

Agenda Item:	5.1
Site:	Land off Oakfields, Hanbury
Proposal:	Outline application for the erection of one dwelling with all matters reserved

Report of Head of Service (Section 151 Officer)

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

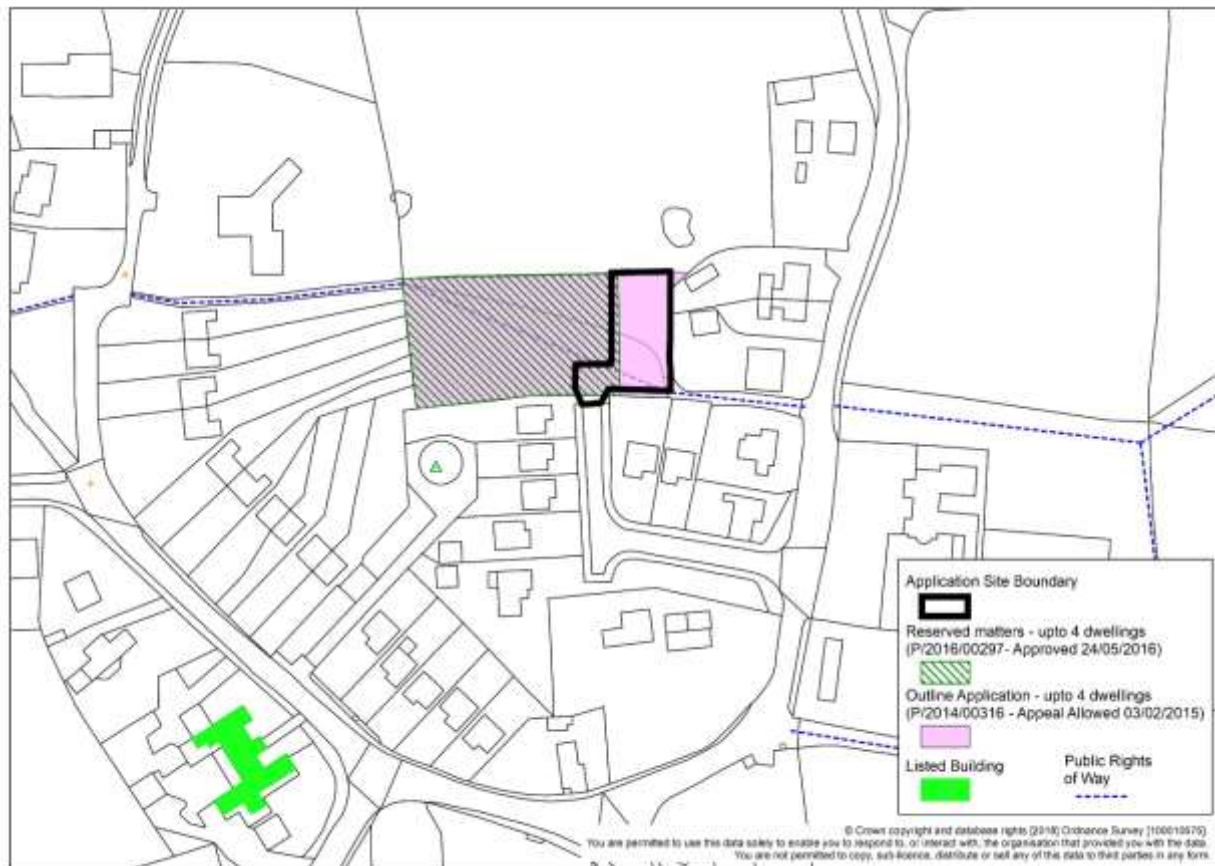
[Hyperlink to Application Details](#)

Application Number:	P/2018/01265	
Planning Officer:	Alan Harvey	
Type of Application:	Outline	
Applicant:	Mr J Welch	
Ward:	Hanbury	
Ward Member:	Councillor G Marjoram	
Date Registered:	18 October 2018	
Date Expires:	13 December 2018. Extension of time agreed with the applicants to 23 January 2019 to enable the application to be determined by the Planning Committee.	

1. Executive Summary

- 1.1 The application site comprising some 354 sq. metres of former agricultural land is located on the northern edge of Hanbury. The site is located to the north of Oakfields from which it is proposed to be accessed and adjoins a development site to the west - upon which four dwellings are presently under construction further to an outline application being allowed on appeal in 2015. Established residential properties lie to the east and south of the site and there are agricultural lands to the north. The application site is crossed by a public right of way, although there is an approved scheme to divert that to the south. The site is outside any settlement boundary as defined in the adopted Local Plan.

- 1.2 The application is an outline proposal for the erection of one No dwelling with all matters reserved at this stage. An Illustrative layout plan has been provided to indicate how a property could be accommodated on the site.
- 1.3 Statutory consultees have raised no objections that cannot be overcome via planning conditions. The Parish Council initially commented *that “at present the limited information given so far (means) they are unable to form a view on the proposal of a 5th property on the land at Oakfields, Hanbury (and) if any more information becomes available they would be very interesting (sic) in viewing and re-evaluating this application.”* Subsequently, upon re-consultation the Parish Council advises *“we do not have any further comment to make, the addition of the footpath route to the original application was helpful. The passing of this outline application would appear to be a formality since the majority of the land is being built on. We await the application for the fifth dwelling and will comment further then.”* Neighbours have been notified of the application, a site notice posted and a press notice published. No representations have been received from any interested parties.
- 1.4 It is considered that whilst the scheme is outside settlement boundaries as defined in the adopted Local Plan there are other material considerations that apply in this case to warrant an approval. Specifically, the conclusions of the Appeal Inspector in 2015 in relation to allowing the residential development scheme for four dwellings at Oakfields; of which the application site was then an integral part; means that it is considered that the proposed development would be sufficiently in compliance with the aims of the National Planning Policy Framework to the extent that it would outweigh the normal presumption against such development outlined in Policy SP8 of the adopted Local Plan.
- 1.5 The proposal would be likely to be in keeping with new and existing development in this village location and would be the subject of a reserved matters application which would need to accord with the policies of the adopted Local Plan and associated design guidance SPD. The development of the site would also not be likely to adversely affect the amenities of occupiers of existing or proposed nearby dwellings, and would provide an acceptable level of amenity for occupiers of the new dwelling. The proposal will not have an unacceptably adverse impact on highway safety and would not impact on any heritage assets. The proposal will not set a precedent to extend the built form into open countryside because the scheme in itself does not have such an effect.
- 1.6 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site**2. The site description**

- 2.1 The application site, which has an area of some 354 sq. metres, comprises the easternmost part of a (former) field area on elevated ground to the north of Oakfields, Hanbury. The remaining field area - of some 1,596 sq. metres - is presently being developed for residential purposes (4 No. dwellings) further to a grant of reserved matters approval in May 2016 (as per the planning history below). The application site itself formed part of the land in relation to which outline approval was granted on appeal in 2015, although it was subsequently not utilised in the reserved matters submission (as shown the Map above).
- 2.2 The application site is adjoined to the east by the rear gardens of residential properties fronting onto Hanbury Hill, to the north by an open field area and to the south by existing dwellings on Oakfields. A public footpath (No 26 Hanbury Parish) runs through the southern part of the proposed development site linking Hanbury Hill with Martins Lane. A diversion order has been approved on appeal (as per the planning history below) to divert this footpath to the south of the site; and to the south of the adjoining development under construction. This footpath diversion work has not been completed to date; although a temporary diversion is in place to enable footpath users to cross the field area without entering into the development site currently under construction.
- 2.3 The application site is outside settlement boundaries as defined on the policies map of the adopted Local Plan.

3. Planning history

- 3.1 **Application ref: OU/18593/001** - Outline application for the erection of 4 dwellings. Conditionally approved in June 1989 but the permission subsequently lapsed.
- 3.2 **Application ref: OU/18593/003** - Outline application for the erection of 4 dwellings. Refused in March 2004 and Appeal Dismissed in January 2005.
- 3.3 **Application ref: P/2014/00316** - Outline application for the erection of 4 dwellings (with all matters reserved). The application was refused by the Borough Council in June 2014 but was subsequently allowed on appeal in February 2015.
- 3.4 The appeal inspector in allowing the appeal noted that (as at February 2015) the Borough Council did not have a deliverable 5-year supply of housing land and the new Local Plan was in the early stages of adoption and concluded therefore that the proposed houses would not be in an isolated location in the countryside but at the end of an existing cul-de-sac enclosed on 3 sides by existing housing and whilst acknowledging that greater dependency on the car is inevitable in rural locations that the NPPF nevertheless *“indicates that different policies and measures will be required in different communities, noting that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”*
- 3.5 **Application ref: P/2016/00291** - Reserved matters application relating to outline planning permission ref: P/2014/00316 for the erection of up to 4 No. dwellings including details of the new vehicular/pedestrian access off Oakfields. The dwellings are of two storeys, of a contemporary style and incorporate full height glazing to their front and rear elevations. The application was approved in May 2016 and the approved plans showed that the layout provided for the existing footpath to be re-routed so that it runs alongside the full length of the southern boundary of the field area before turning 90 degrees in a northwards direction to run alongside the western boundary.
- 3.6 **Application ref: P/2016/01294** - in October 2016, an application was submitted for the proposed diversion of the footpath in line with the details shown on the reserved matters application ref: P/2016/00291. In the light of objections made by interest groups/local residents the application was necessarily determined by the Secretary of State. In July 2018 the Secretary of State confirmed the Diversion Order, although the works have not been undertaken to date; rather a temporary diversion is in place.
- 3.7 **Application ref: P/2017/00482** - application for non-material amendment relating to reserved matters approval ref: P/2016/00291 to include alterations to external elevations to the dwellings on Plots 1, 2, 3 and 4. Approved in May 2017.
- 3.8 **Application P/2018/00969** - application for non-material amendment relating to reserved matters approval ref: P/2016/00291 to change the single garage flat roof element to a pitched roof on the front elevations. Approved in August 2018.

4. Proposed development

- 4.1 This application for outline approval proposes the erection of one No. dwelling on the site. All details are reserved for subsequent approval at the reserved matters stage, although the applicants have submitted an illustrative plan. This illustrative plan shows that the development could be served by the same road extension to Oakfields as the scheme presently being developed and that a garage could be accommodated in the front garden area (as per that to the approved Plot 1). The plans also show the dwelling could be sited on a similar alignment to those approved in 2016 and that the proposal could ensure that there is a separation distance of at least 21 metres to the rear elevations of the existing dwellings on Hanbury Hill.

List of supporting documentation

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

- Site Location Plan
- Site Layout Plan with details of the approved footpath diversion line
- Illustrative Site Layout Plan
- Preliminary Ecological survey and assessment (2014) with Supplementary report (2018)

- 4.3 The relevant findings of all the relevant reports 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	Hanbury Parish Council	<p>Comment that <i>“the Parish Councillors of Hanbury have discussed the above application at length, and feel that at present the limited information given so far they are unable to format a view on the proposal of a 5th property on the land at Oakfields, Hanbury. If any more information becomes available they would be very interesting in viewing and re-evaluating this application.”</i></p> <p>Further to it being pointed out by officers to the Parish Council that as the scheme is an outline submission the applicants have as far the Planning Acts are concerned provided sufficient information at this stage, Hanbury Parish Council responded further to advise that :-</p> <p><i>“We do not have any further comment to make, the addition of the footpath route to the original application was helpful. The passing of this outline application would appear to be a formality since the majority of the land is being built on. We await the application for the fifth dwelling and will comment further then.”</i></p>

5.3	SCC Highways	No objections in principle
5.4	SCC Public Rights of Way Officer	<p>Comments that:-</p> <p><i>“The application form and plans recognise the existence of Public Footpath No 26 Hanbury Parish which runs through the centre of the proposed development site. The attention of the developer should be drawn to the existence of the footpath and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. The developer recognises that there is a need to divert the footpath to allow the development to commence and the diversion proposal has been approved by the Planning Inspectorate, pending works to install the new route on site. The development shall not commence until such time as these works have been completed and the Diversion Order confirmed. The definitive path line must remain open and available until such time as the Diversion Order has been finalised.”</i></p> <p>SCC Public Rights of Way Officer also advises :-</p> <p><i>“It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.”</i></p>
5.5	The Ramblers	Have no objections
5.6	Open Spaces Society and the Peak & Northern Footpath Society	Comment that the public footpath needs to be accommodated into the development and should not be obstructed.
5.7	Staffordshire County Council (as the Mineral and Waste Planning Authority)	Has no comments.
5.8	Severn Trent Water	Comments that as the proposal has minimal impact on the public sewerage system there are no objections to the proposals.

6. Neighbour responses

- 6.1 Neighbours have been notified of the application, a site notice posted and a press notice published. No representations have been received from any interested parties.

7. Policy Framework

National Policy

- National Planning Policy Framework 2018
- 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
- SP8 Development outside settlement boundaries.
- SP24: High Quality Design
- SP25: Historic Environment
- SP27: Climate Change, Water Body Management and Flooding
- SP29: Biodiversity and Geodiversity
- 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 other heritage assets.

Supplementary Planning Documents/Guidance

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

8. Assessment

- 8.1 The main considerations in the determination of this application are as follows :-

- Principle of Development
- Impacts on Visual Amenities
- Impacts on Residential Amenity
- Highway Matters (including the Public Right of Way)/Drainage Impacts
- Impacts on Biodiversity and Ecology
- Heritage Impacts
- Other Matters.

Principle of Development

- 8.2 The National Planning Policy Framework (July 2018) states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 11 of the NPPF states that for decision-taking this means:
- approving development proposals that accord with an up to date development plan without delay; and
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - the application of policies in the Framework that protect areas of assets of particular importance provides a clear reasons for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.3 Annex 1 of the NPPF states that *‘existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework (July 2018). Due weight should be given to them, according their degree of consistency with the NPPF. The closer the policies in the plan to policies in the framework, the greater the weight that may be given’*. In relation to the ‘5 Year Land Supply’, the most recent calculation uses figures as at 30th September 2018 and concludes there is 6.19 years of supply. Therefore the policies in the Local Plan can be considered up to date.
- 8.4 The Council has with Principle 1 of the Local Plan adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government’s presumption in favour of sustainable development.
- 8.5 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:
- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
 - it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
 - retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
 - re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
 - integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and

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

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

8.6 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places and, for new housing development, within settlement boundaries.

8.7 Hanbury is a small village within the Borough and as such does not have a settlement boundary. The application site is therefore located outside any settlement boundaries in within the countryside and is also not an allocated site identified in the Local Plan; nor in any made Neighbourhood Plan. Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is therefore relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless it is:

- essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
- in accordance with a 'made' Neighbourhood Plan; or
- development under the Rural Exception Sites policy
- Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or

- Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
 - Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
 - Provision for renewable energy generation, of a scale and design appropriate to its location
 - Otherwise appropriate in the countryside
- 8.8 Having regard to the adopted Development Plan policies, as the site lies outside limits to development - as does the whole of Hanbury - the development in principle does not comply with the criteria of Policy SP8. It is therefore considered necessary to assess as to whether there are any material considerations relating to this site that would outweigh these adopted development plan policies.
- 8.9 The current application site was physically included within the red line boundary of the outline consent allowed on appeal in 2015 for up to 4 No. dwellings on the whole of the field area to the north of Oakfields. When the scheme for those 4 No. dwellings was approved at the reserved matters stage the land the subject of this application was not utilised for built development nor garden area. Essentially the applicant at the time chose to deliver the 4 No. dwellings on only part of the site, the remainder of which is the subject of this application. This proposal would enable the development of another dwelling on a site whereby residential development has already been allowed in principle, albeit when a 5 year land supply could not be demonstrated. The proposal also enables a development which does not entail additional development in a position isolated from an existing settlement (such as was the case with the various recent residential applications at The Lont and its environs in the Parish of Draycott in the Clay). Furthermore, and whilst it is acknowledged that it was written at a time when the Borough Council did not have a deliverable 5-year supply of housing land and the adopted Local Plan was in the early stages of adoption, it is considered that the Authority needs to be mindful of the conclusions of the Appeal Inspector of 2015 in relation to the locational ‘merits’ of the site.
- 8.10 The Appeal Inspector specifically recognised inter alia that the *“proposed houses would not be in an isolated location in the countryside but at the end of an existing cul-de-sac and enclosed on 3 sides by existing housing”* and that *“there is a public house, church and children’s play area (in Hanbury) but otherwise no local facilities. Additional residents would enhance the vitality of the rural settlement and financially support its limited local services and those in neighbouring areas in accordance with the wider aims of the Framework, including meeting the economic dimension of sustainability.”*
- 8.11 The Appeal inspector went on to consider transport matters and in doing so recognised that the local bus service is limited before concluding *“that the development of this site within a rural area with few services and with limited accessibility by means other than the car would be unsustainable in transport terms. However, greater dependency on the car is inevitable in rural locations and the Framework indicates that different policies and measures will be required in different communities, noting that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”*

- 8.12 The appeal inspector went onto further conclude that *“having balanced all of the foregoing considerations, I conclude that the environmental harm resulting from car dependency would not be sufficient to significantly and demonstrably outweigh the benefits of the provision of 4 additional dwellings to be delivered in a location immediately adjacent to existing housing. Furthermore, local services, albeit limited, would be supported by the additional residents and participation in community and social events could be increased. On balance, I conclude that when assessed against the policies of the (National Planning Policy) Framework as a whole, the scheme amounts to sustainable development.”*
- 8.13 Given that it is considered that the principle of the Appeal Inspectors conclusions would equally apply to an overall development of 5 No. dwellings on this specific site (which would occur with any approval of the current scheme) it is considered that these conclusions are of such a material balance that they would outweigh the normal presumption against development set out in Policy SP8 of the Local Plan. Essentially it is concluded that in light of the circumstances outlined that the Borough Council would not be likely to be a position to reasonably defend a refusal of planning permission on the grounds that the current scheme would be contrary to the aims of national and local planning policies in terms of the location of sustainable development.
- 8.14 It is nevertheless, also necessary to assess the scheme in terms of its visual and residential impacts, highway safety implications (including impacts on the Public Right of Way) along with biodiversity/ecological and Heritage Impacts and other technical issues. This follows below having regard to the relevant policies.

9. Impacts on Visual and Residential Amenities

- 9.1 The NPPF expects the creation of high quality buildings and places, which are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities. 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.
- 9.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 9.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.

- 9.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.
- 9.5 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.
- 9.6 Detailed Policy 2 of the Local Plan aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 9.7 Policies 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.
- 9.8 Whilst the application is presently only in an outline form, having regard to the size of the plot and its relationship with existing and proposed developments and the details shown on the illustrative plans, it is considered the application site can satisfactorily accommodate a dwellinghouse that could be in keeping with the character and appearance of the locality and which would not give rise to any significant overbearing, overshadowing or overlooking impacts. The precise details of the appearance, layout, and scale of the development will be necessarily secured at the reserved matters stage. It is considered that in principle the scheme could also comply with Detailed Policy 2 in terms of energy efficiency techniques which will necessarily also be dealt with at the reserved matters stage. There is sufficient room within the site to provide for bin stores.

10. Highway Safety (including impacts on PROW)/Drainage Matters

- 10.1 The NPPF in section 9 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 users and any significant impacts from the

development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 10.2 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.
- 10.3 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.
- 10.4 The County Highway Authority raise no objections in principle and the necessary car parking provision and access details will be secured by a condition of any approval.
- 10.5 With regard to the impact on the public footpath, the approved diversion of the public right of way will ensure that the development scheme will not impact on the ability of footpath users to continue to be able to cross the field area. A condition of any permission will specifically require that no development (including groundworks) shall be commenced in relation to the dwelling until such time as the diversion of the public footpath has been completed in full compliance with the requirements of the Diversion Order. A 'note to applicant' will also draw the applicant's attention to the need to keep access along the footpath available at all times. These actions are in the line with the comments of the SCC Public Rights of Way Officer and also address the comments of the Open Spaces Society and the Peak & Northern Footpath Society. The Ramblers raise no objections.
- 10.6 Section 14 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 risk 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.
- 10.7 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.
- 10.8 The site is not within a flood plain and no objections are raised by Severn Trent Water Ltd. As per the previous outline approval a condition will require the

details of the disposal of surface water and foul sewage. There are no land contamination issues relating to the site and Staffordshire County Council (as the Mineral and Waste Planning Authority) have no objections.

11. Historic Environment

- 11.1 Paragraph 184 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, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 11.2 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 (Barnwell Manor Wind Energy Ltd) 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.
- 11.3 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.
- 11.4 Strategic Policy 25 of the Local Plan 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. Detailed Policy 5 states that alterations, extensions or development which adjoins a listed building must respect the context of the character and appearance of the heritage asset.
- 11.5 There are no designated above ground heritage assets on the application site and the nearest Conservation Area is that in Tutbury some 3.62 km distant to the north-east to which there are no direct views. The nearest listed building is the Grade II listed school building some 117 meters to the south-west which is screened from the development site by the intervening built form in the settlement. Accordingly, given these relationships it is not considered that the proposal will have any impact on views into, or those out of any designated conservation areas, or affect any listed building or its setting. Therefore, the statutory duties under Section 66(1) and under Section 72 are not therefore engaged in this instance.
- 11.6 With regard to archaeological value, in line with the requirements of the outline application allowed on appeal (in 2015) an archaeological recording condition is recommended.

12. Protected Species/Biodiversity

- 12.1 Paragraph 175 of the NPPF 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.
- 12.2 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.
- 12.3 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.
- 12.4 The application is accompanied by an ecological survey which concluded that the site was unlikely to contain any great crested newts. Furthermore, subsequent to the approval of the reserved matters the ground on the site has been stripped of vegetation (as was permitted by that development). It is therefore concluded that the proposal would not cause unacceptable harm to protected species or their habitats. Landscaping details will necessarily be secured at the reserved matters stage.

13. Other Matters

- 13.1 The application falls beneath the threshold above which any financial contribution towards affordable housing or education can be required even taking into account the cumulative impact of the 4 No dwellings already under construction. A condition will be added to ensure that a refuse bin is provided.
- 13.2 The proposal will not set a precedent to extend the built form into open countryside because the scheme in itself does not have such an effect. Nor does it necessarily suggest that any other new housing development would be acceptable; as each case would be considered on its own merits in line with the up to date development planning policies.

14. Conclusions

- 14.1 It is considered that it has been satisfactorily demonstrated that the site can accommodate a dwelling that could complement existing and ongoing development in the locality and which would not give rise to any significant impacts on residential amenities.
- 14.2 It considered that the scheme as proposed would not result in any demonstrable harm upon the character and significance of the historic environment and will not be detrimental to highway safety. Further it is considered it will not set a precedent for any other sites which lie outside settlement boundaries as shown on the proposals maps in the Local Plan.
- 14.3 Accordingly, whilst the application site lies outside settlement limits as defined in the Local Plan given the material balance of the planning history of the site; in particular the conclusions of the Appeal Inspector in 2015 in relation to a residential development scheme off Oakfields (of which the site was an integral

part); means that the proposed development would be sufficiently in compliance with the aims of the National Planning Policy Framework to the extent that it would outweigh the normal presumption against such development outlined in Policy SP8 of the adopted East Staffordshire Local Plan.

14.4 RECOMMENDATION

That OUTLINE PLANNING PERMISSION BE APPROVED, subject to the following conditions:

1. Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") (Standard Condition No. 00001c(i)).
2. Application for approval of the reserved matters to be made not later than three years from the date of this permission. (Standard Condition No. 00001b).
3. The development to begin not later than two years from the date of approval of the last of the reserved matters. (Standard Condition No. 00001d).
4. Compliance with the approved plans (Standard Condition No. 00002).
5. The development shall only be carried out in accordance with the conclusion and recommendations identified in the Preliminary Ecological Appraisal Survey Report by Evolution Ecology dated 10 April 2014 (bespoke).
6. Details of a written scheme of archaeological investigation to be implemented. (bespoke).
7. Details of the drainage plans for the disposal of surface water and foul sewage. (bespoke).
8. Details for the provision of bins within the application site. (bespoke).
9. Details of highway works including access, provision of parking, turning and servicing within the site curtilage, and surfacing materials (bespoke).
10. The internal dimensions of any single garage to be provided to serve the dwelling should be a minimum size of 6.0m in depth x 3.0m in width. (bespoke).
11. All landscaping works to be undertaken in first season post completion (Standard Condition No. 00003b).
12. No development (including groundworks) shall be commenced in relation to the construction of the dwelling hereby approved until such time as the diversion of the public footpath has been completed in full compliance with the requirements of the Diversion Order (approved under application ref: P/2016/01294). (bespoke).

Informatives

1. Standard Engagement informative.
2. Standard timing/cost of discharge of conditions informative
3. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to

assist in obtaining a solution which protects both the public sewer and the building.

4. This grant of this planning permission does not imply any approval of the illustrative layout.
5. You are advised that any grant of planning permission given does not construe the right to divert, extinguish or obstruct any part of the public footpath (Hanbury No. 26). The definitive path line, or any approved diversion, must remain open and available until such time as the Diversion Order (approved under application ref: P/2016/01294) has been finalised.
6. The Staffordshire County Council Public Rights of Way Officer advises that *“it is important that users of the public footpath (Hanbury No. 26) are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. In this respect surface works may be required.”*

15. Background papers

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

15.2 The Local and National Planning Policies outlined in the report above.

15.3 The documentation from the following planning files.

- Papers on the Outline planning application file reference P/2018/01265
- Papers on the Non material amendment application files references P/2017/00482 and P/2018/00969
- Papers on the Public Footpath diversion file reference P/2016/01294
- Papers on the Reserved matters application file reference P/2016/00291
- Papers on the Outline Planning Application file reference: P/2014/00316

16. Human Rights Act 1998

16.1 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.

17. Crime and Disorder Implications

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

18. Equalities Act 2010

18.1 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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