles are required. As per the ODPM Circular 06/2005 & Defra Circular 01/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System where there is reasonable risk to protected species the risk needs to be fully assessed prior to the determination of any application. In this instance there is a reasonable likelihood of protected species on the site including reptiles, great crested newts, breeding birds and bats with potential foraging sites for bats and

badgers, therefore the application cannot be granted until this information is suitably presented and would fail against the aforementioned Circulars and Local Plan Policy SP29 and the NPPF.

- 19.5 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is the starting point for decision making and this application conflicts with the development in relation to policies SP2, 4 and 8. The Red House Farm appeal which was dismissed reinforces that the development strategy of the Local Plan represents sustainable development and reliance upon the development plan in decision making should be given significant weight. Any conflicts with an up to date development plan will normally be refused unless there are compelling reasons to grant permission.
- 19.6 In addition the impact of the application site will be cumulative taking into account the appeal decision of the Lont. In particular there is a cumulative impact of the additional houses without a safe footway or footpath to promote access to nearby services and facilities in Marchington and Draycott.
- 19.7 It is reasonable for this application to be determined on its own merits and as such the content of this report sets out the assessment of impacts.
- 19.8 Whilst the Lont appeal decision is a material consideration which should be taken into account in the decision making process for the reasons set out above it is given less weight.

20. RECOMMENDATION

- 20.1 For the reasons set out in the above report then REFUSE for the following reasons:
1. The proposed development is outside of any settlement boundary, as defined in the Local Plan and its proposals map, and is, therefore, in the countryside. Policy SP8 of the East Staffordshire Local Plan precludes residential development in the countryside unless certain tests are sufficiently met. In this instance none of the criteria have been met in Policy SP8 so the application is considered to be inappropriate and unacceptable.
 2. The Local Plan plans for strategic growth of the Borough through the provision of allocated housing sites and a hierarchy of settlements in which developments would be suitable and acceptable. The location proposed for development is not identified as a location for housing development in the East Staffordshire Local Plan under Policies SP2, SP4 and SP8. Whilst a Housing Needs Survey has been submitted it was conducted in accordance with the methodology of the Housing Choice SPD and as such is not an accurate marker of the actual housing need in the area. In respect of this it is considered that the granting of permission would be contrary to SP2, SP4, and SP8 of the East Staffordshire Local Plan as well as the Housing Choice SPD.
 3. Staffordshire County Council Flood Risk Team have highlighted an issue with surface water drainage and the potential of localised flooding. Insufficient information has been submitted to establish evidence how the

proposed development will impact upon the local hydrology, manage surface waters and prevent the exacerbation of current drainage issues, therefore, would be unacceptable, contrary to East Staffordshire Local Plan Policy SP27 and the NPPF.

4. The submitted Preliminary Ecological Appraisal states that further surveys regarding reptiles are required. As per the ODPM Circular 06/2005 & Defra Circular 01/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System is there is reasonable risk to protected species the risk needs to be fully assessed prior to the determination of any application. In this instance there is a reasonable likelihood of protected species on the site including reptiles, great crested newts, breeding birds and bats with potential foraging sites for bats and badgers, therefore the application cannot be granted until this information is suitably presented and would fail against the aforementioned Circulars and East Staffordshire Local Plan Policy SP29 and the NPPF.
5. The proposed development fails to demonstrate a safe and practical pedestrian route to the settlements and amenities in Marchington and Draycott-in-the-Clay thereby leading to an increased likelihood of pedestrian / vehicle conflict contrary to East Staffordshire Local Plan Policies SP1 and SP35 and Paragraphs 17 and 32 of the NPPF.
6. The proposed development fails to demonstrate that sustainable travel is viable and this would result in a high likelihood that residents of the proposed development would be unduly reliant on the private car for transport contrary to East Staffordshire Local Plan Policies SP1 and SP35 and Paragraphs 17 and 32 of the NPPF.

21. Background papers

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

- The Local and National Planning policies outlined in the report above.
- Papers on the Planning Application file reference P/2017/01499

22. Human Rights Act 1998

22.1 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.

23. Crime and Disorder Implications

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

24. Equalities Act 2010

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

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