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| <b>Agenda Item:</b> | 7.5 |
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| <b>Site:</b>     | Land off Stubby Lane Draycott in the Clay  |
| <b>Proposal:</b> | Outline application for residential development (up to 7 No. dwellings) including details of 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](#)

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| <b>Application Number:</b>  | P/2018/00227   |
| <b>Planning Officer:</b>    | Alan Harvey  |
| <b>Type of Application:</b> | Outline Planning Application                             |
| <b>Applicant:</b>           | John Whitehead, Susan Turner, Ruth Preston               |
| <b>Ward:</b>                | Crown  |
| <b>Ward Member (s):</b>     | Councillor Gordon Marjoram                               |
| <b>Date Registered:</b>     | 6 March 2018   |
| <b>Date Expires:</b>        | An extension of time has been agreed until 19 June 2018. |

## 1. Executive Summary

- 1.1 The application site, which is approximately 0.34 hectares, is part of a larger field area on the north-eastern side of Stubby Lane (B5017) close to its junction with Yew Tree Lane, Draycott in the Clay. The site is adjoined to the south-east by a small triangular shaped amenity area and to the west, the north-east and south-west are agricultural lands. The application site is located some 91 metres outside the settlement boundary for Draycott in the Clay as defined in Policies SP2 and SP4 of the Local Plan.
- 1.2 The application is an outline application submission for the erection of (up to) 7 No. dwellings, together with details of access. All other matters are reserved. The scheme would comprise 3 No. market dwellings and 4 No. affordable housing units and is being promoted as a 'rural exceptions (housing) site' in terms of Policy SP18 of the Local Plan.
- 1.3 Statutory consultees have to date raised no objections that cannot be overcome via planning conditions; although the final comments of Severn

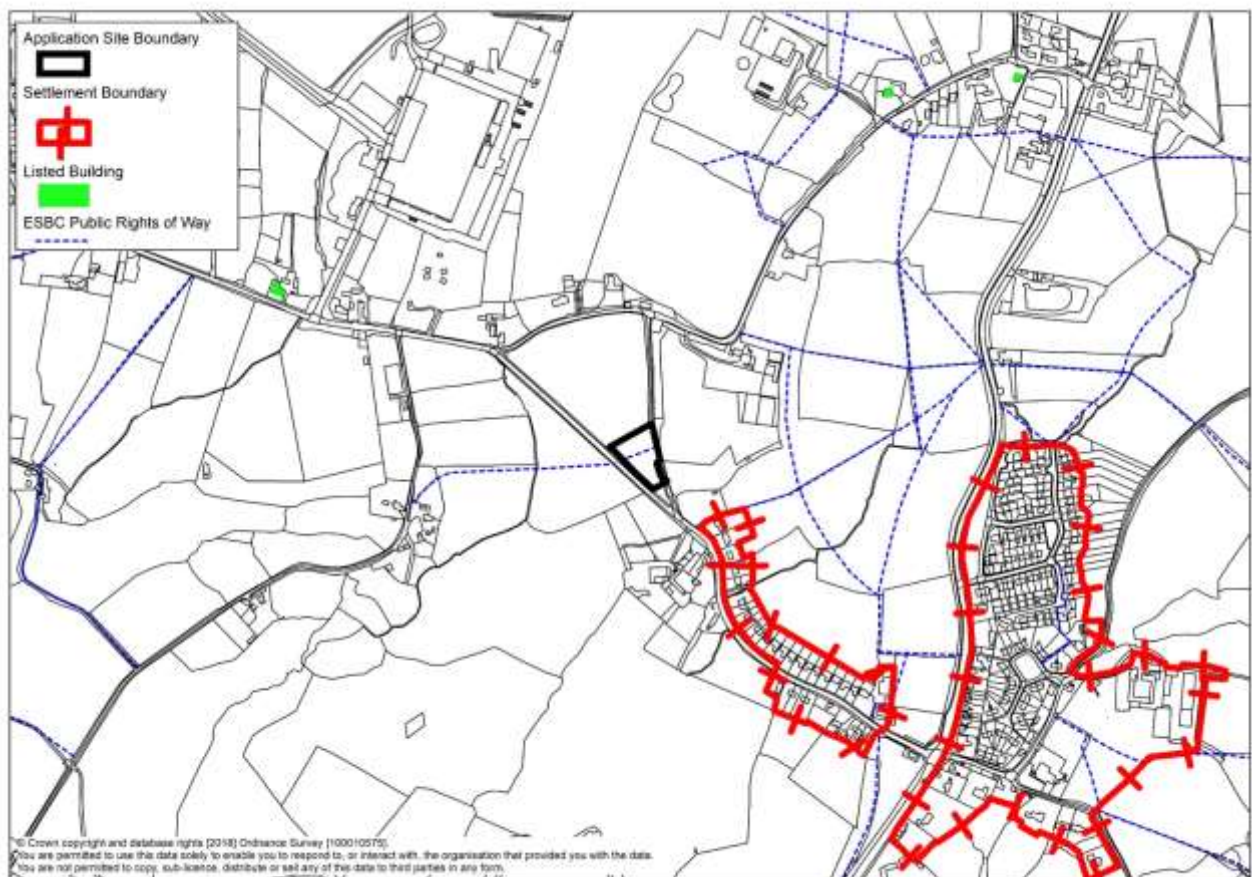
Trent Water are awaited and are to be reported on the update sheet. The Parish Council have raised objections on the basis that the land is not allocated within the Local Plan and has concerns about introducing more traffic on to Stubby Lane.

- 1.4 Local residents were notified of the application and the application was advertised by way of a site notice. One No. local resident/interested party made representations in respect of the proposals raising objections and concerns in relation to the development on the basis that it does not accord with the policies of the adopted Local Plan and gives rise to highway safety and drainage capacity issues.
- 1.5 It is considered that the scheme would in principle meet the housing needs requirements of the provisions of the relevant development plan policies and the National Planning Policy Framework in terms of it being a 'rural (housing) exceptions' scheme, however, it is considered that the siting of the scheme beyond the edge of the settlement would not be appropriate given its detrimental impact on the visual amenities and character of the locality.
- 1.6 In relation to other relevant planning considerations the proposal would not be likely to adversely affect the amenities of occupiers of existing dwellings, and could provide an acceptable level of amenity for the occupiers of the new dwellings. The proposal will not have an unacceptably adverse impact on the wider existing highway network in relation to vehicular or pedestrian safety subject to off-site works (in relation to the provision of a footway link under any Section 106 Agreement). The scheme would also provide necessary mitigation in relation to biodiversity and would not have a harmful impact on the setting of any heritage asset.
- 1.7 Accordingly, the application is recommended for refusal of the following reason:-
  1. East Staffordshire Local Plan Policy SP1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals are located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. East Staffordshire Local Plan Policy Strategic Policies 2 and 4 provide a development strategy directing growth to the most sustainable places. East Staffordshire Local Plan Strategic Policy 8 states that outside settlement boundaries new development will not be permitted unless it is amongst other things development under the Rural Exceptions Sites policy (Policy SP18) and would provide that the detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area.
  2. East Staffordshire Local Plan Policy SP18 states inter alia that where the Council is satisfied in the light of evidence that there is a need for new affordable housing 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 stated criteria in Policy SP18 are fulfilled and that the development complies with other relevant policies in the Local Plan. Policy SP24 of the East Staffordshire Local Plan states that planning permission will only be granted for

proposals that relate well in design terms to their surroundings. Policy DP1 of the Local Plan states that development must respond positively to the context of the surrounding area and Policy DP3 expands upon this aim with specific reference to residential development.

3. Whilst information has been provided to accompany the application to justify the housing need for a rural exceptions site in the parish of Draycott in the Clay in line with the relevant housing needs based criteria of East Staffordshire Local Plan Policy SP18, the proposed development would be located beyond the edge of the settlement and would fundamentally and detrimentally change the rural character of the locality by reason of the imposition of a visually isolated development of an urban form and density onto land which as part of a larger field area is presently an integral part of the open countryside surrounding Draycott in the Clay. The inappropriateness of the development is emphasised in terms of its visual prominence as it occupies rising land at the junction of Stubby Lane and Yew Tree Lane. As such the proposed development would be contrary to East Staffordshire Local Plan Policies SP1, SP2, SP4, SP8, SP18, SP24, DP1 and DP3 and the National Planning Policy Framework.

### Map of site



## 2. The site description

- 2.1 The application site is approximately 0.34 hectares, and comprises the south-eastern part of a field area on the north-eastern side of Stubby Lane, Draycott in the Clay close to its junction with Yew Tree Lane. The road frontages to the site are of mature hedging - predominantly Hawthorne - and the land rises from south-east to north-west (away from the village). The site is adjoined to the

south-east by a small triangular shaped amenity area and to the west, the north-east and south-west are agricultural lands.

- 2.2 The application site is outside the settlement boundaries for Draycott in the Clay as defined in the Local Plan (in Policies SP2 and 4); the boundary to which - at its nearest point - lies approximately 91 metres to the south-east; at the 'end' of the existing continuous built up development on the eastern side of Stubby Lane.

### **3. Planning history**

- 3.1 There is no relevant planning history.

### **4. The proposal**

- 4.1 The outline application, with details of access reserved at this stage, relates to the proposed erection of up to 7 No. dwellings. The proposed vehicular access would be centrally located on the Stubby Lane frontage; and thus no access is being proposed from Yew Tree Lane.
- 4.2 The accompanying submissions indicate that it is proposed that 3 No. of the units are to be market housing with the other 4 No. dwellings being social rented housing. The submissions indicate that the housing mix would be 2 x 2 No. bed semi-detached dwellings and 2 x 2 No. bed bungalows (for the affordable housing provision) and 2 x 2 No. bed semi-detached dwellings and 1 x 4 No. bed detached dwelling (for the market housing). The scheme is promoted as a 'rural exceptions site' in terms of Policy SP18 of the Local Plan.
- 4.3 The applicant has confirmed that they would enter a Section 106 Agreement in respect of the delivery of the social rented housing in line with Policy SP18 (and this matter is dealt with in detail in Section 8 onwards of this report).
- 4.4 An illustrative plan which accompanies the application shows that the dwellings could be grouped around a cul-de-sac arrangement. The application submissions indicate that the dwellings would be constructed of brick and tile.

#### List of supporting documentation

- 4.5 The following documents have been provided as part of the application:
- Location Plan
  - Vehicular Access Detail Plan
  - Proposed Indicative Site Layout Plan
  - Planning Statement
  - Preliminary Ecological Assessment
  - Housing Needs Study for Draycott in the Clay (along with supplementary responses to address issues raised by ESBC Planning Policy).
  - Design and Access Statement
  - Drainage Submissions
- 4.6 The relevant findings and supporting points made in relation to the application are dealt with in section 8 onwards below.

## 5. Consultation responses and representations

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

| Statutory and non statutory consultee |                                     | Response   |
|---------------------------------------|-------------------------------------|--|
| 5.2                                   | Draycott in the Clay Parish Council | Objects on the basis that the land is not allocated within ESBC's Local Plan and has concerns about introducing more traffic on to Stubby Lane.  |
| 5.3                                   | SCC Highways                        | Raises no objection to the application in principle, although requires the provision of a footpath by way of off-site works.   |
| 5.4                                   | SCC Education                       | Requests a total sum of £13,827 in relation to 1 No. Middle School place   |
| 5.5                                   | Environment Agency                  | No objections  |
| 5.6                                   | Severn Trent Water                  | Initially sought additional information. Further to the submission of the necessary information the further comments of Severn Trent Water are awaited and it is proposed to report them to Committee on the update sheet. |
| 5.7                                   | Local Lead Flood Authority          | No objections in principle.  |
| 5.8                                   | Architectural Liaison Officer       | Provides guidance on crime reduction.  |
| 5.9                                   | Archaeological                      | Raise no concerns regarding the proposed development.  |
| 5.10                                  | SCC (as Mineral Authority)          | Raise no objection as the proposed development would not lead to the significant sterilisation of important mineral resources  |

| Internal Consultees |                      | Response   |
|---------------------|----------------------|--|
| 5.11                | Environmental Health | Raise no objections in principle in respect of contaminated land subject to mitigation measures being put in place.  |
| 5.12                | Environment Manager  | Seeks a commuted sum provision of £75 per dwelling towards the provision of bins (being a total of up to £675).  |
| 5.13                | Planning Policy      | Comments that having regard to the criteria set out in Local Plan Policy SP18 in relation to a 'rural (housing) exceptions site' the following summarised conclusions are reached in the light of the applicants submissions (and the subsequent review of the information) :- |

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|  | <p>The survey (submitted by the applicants) was carried out in accordance with the Council's Housing Choice SPD as it concentrated on questions of housing need of those living within the Parish of Draycott, rather than aspiration.</p> <p>The survey identified a need for 7 affordable homes (5 x 2 bed single storey properties and 2 x 2 bed house) and 4 open market homes (1 x 2 bed single storey property, 2 x 2 bed houses and 1 x 4 bed house).</p> <p>The proposal will meet the needs of 7 of the 11 identified households. The proposal includes 2 x 2 bed single storey affordable properties, 2 x 2 bed affordable properties, 2 x 2 bed open market properties and 1 x 4 bed open market property.</p> <p>Draycott is identified as a Tier 2 settlement with a development allowance of 20 dwellings to be delivered within the settlement boundary over the plan period. Since the adoption of the local plan in 2015, there has only been permission for 1 dwelling (a three bed conversion) within the settlement. This alone would not meet either the affordable, or market housing need identified in the housing needs survey.</p> <p>The registered social landlord, Trent and Dove conclude that there are 6 households in Draycott Parish who are on the housing register, a type of waiting list, for alternative affordable housing.</p> <p>The proposal meets the affordable housing needs of 4 households, not all 7 identified in the housing needs survey. The applicant claims that this is primarily for viability reasons. In addition, the applicant consider that by providing the four affordable houses, this would free up current affordable 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. In addition, the use of a legal agreement to secure a local lettings policy (as agreed to by the applicants) would also ensure that new properties are firstly made available to those with a local connection, or those on the housing register.</p> <p>The site lies approximately 91 metres from the settlement boundary and is separate from the built area of the settlement by way of an enclosed field, vegetation and road (Yew Tree Lane). In addition, the pedestrian walkway ends at the last house (The Paddock) on Stubby Lane, giving an impression of the 'end' of the settlement. Overall, it is considered that given the separation of the site from the</p> |
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|  |  | <p>settlement, the proposal is not within or on the edge of an existing settlement.</p> <p>The site is 540 metres from the village centre which has a limited range of local services and facilities including 2 pubs, post office and shop, church, play area, village hall, bus stops and a first school. The proposal, for 7 dwellings is considered an appropriate scale given the size of the existing settlement. It is considered that the distance to local services is not prohibitive for walking given that the majority of Stubby Lane from the village centre to the application site has a pedestrian footpath.</p> <p>The proposal aims to meet the affordable housing needs first and then other need identified in the Housing Needs Assessment. The applicant considers that due to viability, 3 market homes are required to deliver the affordable units. Given that the proposal provides more than 50% affordable housing and that the market homes are targeted at other need identified in the housing needs survey, 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 S106 or Unilateral Undertaking.</p> <p>Two of the proposed market properties are small properties and the third is a 4 bedroom property. 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 the proposal sufficiently addresses this.</p> <p>Planning Policy recognised that the Housing Needs Survey was sent to 386 households in the parish and comment that <i>“the response rate for the survey was 25%. Whilst it is noted that there is no national ‘standard’ for housing needs surveys - either as the format, questions, method or response rate identified in either the NPPF or NPPG, it is considered that the response rate of 25% is reasonable.”</i></p> |
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## 6. Neighbour responses

- 6.1 Neighbours were notified of the application and a site notice posted. Comments were received from one No. local resident/interested party raising objections/concerns on the following issues summarised below:-

| Neighbour responses          |  |
|------------------------------|--|
| Principle of the development | <ul style="list-style-type: none"> <li>The proposed development is not within the Parish development boundary and is contrary to saved policy NE1 and the emerging Local Plan Strategy.</li> </ul> |

|                              |  |
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|                              | <ul style="list-style-type: none"> <li>• There is already an allocation of 20 No new builds within the village settlement boundary, which is more than required by the Parish's remit.</li> <li>• This application is not in accordance with National and Local Policy, as the proposed development will not provide new homes in a sustainable location.</li> <li>• There has already been one application for eight properties passed within the parish and two other properties making a total of ten permitted. Thus this leaves a total of ten remaining which can be easily located within the village settlement boundary.</li> <li>• There are presently 67 No. one bed or two bed properties available for sale within a 5 mile radius suggesting that there is not a shortage of available properties. The ongoing developments in Uttoxeter and Burton will only increase this availability.</li> <li>• Whilst accepting that this development does contain plans for affordable housing so as to be considered as an exception site, as there is still land, identified by ESBC within the settlement boundary then this application should be refused.</li> </ul> |
| <b>Impacts on Amenities</b>  | <ul style="list-style-type: none"> <li>• The land is currently designated as agricultural land and sheep graze on it frequently and have done so for many years. This would be a major change of use for the land.</li> </ul>  |
| <b>Drainage and Sewerage</b> | <ul style="list-style-type: none"> <li>• There may be issues with sewage and drainage if this development were permitted.</li> </ul>   |
| <b>Highways/Transport</b>    | <ul style="list-style-type: none"> <li>• Stubby Lane, is very narrow, has no pavements or verges in several places, especially on the bends and this development would increase traffic on the road. It is already unsafe to walk along parts of Stubby Lane with children or dogs on their leads. With the high level of HGVs too this will only make the road more unsafe</li> <li>• The entrance/exit to this development is shown directly on to Stubby Lane at a point where visibility may meet the highways criteria but is on a section where traffic often speeds or is partially on the wrong side after taking the bend at the top of Tobys Hill.</li> <li>• It is requested that a traffic survey be undertaken and that the Local Community Speed watch team are approached for their views and data on speeding traffic.</li> </ul>  |
| <b>Other Matters</b>         | <ul style="list-style-type: none"> <li>• There are other potential areas for development within the local area that are brownfield sites.</li> </ul>   |

## 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
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP18 Residential Development on Exception Sites
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP30 Locally Significant Landscapes
- SP32 Outdoor Sports and Open Space
- 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/Guidance

- East Staffordshire Design Guide
- Parking Standards
- Waste Storage and Collection Guidance for New Developments
- Housing Choice

**8. 5 Year land Supply**

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

**9. Principle of Development**

- 9.1 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.
- 9.2 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.

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

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

- Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
  - Control new development in all other villages and hamlets
- 9.4 The settlement of Draycott in the Clay is identified as a local service village (tier 2) and Policy SP4 sets out the proposed distribution of housing growth over the Plan period and, including a requirement of twenty No. dwellings within Draycott in the Clay.
- 9.5 The site is located outside of any defined settlement boundary to Draycott in the Clay within the Local Plan. Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy 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
- 9.6 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, although the applicants agent also contends that the scheme would actually meet the economic, social and environmental requirements of the NPPF in the same way as that identified by the appeal inspector in allowing the appeal in relation to the erection of the 8 No. dwellings at The Lont in the parish of Draycott in the Clay; albeit - in comparison with that appeal scheme - the current scheme is actually better located given the application sites closer position to existing facilities in the village itself.
- 9.7 Local Plan Policy SP18 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.

9.8 Taking each of the 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 regarding the methodology and survey questions. As such the survey concentrated on questions of the need of those living within the Parish of Draycott in the Clay, rather than aspiration. The survey identified a need for 7 affordable homes (5 x 2 bed single storey properties and 2 x 2 bed house) and 4 open market homes (1 x 2 bed single storey property, 2 x 2 bed houses and 1 x 4 bed house). The application proposal will meet the needs of 7 of the 11 identified households. The proposal includes 2 x 2 bed single storey affordable properties, 2 x 2 bed affordable properties, 2 x 2 bed open market properties and 1 x 4 bed open market property.

9.9 It is important to consider if the proposed dwelling types and tenures mix could be met within the settlement boundary. Draycott is identified as a Tier 2 settlement with a development allowance of 20 dwellings to be delivered within the settlement boundary over the plan period. Since the adoption of the plan in 2015, there has only been permission for 1 No. dwelling, a three bed conversion within the settlement of Draycott. This alone would not meet either the affordable, or market housing need 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.

9.10 The registered social landlord, Trent and Dove have confirmed that they own and let 26 properties within the parish of Draycott and whilst there may be some natural rental 'recycling', this cannot be guaranteed as a source of affordable housing for those in need in the next five years. Trent and Dove

conclude that there are 6 households in the area who are on the housing register, a type of waiting list, for alternative affordable housing.

- 9.11 The proposal meets the affordable housing needs of 4 households, not all 7 identified in the housing needs survey. The applicant claims that this is primarily for viability reasons. In addition, the applicant consider that by providing the four affordable houses, this would free up current affordable 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 affordable housing need identified. 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.
- 9.12 In terms of its proximity to services, the application site is located within approximately 540 metres of the village centre which has a range of local services and facilities including school, post office/shop, church and village hall. There are also two public houses on Station Road and the village is served by the 402 Uttoxeter to Burton Upon Trent Bus service which runs along Stubby Lane to and from Marchington (Monday - Saturday approx. every 2 hours). The proposal, for 7 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 Stubby Lane from the village centre to the application site has a pedestrian footpath and that any approval for the current scheme would secure a footpath link to those existing in the village by way of a Section 106 Agreement. The application site, is nevertheless some 91 metres away from the settlement boundary, and for the reasoning set out in greater detail in section 10 below, appears visually distinct from the built form of the village. As such it is considered the application proposal does not constitute a 'site (which) is within or on the edge of a settlement' and therefore this criteria of Policy SP18 is not met.
- 9.13 The proposal aims to meet the affordable housing needs first and then other need identified in the Housing Needs Assessment. The applicant considers that due to viability, 3 market homes are required to deliver the affordable units. Given that the proposal provides more than 50% affordable housing and that the market homes are targeted at meeting other need identified in the housing needs survey, 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 S106 Agreement.
- 9.14 Further guidance on Rural Exception Sites can be found in the Housing Choice SPD, adopted in April 2016. Chapter 7 is relevant and reiterates the criteria in Policy SP18 and provides further guidance. The main addition is the requirement that any additional market housing dwellings shall each not exceed 93 m<sup>2</sup> Gross Internal Area (GIA), to contribute to the wider need in rural areas for smaller dwellings. Two of the proposed market properties are small properties and the third is a 4 No. bedroom property. 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.

9.15 In conclusion, in terms of the principle of providing a development scheme by way of an exceptions scheme it is considered that the Housing Needs Survey (provided by the applicants) and development composition would be in line with the aims of the relevant criteria set out in Policy SP18 in terms of meeting housing needs, however, it is considered the application proposal is not compliant with Policy SP18 insofar as it does not constitute a *'site (which) is within or on the edge of a settlement.'* It also follows, therefore, that the application would be contrary to Policies SP2, SP4 and SP8 of the Local Plan in terms of directing housing growth to the most sustainable locations. The remaining criteria of Policy SP18 in terms of requiring that any *"development complies with other relevant policies in this Plan"* is considered in detail below.

## **10. Design and Impact on the character and appearance of the area**

- 10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.2 Policy SP1 requires that development is 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.
- 10.3 Policy SP24 of the East Staffordshire Local Plan states that planning permission will only be granted for proposals that relate well in design terms to their surroundings. In establishing whether development is acceptable in design terms, it requires that several factors be taken into account, including the scale, massing and height of the proposal and materials from which it is to be constructed in the context of the site and its surroundings. Policy DP3 expands upon this aim with specific reference to residential development. It requires new dwellings to integrate well within the street scene.
- 10.4 Policy SP8 of the Local Plan indicates that proposals falling within one of the categories that are acceptable in principle outside settlement boundaries (such as exception sites under Policy SP18) - will be judged against the following criteria where applicable:
- The proposed development must not adversely affect the amenities enjoyed by existing land users, including, in the case of proposals for development close to an existing settlement, the occupiers of residential and other property within that settlement.
  - Proposals do not introduce considerable urban form
  - Proximity to settlements where there are advantages of sustainable linkages, but this should not create unacceptable urban extensions or create the opportunity for unacceptable backfill between the development and the urban area

- The detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area,
- The design of the buildings, structures and materials are visually well-related to the proposed site and its setting with careful choice of materials, landscaping, massing of buildings and attention to local architecture and roofscape design.
- Landscaping associated with the proposal takes into account both the immediate impact and distant views of the development.
- The proposed development will not have an adverse impact on the transport and highway network and provides adequate access for all necessary users
- The need to maintain land of high agricultural value for food production

10.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:

- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
- (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
- (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
- (d) Repetitive house types should be avoided;
- (e) The cramming together of large numbers of detached properties should be avoided.
- (f) High proportions of frontage car parking will not be acceptable.

10.6 Policy DP1 of the Local Plan re-iterates the design principles set by the existing development plan 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. Policy SP30 relates to the wider criteria of Locally Significant Landscapes.

10.7 Detailed Policy 2 aims for development to achieve high sustainability and environmental credentials by adopting energy efficiency techniques and other standards where possible.

10.8 As the application is outline, the scheme does not include precise details of the housing layout, the scale and design of dwellings or detailed landscaping proposals. The application has nevertheless, been accompanied by an illustrative layout scheme and having regard to that submission it is considered that in principle that this demonstrates that up to 7 No. dwellings could be accommodated on the site with there being sufficient space provided between dwellings without compromising residential amenities. Sufficient car parking could be provided with appropriate levels of surveillance achievable. Further, It also recognised that construction materials could be secured (by condition of any approval) to match those prevailing to the locality and as a sustainability approach for this development energy efficiencies could be achieved at any reserved matters stage in line with Policy DP2 of the Local Plan.

- 10.9 In relation to the wider impact on the amenities of the locality, it is also noted that the applicants propose to provide the retention of hedgerows - other than for the creation of the site access and associated works - and that the applicants agent suggests bungalows could be accommodated on the higher parts of the application site to mitigate visual impacts. However, neither the use of high quality design in the development layout or dwelling types (with varying heights), nor the retention/provision of landscaping features can mask the fact the application proposal would fundamentally and detrimentally change the rural character of the locality by reason of the imposition of a visually isolated development of an urban form and density onto land which, as part of a larger field area, is presently an integral part of the open countryside to the north-west of the built form of the settlement. The inappropriateness of the development is emphasised in terms of its visual prominence as it occupies rising land at the junction of Stubby Lane and Yew Tree Lane.
- 10.10 As such the proposed development would be contrary to East Staffordshire Local Plan Policies SP1, SP8, SP18, SP24, DP1 and DP3 and the National Planning Policy Framework.

### **11. Residential Amenity (including Noise Pollution Issues)**

- 11.1 The National Planning Policy Framework and DP1 and DP3 of the Local Plan seek to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 11.2 The Borough Council's Design SPD sets out in paragraph 2.9 separation distances required. It concludes that there are no set standards specified in terms of separation distances between buildings. The performance of development will be considered in terms of its acceptability in design terms with regard to overlooking. It is considered that the proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them unacceptable loss of light or privacy. The scheme is therefore compliant with the provisions of Local Plan Policies DP1 and DP3 in these respects.
- 11.3 With regard to the relationship with existing dwellings there are separation distances of at least 90 metres between the application site and the existing dwellings to the south-east of the site. Accordingly, having regard to the distances of separation from existing dwellings, it is considered that the proposed dwellings on the application scheme would not have any significant overbearing, overshadowing or overlooking impacts that would be detrimental to the residential amenities of any existing dwellings.
- 11.4 Within the application site itself, and having regard to the illustrative plans, given the separation distances that could be achieved between dwellings, including garden depths, it is not considered that there would be likely to be concerns about residential amenities in terms of the relationships between proposed dwellings.
- 11.5 In conclusion, therefore, the proposed layout shows that up to 7 No. dwellings can be accommodated on the site without compromising the reasonable amenities of their future occupiers, and allowing for sufficient outdoor private



amenity space complying with the provisions of Local Plan Policy DP1 and DP3 in terms of residential amenity issues.

- 11.6 In relation to activity, the scheme will necessarily generate additional traffic along Stubby Lane, however, it is considered that this vehicular activity would not unacceptably affect the amenities enjoyed by the occupiers of existing dwellings in the vicinity of the application site in terms of noise and disturbance. Similarly, the comings and goings of vehicles to individual new dwellings are unlikely to generate levels of noise and disturbance to the detriment of existing residential amenities given the separation distances involved.

## **12. Highway Matters**

- 12.1 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 and to ensure safe and suitable access to the site to be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 12.2 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.
- 12.3 The Council's parking standards SPD - recently revised - sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 12.4 The Parish Council and local resident raise concerns that the scheme will increase highway safety concerns in the locality given the existing road conditions and traffic levels and the location of the proposed access to serve the development. The County Highway Authority, however, raises no objections to the scheme subject to the provision of conditions on any approval dealing with technical matters of the access construction and long term retention of visibility splays. The County Highway Authority also require the provision of a footway to link the application site to the existing footway within the settlement. This will necessarily be required to be secured by a Section 106 Agreement; to which the applicants have agreed to in principle (see also Section 17 of this report below).
- 12.5 The illustrative drawing indicates that adequate parking and servicing could be provided to each plot should a scheme for 7 No. dwellings be progressed. The parking requirements therefore could conform to the Borough Council's updated parking standards.

### 13. Historic Environment

- 13.1 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.
- 13.2 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 (Barnwell Manor Wind Energy Ltd),. 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.
- 13.3 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 (Barnwell Manor Wind Energy Ltd),.
- 13.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 13.5 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 13.6 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 2.15 km distant to the north-west and the nearest listed building at Draycott Lodge is some 0.54 km away to the north-west 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 and under Section 72 are not therefore engaged. The scheme would have no archaeological implications.

#### **14. Flood Risk and Drainage/Contaminated Land**

- 14.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 14.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 14.3 The application site is situated in Flood Zone 1 and the Environment Agency, and Local Lead Flood Authority have not raised objections in principle to the current scheme in the light of the applicant's supplementary submissions. The comments of Severn Trent Water Ltd are awaited (and are to be reported on the update sheet) and if positive it is concluded that detailed foul and surface water services could be required to be submitted under the requirements of any reserved matters submission. Should objections be raised by Severn Trent Water Ltd these would form the basis of an additional reason for refusal.
- 14.4 No specific contaminated land concerns are raised in relation to the development of this site although ESBC Environmental Protection require that a condition of any approval provides for mitigation measures.

#### **15. Green Infrastructure/Biodiversity/Impact on protected species**

- 15.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration in planning decisions where relevant.
- 15.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards which green infrastructure is expected to meet.
- 15.3 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.

- 15.4 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.
- 15.5 Strategic Policy 29 lists criteria including development needing to retain features of biological interest to produce a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 15.6 The scheme will result in the loss of a section of mature hedgerow in the formation of the vehicular access to serve the development proposals; albeit it is acknowledged that the hedge in question is of limited biodiversity value. This loss in the short term will change the habitat for wildlife, however the scheme can provide for replacement. Protection measures for existing hedges/trees to be retained could also be the subject of a condition of any outline approval.
- 15.7 With regard to the impact on habitats and protected species, the scheme would not give rise to any specific concerns that could not be addressed by any landscaping and tree/hedgerow planting that could be secured by a condition.
- 15.8 It is therefore concluded, in the light of the applicant's submissions along with any necessary mitigation conditions, that the issue of the impacts on protected species and biodiversity on the site have been appropriately addressed at this stage.

## **16. Open space**

- 16.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. SP32 and SP33 set out the requirements of open space provision across the Borough and developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document.
- 16.2 As the scheme relates to 7 No. dwellings there would no requirement to provide any off-site or on-site provision of open space.

## **17. Section 106**

- 17.1 Paragraph 204 of the National Planning Policy 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.
- 17.2 In this case, as outlined above given that this is an "exceptions site" the 4 No. social rented housing units being proposed would have to be secured by way of a Section 106 Agreement to ensure their delivery and retention in perpetuity in line with the requirements of Policy SP18 of the Local Plan as well as ensuring

that all dwellings are first available to those with a local connection. The Section 106 would also secure the off-site works required by the County Highway Authority in respect of a footway provision on Stubby Lane (to link to the existing footway in the village).

- 17.3 The Education Authority seek a commuted sum of £13,827 in relation to one No. Middle School place, however, as the scheme does not relate to 10 or more dwellings such a request would not be compliant with the Council's SPD. Consequently, such a request would not meet the tests set out in paragraph 204 of the NPPF. This would similarly be the case in respect of any monies relating to the provision of refuse storage containers.
- 17.4 Accordingly, any approval would be subject to the following provisions being set out in Section 106 Agreement, although the scheme is as set out in this report being recommended for refusal in terms of its detrimental visual amenity and character impacts. .

| Item                                    | Planning Obligation   | Cost<br>(where applicable)  |
|---|---|---|
| Affordable Housing and local connection | 4 No. social rented properties and for all properties to be available to those with a local connection            | On-Site Provision   |
| Off-Site Works to public highway        | To require the provision of a footway to link to the existing footpath serving existing dwellings on Stubby Lane. | Off-site Provision  |
| Education Provision                     | Education Authority seek a commuted sum of £13,827 in relation to one No. Middle School place                     | Not requested – see paragraphs 17.1 and 17.3  |
| Refuse Containers                       | Contribution to provide refuse storage containers at £75 per dwelling   | Not requested – see paragraphs 17.1 and 17.3<br><br>If approved can be conditioned. |

## 18. Conclusions

- 18.1 It is considered 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 well located relative to local services and facilities, which are accessible by a range of modes of sustainable travel (subject to the necessary provision of a footway link by way of a Section 106 Agreement).
- 18.2 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 Section 106 Agreement to

provide for the delivery and retention of affordable housing and local needs housing in line with the criteria set out in Policy SP18 of the Local Plan.

- 18.3 The scheme would also not harm the character and appearance or the setting of heritage assets and therefore the statutory duties under Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been complied with. Furthermore, the amenities of existing neighbouring dwellings will not be materially harmed given the separation distances involved and highway safety is not significantly affected by the proposed development.
- 18.4 However, the proposed development would fundamentally and detrimentally change the rural character of the locality by reason of the imposition of a visually isolated development of an urban form and density onto land which as part of a larger field area is presently an integral part of the open countryside to the north-west of Draycott in the Clay and which is beyond the edge of the settlement. The inappropriateness of the development is emphasised in terms of its visual prominence as it occupies rising land at the junction of Stubby Lane and Yew Tree Lane. As such the proposed development would be contrary to East Staffordshire Local Plan Policies SP1, SP2, SP4, SP8, SP18, SP24, DP1 and DP3 and the NPPF.

## 19. RECOMMENDATION

### 19.1 REFUSE, on the following ground(s):

1. East Staffordshire Local Plan Policy SP1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals are located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. East Staffordshire Local Plan Policy Strategic Policies 2 and 4 provide a development strategy directing growth to the most sustainable places. East Staffordshire Local Plan Strategic Policy 8 states that outside settlement boundaries new development will not be permitted unless it is amongst other things development under the Rural Exceptions Sites policy (Policy SP18) and would provide that the detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area.
2. East Staffordshire Local Plan Policy SP18 states inter alia that where the Council is satisfied in the light of evidence that there is a need for new affordable housing 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 stated criteria in Policy SP18 are fulfilled and that the development complies with other relevant policies in the Local Plan. Policy SP24 of the East Staffordshire Local Plan states that planning permission will only be granted for proposals that relate well in design terms to their surroundings. Policy DP1 of the Local Plan states that development must respond positively to the context of the surrounding area and Policy DP3 expands upon this aim with specific reference to residential development.

3. Whilst information has been provided to accompany the application to justify the housing need for a rural exceptions site in the parish of Draycott in the Clay in line with the relevant housing needs based criteria of East Staffordshire Local Plan Policy SP18, the proposed development would be located beyond the edge of the settlement and would fundamentally and detrimentally change the rural character of the locality by reason of the imposition of a visually isolated development of an urban form and density onto land which as part of a larger field area is presently an integral part of the open countryside surrounding Draycott in the Clay. The inappropriateness of the development is emphasised in terms of its visual prominence as it occupies rising land at the junction of Stubby Lane and Yew Tree Lane. As such the proposed development would be contrary to East Staffordshire Local Plan Policies SP1, SP2, SP4, SP8, SP18, SP24, DP1 and DP3 and the National Planning Policy Framework.

## **20. Background papers**

20.1 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/2018/00227

## **21. Human Rights Act 1998**

21.1 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.

## **22. Crime and Disorder Implications**

22.1 It is considered that the proposal does not raise any crime and disorder implications. It is pointed out that the applicants have addressed the comments of the Police Architectural Liaison Officer in their most recent site layout.

## **23. Equalities Act 2010**

23.1 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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