

<b>Agenda Item:</b>	5.2
<b>Site:</b>	Blacksmiths Arms, Birch Cross, Marchington, ST14 8NX
<b>Proposal:</b>	Conversion and alteration to existing public house to form 2 dwellings including partial demolition, installation of front and rear dormer windows, raising of the roof height, erection of a first floor extension and installation of insulated render, erection of three detached dwellings and a terrace of three dwellings, erection of two detached garages.

### 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](#)

<b>Application Number:</b>	P/2018/01408
<b>Planning Officer:</b>	Kerry Challoner
<b>Type of Application:</b>	Detailed Planning Application
<b>Applicant:</b>	Mr Jason Brindley
<b>Ward:</b>	Crown
<b>Ward Member (s):</b>	Councillor P Hudson
<b>Date Registered:</b>	02 January 2019
<b>Date Expires:</b>	An extension of time has been agreed until 20 June 2019.

This application has been called in by Councillor Marjoram, the previous Ward Member for the Crown Ward for the following reasons:

The application engenders strong feelings on both sides locally. The proposed development is outside area but abuts existing development.

The old pub is becoming derelict and something needs to be done with the site but whilst the developer will argue that additional properties are required to make it viable the pressing need is to do something with the now disused pub building.

If any development is permitted there will be a need to address highway safety concerns and the parish council are of the view that sewage infrastructure may currently be inadequate

## 1. Executive Summary

- 1.1 The application site comprises approximately 0.34 hectares and consists of a vacant public house known as the Blacksmiths Arms located approximately 0.8 kilometres to the west of the village of Marchington. The

site comprises of the pub building, associated single storey outbuildings, an area of hardstanding previously used as car parking and a grassed area previously used as a beer garden. The site benefits from vehicular access off the B5017.

- 1.2 The application is for the conversion of the existing public house to form two detached dwellings (involving partial demolition and extensions) and internal and external alterations to include installation of front and rear dormers, raising of the ridge height and the erection of two detached garages along with the erection of six dwellings.
- 1.3 The site lies outside of any designated development boundary as set out in the Local Plan and in principle the proposals as a whole are contrary to Policies SP1, SP2, SP4, SP8 and SP18. The proposal is also contrary to policies SB2, H2 and CFOS1 of the 'Made' Marchington Neighbourhood Plan and the provisions of the National Planning Policy Framework which sets out a presumption in favour of sustainable development.
- 1.4 Statutory consultees have not raised any objections that cannot be overcome.
- 1.5 The Parish Council have concerns that the current plans include too many properties on a site. The Parish Council's view is that the site is considered to be too small to be able to properly cope with the number of dwellings proposed. Concerns have also been raised by the Parish Council regarding drainage and flooding, insufficient parking for visitors, highway safety and the impact on the adjacent listed building. Lastly, concerns that placing residential properties within such close proximity of a working farm have been raised on the basis that this could give rise to complaints from the future residents.
- 1.6 Local residents were notified of the application and a site notice has been displayed. Ten letters of objection were received. Objections can be summarised as overdevelopment, loss of a historic building, impact on heritage assets, impact on drainage and highway safety and the residential amenities of future occupiers given the close proximity of a working farm.
- 1.7 The proposal would not be likely to adversely affect the amenities of the occupiers of neighbouring dwellings, and would provide an acceptable level of amenity for the occupiers of new dwellings. It is not considered that the proposal would unacceptably affect protected species or their habitat and an appropriate landscaping scheme could be secured by means of a condition. It is not considered that the proposal would unacceptably increase flood risk.
- 1.8 The overall scale and form of the conversion and the new dwellings, along with the fenestration details are not considered to be appropriate and fail to result in a satisfactory relationship with the surrounding locality. The Conservation Officer has raised objections on the grounds of the impact of the proposal on the Public House which is a non designated heritage asset and the adjacent Grade II Listed building. Revisions have been made to the scheme following a meeting with Officers, however it is considered that the amendments to the proposals shown on the revised plans fail to address concerns raised relating to the scale, mass and design of the new buildings

and the impact of the extensions and alterations on the character and appearance of the existing building.

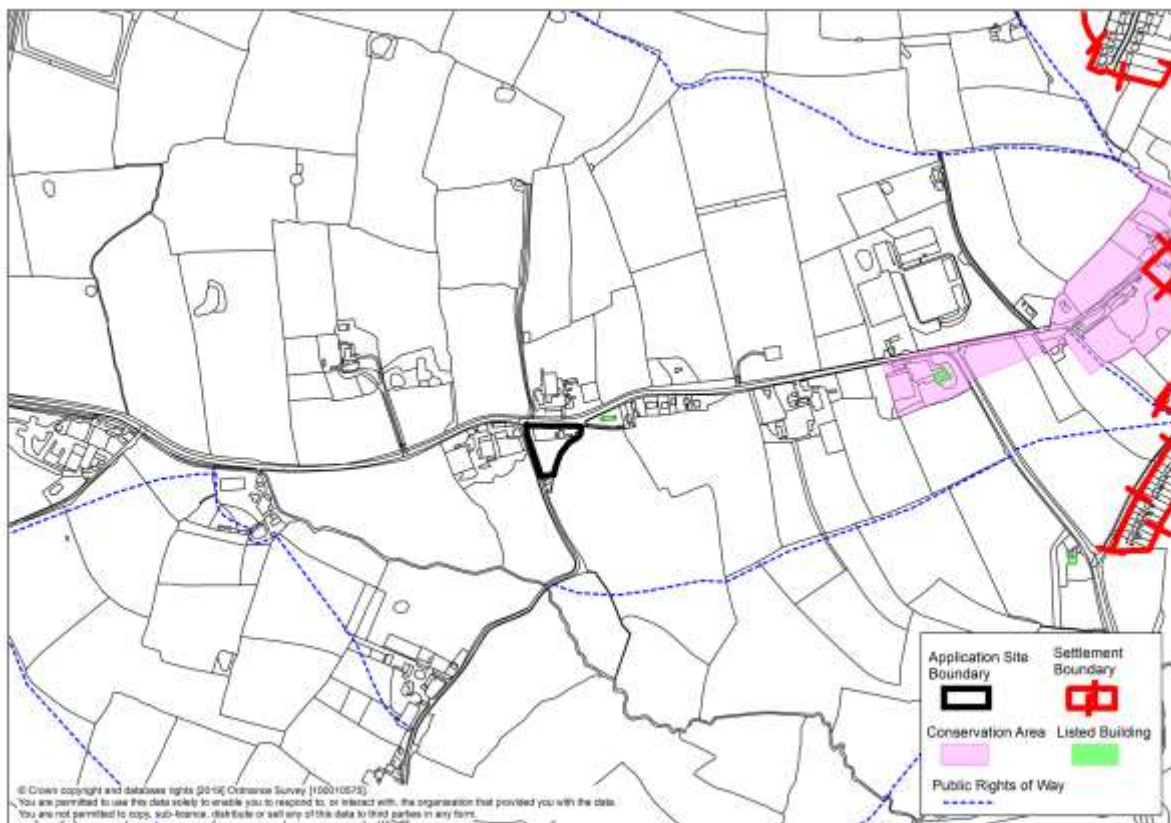
- 1.9 In conclusion it is considered that the proposal is an unsustainable form of development as the site lies outside any defined settlement boundary which conflicts with relevant development plan policies. The proposal will result in the development of a site in a rural area with no opportunity to access necessary everyday amenities without the use of the private motor vehicle, given the distance to nearby villages, the lack of regular alternative transport opportunities, and the lack of safe walking routes. On balance it is therefore considered that the development constitutes unsustainable development in environmental terms contrary to the provisions of the Local Plan, Marchington Neighbourhood Plan and the National Planning Policy Framework.
- 1.10 Accordingly, the application is recommended for refusal for the following reasons:
1. The proposed development is outside of any settlement boundary, as defined in the East Staffordshire Local Plan and its proposals map, and is, therefore, in the countryside. Policy SP8 of the Local Plan precludes residential development in the countryside unless certain tests are sufficiently met. In this instance none of the criteria have been met in Policy SP8 so the application is considered to be inappropriate and unacceptable.
  2. The East Staffordshire Local Plan plans for strategic growth of the Borough through the provision of allocated housing sites and a hierarchy of settlements in which developments would be suitable and acceptable. The location proposed for development is not identified as a location for housing development in the Local Plan under Policies SP2, SP4 and SP8. Whilst a Housing Needs Survey has been submitted it was not conducted in accordance with the methodology in the Housing Choice SPD and as such is not an accurate marker of the actual housing need in the area. In respect of this it is considered that the granting of permission would be contrary to SP2, SP4, SP8 and SP18 of the Local Plan as well as the Housing Choice SPD.
  3. The proposed development fails to demonstrate a safe and practical pedestrian route to the settlement and amenities in Marchington thereby leading to an increased likelihood of pedestrian/vehicle conflict contrary to East Staffordshire Local Plan Policies SP1 and SP35 and the NPPF.
  4. The proposed development fails to demonstrate that sustainable travel is viable and this would result in a high likelihood that residents of the proposed development would be unduly reliant on the private car for transport contrary to East Staffordshire Local Plan Policies SP1 and SP35 and the NPPF.
  5. The overall scale and form of the conversion and the new dwellings would detrimentally affect the character and appearance of the existing Public House and fail to result in a satisfactory relationship with the surrounding locality. It is considered that the development does not

reflect the historic use of the site or the wider rural locality and as such would be in conflict with Local Plan Policies SP1, SP24, DP1, DP3, Neighbourhood Plan Policies DP1 and H3 and the NPPF.

6. The proposal will have an adverse impact on the architectural and traditional character of the existing building which is a non designated heritage asset and due to the alterations to the front elevation of the existing building and loss of traditional character, very minor harm to the setting of the listed building would be caused as a result of the proposal. The development would therefore conflict with East Staffordshire Local Plan Policies SP25 and DP5, Policy DP1 of the Marchington Neighbourhood Plan and the NPPF.

**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 comprises approximately 0.34 hectares and consists of a public house known as the Blacksmiths Arms. The site is located approximately 0.8km to the west of the village of Marchington. The site comprises of the public house building, associated single storey outbuildings, an area of hardstanding used for car parking and a grassed

area which formed a beer garden. The Blacksmiths Arms is a non designated heritage asset and the site is accessed off the B5017.

- 2.2 To the Western boundary of the site is Stock Lane. The site is enclosed by post and rail fencing. Immediately to the East of the site is Christmas Cottage, a Grade II Listed timber frame dwelling with a thatched roof..
- 2.3 The site lies within the small hamlet of Birch Cross, which is situated on the B5017 between Uttoxeter and Marchington. The site is located outside of settlement boundaries as set out in the Local Plan.

### 3. Planning history

- 3.1 **Application Ref: PA/00187/012-** Erection of single storey rear extension to form kitchen, restaurant and Cellar- Approved subject to conditions, 10 April 1996.
- 3.2 **Application Ref: P/2014/00088-** Conversion and alteration to existing public house to include partial demolition to form two separate dwellings, rear dormer windows, raising of ridge height and first floor extension over existing kitchen and dining area (conversion 1),erection of two detached garages and erection of three link detached dwellings and a terrace of three dwellings and construction of vehicular access- Withdrawn by applicant, 09 April 2014.
- 3.3 **Application Ref: P/2014/00592-** Conversion and alteration to existing public house to include partial demolition to form two separate dwellings, rear dormer windows, raising of ridge height and first floor extension over existing kitchen and dining area (conversion 1),erection of two detached garages and erection of three link detached dwellings and a terrace of three dwellings and construction of vehicular access- Refused by Planning Committee, 21 July 2014.
- 3.4 **Application Ref: P/2014/01396-** Conversion and alteration to existing public house to form 2 dwellings including partial demolition, installation of rear dormer windows, raising of the roof height and the erection of a first floor extension, erection of three link detached dwellings and a terrace of three dwellings, erection of two detached garages and construction of a vehicular access- Withdrawn by applicant, 30 June 2015.

### 4. The proposal

- 4.1 The application is for the conversion of the existing public house to form two dwellings (involving partial demolition and first floor extensions to the rear) along with internal and external alterations to include the raising of the roof and installation of dormers to the front and rear of the building. Two 4 bed dwellings would be created. In addition it is proposed to erect two single detached garages to serve the dwellings to the rear.
- 4.2 The proposal also includes the erection of three two storey link detached dwellings (2 x 3 bed and 1 x 4 bed) and a terrace of three two storey dwellings (2 x 2 bed and 1 x 3 bed). In total, the development would provide 8 dwellings.

- 4.3 During the course of the application revisions have been made to the scheme. These revisions were provided following a meeting with officers and include the reduction in height and alterations to the fenestration details of the proposed new link detached dwellings. The revised plans also indicate larger garages, weatherproof cycle storage and electric vehicle charging points in line with the requirements set out in the Car Parking Standards SPD.
- 4.4 The proposal would utilise the existing vehicular access off the B5017.
- 4.5 The application is supported by the following information:

**Tree Survey-** The tree survey is based on a previous layout which included an access to the development off Stock Lane. Essentially, due to the size and scale of the buildings proposed there is conflict with the existing trees which cannot be avoided and mitigation planting will be required. It is recommended that the trees to be retained are proactively managed to ensure they enhance the development and the wider environment.

**Structural Report-** The overall appearance of the building was one of a generally sound and solid structure, with only very limited evidence of movements/fracturing within the structure. As would be expected there are areas of the structure which have suffered due to aging and lack of ongoing maintenance, and this has probably exaggerated by the lack of occupancy in its more recent history.

**Heritage Statement-** Christmas Cottage is approximately 60 metres from the Blacksmiths Arms. By virtue of this distance, it is thought that the proposed development at the Blacksmiths Arms will have no adverse impact on the listed building. The orientation and location of Christmas Cottage means that the proposed new build development at the rear of the Blacksmiths Arms will not be read in context with the listed building, as the proposed new dwellings will not be visible from Christmas Cottage. No reference is made to the Blacksmiths Arms as a non designated heritage asset.

**Ecological Appraisal-** Concludes that there is no evidence that protected species will be adversely affected by the proposals. It is recommended that the landscaping scheme includes the retention of existing trees and hedgerow where possible and that mitigation measures be secured to enhance the ecological value of the site.

#### List of supporting documentation

- 4.6 The following documents have been provided as part of the application:
- Location Plan
  - Proposed Site Plan
  - Proposed Block Plans
  - Proposed Elevations- new dwellings
  - Proposed Plans and Typical Sections- new dwellings
  - Proposed Plans- new single garages
  - Proposed Elevations and Floor Plans of Public House
  - Planning Statement

- Housing Needs Statement
- Heritage Statement
- Structural Assessment of Blacksmiths Arms
- Bat and Bird Survey/ Ecological Appraisal
- Arboricultural Impact Survey

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

## 5. Consultation responses and representations

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

Statutory and non statutory consultee	Response
<p>5.2 Marchington Parish Council</p>	<p><b><u>Number of Properties</u></b></p> <p>Marchington Parish Council would in principle welcome a smaller development on this site but feel the current plans include too many properties on to what is too small a site to be able to properly cope with the number proposed.</p> <p><b><u>Foul and Surface Water.</u></b></p> <p>Within the application there are no details of how the Foul and Surface water from the properties will be dealt with. To say as it does in the Planning Statement (Section 5.37) that any amount of water entering the system will be comparable to that experienced when the Public House was open is misleading and shows a lack of understanding of the current state of the ongoing sewage issues within Marchington Parish. The drainage ratios used to work out the volume of sewage created by 8 full time occupied residential properties will be vastly different to those of a public house which had not been particularly well used over the last 10 years. The development as currently proposed with no due consideration given to the sewage disposal could exacerbate the flooding problems that occur within Marchington Village already.</p> <p>A major concern of Marchington Parish Council is the linking of these new properties into what has been described by Severn Trent as an already overloaded and not fit for purpose drainage system. We believe that until remedial works are carried out, no new properties should be built within the Parish and therefore the application should not be permitted at this time.</p> <p><b><u>Parking.</u></b></p> <p>Although Parking spaces are shown on the location plan we believe that there is still not enough provision for visitors. The lanes around the site are not suitable for off road parking and could cause disruption within the area.</p>

		<p><b><u>B5017</u></b></p> <p>The B5017 from Uttoxeter to Marchington is a busy road that carries an increasing amount of HGV traffic. The weight limit imposed on the River Dove bridge on the A515 makes this the only route when the A50 is shut.</p> <p>The site has an unfortunate history as an accident black spot. Records show that in the last 5 years there have been 10 accidents within close proximity of the Blacksmith's Arms. The Public house has also had to be part rebuilt twice within the last 10 years as a result of cars crashing into it. In December 2018 a van ended up crashing through the road side hedgerow and damaging the bus shelter to the front of the site. The Parish Council have serious concerns about how properties 1 &amp; 2 on the plans could be affected in the future.</p> <p><b><u>Environmental and Heritage Issues</u></b></p> <p>The development falls within 50m of a working farm and agricultural buildings. We have concerns that placing residential properties within such close proximity of a working farm could give rise to complaints from the new residents which would be unfair on the local farming community and could impact on their ability to be able to run their business. The site is also situated next to a Grade 2 listed building Christmas Cottage. The council has concerns about the impact the proposal would have on this building that is situated so close to the development. The planning application also incorrectly states that Christmas Cottage is 60m from the Blacksmiths Arms, when in fact it is only 35m. The level of inaccuracy and lack of proper information within the planning documents is alarming given the scope and nature of the proposed development.</p> <p>We hope as a council that we can work with developer to create a scheme that is ultimately beneficial and acceptable to all. However the scheme in its current guise should not be allowed to proceed without serious alterations.</p>
5.3	SCC Highways	<p>Recommend refusal as the proposed development fails to demonstrate a safe all weather all season pedestrian route between the development and the settlements of Marchington and as a consequence would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger. The proposal fails to demonstrate that sustainable travel is viable and this would result in the likelihood that future residents would be unduly reliant on the private car for transport.</p> <p>Objections were also raised on the grounds of the lack of</p>



		cycle parking and electric vehicle charging.
5.4	Severn Trent Water	No objection subject to a condition requiring the submission and approval of a drainage scheme for the disposal of foul and surface waters.
5.5	Architectural Liaison Officer	Guidance provided on crime reduction

Internal Consultees		Response
5.6	Planning Policy	In conclusion, the proposal does not meet any of the relevant criteria in Strategic Policy 8 relating to development outside settlement boundaries, nor does the site represent a rural exception site where housing needs have been demonstrated and is therefore also contrary to Strategic Policy 18. Therefore the only relevant development plan policies which apply to residential development outside settlement boundaries have not been met and it is recommended that the application is refused.
5.7	Conservation Officer	The proposed development will have an adverse impact on the architectural and traditional character of the existing building. The proposed new development to the side/rear fails to respond to the rural context and what should be read as an ancillary character. Therefore, the proposal will result in direct and in-direct harm to a non-designated heritage asset, and due to the alterations to the front elevation and loss of traditional character, very minor harm to the setting of the listed building.
5.8	Environment Manager	No objections subject to the provision of appropriate refuse containers.
5.9	Environmental Health	Advise that the site may have soil and groundwater contamination. Conditions required for further assessment and mitigation.

## 6. Neighbour responses

6.1 Neighbours have been notified of the application and a site notice has been posted. Representations have been received from 10 neighbouring occupiers and local residents.

Neighbour responses	
Principle	<ul style="list-style-type: none"> <li>Overdevelopment of the site</li> <li>The 'need' for the development has not been justified</li> </ul>
Impacts on Amenity	<ul style="list-style-type: none"> <li>The scheme would give rise to conflict between future occupiers and the adjacent working farm.</li> <li>The development would result in light pollution.</li> </ul>

Highways Impacts	<ul style="list-style-type: none"> <li>• The proposal would have a negative impact on Highway Safety. This stretch of the B5017 is considered to be an accident blackspot.</li> <li>• Insufficient parking is proposed to serve the development.</li> </ul>
Flood and drainage impacts	<ul style="list-style-type: none"> <li>• The scheme is likely to exacerbate drainage problems in the locality</li> <li>• The scheme is likely to increase flood risk.</li> </ul>
Heritage Impacts	<ul style="list-style-type: none"> <li>• Scheme would result in the loss of a historic building</li> <li>• There would be a negative impact on the Listed building (Christmas Cottage to the East of the site)</li> </ul>
Ecology	<ul style="list-style-type: none"> <li>• It is believed that there are bats roosting within the existing building</li> </ul>
Ward Member	Councillor Marjoram has called the application in for the reasons set out at the beginning of this report.

## 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
- NP1: Role of Neighbourhood Plans
- SP4 Distribution of Housing Growth 2012 – 2031
- SP8 Development Outside Settlement Boundaries
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP18 Residential Development on Exception Sites
- SP22 Supporting Communities Locally
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- 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
- DP8 Tree Protection

### 'Made' Neighbourhood Plans

#### Marchington Neighbourhood Plan

- DP1- Sustainable Development Principles
- DP2- Flood Prevention and Management
- SB2- Development outside the Settlement Boundary
- H2- Meeting the needs of all Sectors of the Population
- H3- The Design of Residential Conversions and Extensions
- BE1- Protecting and Enhancing Local Historic Character
- CFOS1- Community Buildings, Shops and Public Houses

## **8. Principle of Development**

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

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

## **9. 5 Year land Supply**

9.1 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 plan can be considered up to date.

## **10. Local Plan**

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

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

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

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

- Focus the majority of development at Burton Upon Trent
- Allocate a significant level of development at Uttoxeter
- Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
- Control new development in all other villages and hamlets

10.4 The settlement of Marchington is identified as a local service village (tier 2) with a development requirement of 20 dwellings, to be delivered within the settlement boundary.

10.5 The application site is located outside of the defined settlement boundary for Marchington as set out in the Local Plan and Neighbourhood Plan and as such is considered as a countryside location. Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:

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

10.6 The proposal as a whole fails to meet with any of the criteria of Policy SP8 of the Local Plan. The applicants acknowledge within the submissions that the application site is outside of the settlement boundaries identified in the Local and Neighbourhood Plan and has prepared a Housing Needs Statement to support the proposal by concluding that the proposal would meet an unmet need within the area.

10.7 Strategic Policy 16 requires residential development outside of main towns and strategic villages to provide a dwelling or mix of dwellings to best meet local need according to a housing needs survey or where applicable the Councils evidence base. Strategic Policy 18: Development on Rural Exception Sites, states 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:

- 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) provided on the site will be affordable housing 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;
- Affordable housing will remain affordable in perpetuity.
- The development complies with other relevant policies in this Plan.

10.8 In terms of justifying an evidence base to support such a scheme, Local Plan Policy SP18 is clear that this must be provided in accordance with the Housing Choice SPD. A draft questionnaire template is set out in chapter 9 of the SPD. Evidence prepared to support a proposal and in accordance with this template is essential as it will conclude whether or not there is a genuine evidence of local housing need, which would not otherwise be met, rather than just evidence of those wishing to live in the area.

10.9 The Housing Needs Statement states that the applicant Scenterea Ltd has completed significant market research and this has shown a need for the housing mix and tenure set out in the application. The applicant has approached local estate agents and has also found that there is a buoyant market for the type of housing proposed as part of this application. Whilst the efforts of the applicant to carry out research is acknowledged, a housing needs assessment in line with the Housing Choice SPD has not been carried out. Therefore the first criteria of SP18 has not been met and the proposal cannot be considered a rural exception site. In any event, the proposal also fails to meet other criteria within the policy in that the site is not within or on the edge of a settlement and the majority of units are market homes, not affordable housing.

10.10 The applicant states that the most recent Strategic Housing Market Assessment (SHMA) completed by ESBC in April 2014 shows that there is a high level of need for 2 and 3-bed houses in Uttoxeter (the closest main town) and also in 'other' areas which Birch Cross falls into. This shows a significant deficit in the scale of accommodation this application proposes in semi-rural locations, and ones that are desirable for young families. However the SHMA was prepared to support the preparation of the Local Plan and it has been used in developing the policies, both in terms of development strategy and policies and guidance relating to housing mix. Therefore the needs identified by the SHMA are addressed through the Local Plan strategy. It is not considered that the evidence submitted by the applicant outweighs the development strategy or means that a decision should be made contrary to the development plan

10.11 Turning to the policies in the Marchington Neighbourhood Plan - Policy SB2 states that to reflect the fact that replacement dwellings or subdivisions could come forward, proposals for housing development outside the Settlement Boundaries will only be permitted if it is demonstrated that:

- a) the development is on a small site and would provide affordable housing for evidenced local need in accordance with Local Plan Policy SP18 on Rural Exception Sites. Small numbers of market homes may be permitted where this is essential to enable the delivery of affordable units, and
- b) development preserves or enhances the character & appearance of the area, and
- c) where relevant, the development brings redundant or vacant historic buildings back into beneficial re-use.

10.12 As Policy SB2 of the Neighbourhood Plan relies on compliance with Local Plan Policy SP18, as referred to above, the proposal has not met the requirements of policy SB2..

10.13 Policy H2 'Meeting the needs of all sectors of the population' states that subject to other Neighbourhood Plan policies, proposals for new housing development in Marchington will be supported in accordance with the development requirement set in the adopted Local Plan and where they include a range of house types, including one, two and three bedroom dwellings. Subject to the design principles in Policies DP1, H3 and BE1, housing developments will also be expected to include an element of single level dwellings and to meet the needs of the elderly and people with disabilities.

10.14 The proposal overall does provide a housing mix of 2 and 3 bed properties, however none of these are single level dwellings and it has not been demonstrated how the properties meet the needs of the elderly and people with disabilities. However, in any event, it is acknowledged that given the distance from the main settlement and its associated services and facilities, that this site may not be wholly suitable for the elderly and people with disabilities however it is not considered a refusal reason with regards to housing mix can be justified.

10.15 The Marchington Neighbourhood Plan Policy *CFOS1 Community buildings, shops and public houses* states that Community facilities in Marchington will be protected. Where planning consent is required the loss of such facilities will be resisted unless:

- a) The proposal includes alternative provision, on a nearby site, of equivalent or enhanced facilities. Any sites should be accessible by walking and cycling and have adequate car parking; or
- b) It can be demonstrated to the satisfaction of the Local Planning Authority that there is no longer a need for the facility or the premises are unsuitable or not viable for the continued provision of the service.

10.16 Policy CFOS1 covers the following facilities, marked on the Proposals Map:

- The village hall in Marchington
- The village hall in Marchington Woodlands

- The community shop in Marchington
- Public houses
- Churches and church meeting rooms

10.17 It is acknowledged that the Blacksmiths Arms is not identified on the proposals map. Even so, Strategic Policy 22 of the Local Plan expects proposals which result in the loss of a community facility to be supported by evidence of active marketing. Although evidence of active marketing has not been provided, it is stated in the Planning Statement that the Public House has been vacant for over 5 years. The initial closure of the pub was due to the economic downturn, and there has been no interest in re opening the business in the following years. In line with Local Plan Policy SP22 it is considered that there is a case to indicate the unviability of the current use as a public house and owing to the length of time which it has been closed it cannot be considered as an existing 'community facility' as set out in policy SP22. It is noted that there are two pubs within the village of Marchington, and as such the loss of the Blacksmiths Arms would not necessarily lead to a loss of this community facility in the locality.

10.18 In the wider context of the Councils five year land supply, there is no dispute that homes are required, however the development strategy in the Local Plan sets out where objectively assessed housing is to be delivered over the plan period. The site is not identified as a location for housing development in the Local Plan, as such the granting of permission would be contrary to policies SP2 and SP4 of the Local Plan. Whilst it is acknowledged that the site is a brownfield site, this does not mean that other areas of sustainability should be overlooked, and it remains a key consideration that new housing is sustainably located. The proposal seeks to provide 8.No new dwellings. The closest services, primary school and shop are located in Marchington, some 0.8km away. These services are considered to only reasonably be accessed via car due to the distance and lack of continuous footpaths or public rights of way.

10.19 There is a bus service which runs along the B5017, with a bus stop located to the frontage of the application site. The Midland Classic 402 bus service which runs from Burton to Uttoxeter Monday to Friday stops in Marchington village itself. The 402A service which runs only on a Saturday stops adjacent to the application site. Both services operate once every 2/3 hours. Therefore it is considered that the site is not suitably located where access to services and facilities via a regular bus service is possible. It is therefore considered that the proposal would result in an overriding need for car use.

10.20 In terms of sustainability, although the development would contribute positively to the aim of boosting the supply of housing within the Borough the location of the site would directly conflict with the Local Plan which provides a clear strategy as to where new housing should be located. The site is not well located to local services and facilities, which should ideally be accessible by a range of modes of sustainable travel. Whilst it is acknowledged that the proposal would lead to a larger population to maintain existing local services however it is considered that an increase of 8 dwellings is not sufficient to rely on or give significant weight to, especially given the separation distances and poor links.



10.21 Overall, in conclusion, the proposal does not meet any of the relevant criteria in Strategic Policy 8 relating to development outside settlement boundaries, nor does the site represent a rural exception site where housing needs have been demonstrated and is therefore also contrary to Strategic Policy 18. Therefore the only relevant development plan policies which apply to the development of new residential development outside settlement boundaries have not been met. In national and local planning policy terms it is considered that the application site is fundamentally an unsustainable location on which to develop new housing.

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

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

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

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

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

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

- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
- (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
- (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
- (d) Repetitive house types should be avoided;
- (e) The cramming together of large numbers of detached properties should be avoided.

(f) High proportions of frontage car parking will not be acceptable.

11.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.

11.7 Policy DP1 of the Marchington Neighbourhood Plan requires a high standard of design and an appropriate location for new development, ensuring that new buildings, especially housing meet contemporary construction, energy efficiency, and water management standards and reflect the character of their surroundings. Policy H3 sets out that extensions and conversions should be designed to reflect the character of nearby buildings and their settings.

11.8 In terms of the application there are two elements to the design of the scheme, firstly the conversion of the public house and secondly the new build development.

11.9 In terms of the conversion, the Blacksmiths Arms is of some architectural and local historic merit. The building is listed as a non designated heritage asset on the Historic Environment Record. Non designated assets are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.

11.10 The heritage credentials of the scheme will be discussed later in this report. Whilst not possessing outstanding architectural details, it has historical significance as its former role as a public house located adjacent the highway where it may have been used by farmers taking their livestock to market. The building is of traditional construction using traditional vernacular materials and makes a general contribution to the overall setting and landscape of the vicinity. The range of buildings, whilst irregular, work well together with gradually reducing gables and roof lines. The proposed detailed design includes dormer windows and alterations to the roof of the building which do not reflect its appearance or character. It is considered that the alterations would detrimentally affect the overall composition of the building. The eastern gable fronted section of the building would be retained, however this would be dominated by views of the Western end of the building which would be significantly altered. Whilst revised plans have been provided, these do not address the above issues raised by officers in terms of the impacts on the composition of the existing building. It is therefore considered that the proposed conversion would conflict with Local Plan Policies SP24, DP1 and DP3, Neighbourhood Plan Policies DP1 and H3 and provisions within the NPPF.

11.11 Six new build dwellings are proposed in total to be erected on the car park of the public house, three dwellings are proposed as link detached properties along with a row of three terraced cottages to the rear of the site. The link detached properties are situated fronting the B5017 and turning the corner into stock lane. The row of terraced properties would sit perpendicular to Stock Lane, fronting into the site. The general design ethos of the site is for the properties to reflect barn conversions and typical cottage properties. Revisions have been made to the scheme to reduce

the height of the three link detached dwellings and to alter the fenestration details.

- 11.12 Notwithstanding the revisions made to the scheme, it is still considered that the overall scale and form of the new dwellings located adjacent to the junction between the B5017 and Stock Lane would fail to have a satisfactory relationship with the surrounding locality. In particular, the ridge height of the existing public house is 5.7m, whilst the proposed ridge height of dwelling No.1 which would sit adjacent to the existing building is 7.1m. Although during the course of the application the ridge height of the new dwellings have been reduced, the proposal would still dominate the existing buildings and the open rural character of the locality.
- 11.13 It is considered that the barn conversion style buildings in terms of their scale and massing would fail to reflect the historic use of the site. Any new build elements should be subservient to the existing public house buildings. In this case the new build elements should be simple in form and detailing, and include design cues from the principal building to include form and details including fenestration and eaves detailing.
- 11.14 Whilst it is recognised that the new dwellings have been designed to be appropriate to their setting in a rural location, it is considered that their overall relationship with the principle public house building would not reflect the historic use or rural character of the site. The new buildings fail to be ancillary in character to the main building, resulting in an overly dominant form of development. In conclusion, the proposed development would fail to accord with the relevant local and neighbourhood plan policies as set out above.

## **12. Residential Amenity**

- 12.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 12.2 Policy DP1 of the 'Made' Marchington Neighbourhood Plan requires new development to demonstrate that new development does not harm the amenity of nearby residents.
- 12.3 Taking into consideration the separation distances to the nearest neighbouring dwellings, it is not considered that the proposed scheme would result in a loss of light or overbearing impact. Having regard to the application site itself, sufficient private garden sizes would be provided to serve each dwelling complying with the provisions of local plan policies DP1 and DP3.
- 12.4 The Councils Environmental Health Protection Section have raised no objections in relation to the close proximity (off Stock Lane) of an existing working farm. In light of the conclusions of Environmental Protection it is considered that a reason for refusal based on noise and disturbance impacts of existing surrounding uses on future residential amenities of the dwellings on the application site could not be sustained.

### **13. Sustainability (energy efficiency and low carbon)**

- 13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings.
- 13.2 The proposed new dwellings will be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient. The alterations and extensions to the existing building would also be carried out in line with Building Regulations standards which seek to improve energy efficiency. Whilst there is no specific design for solar gain it is considered that the development would be carried out to a high standard in terms of energy efficiency and will not result in a significant increased carbon footprint. It is therefore considered that the proposals would accord with this aspect of policy SP2 of the Local Plan.

### **14. Highway Matters**

- 14.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 14.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 14.3 The Council's Parking Standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 14.4 In relation to the proposed vehicular access arrangements, concerns have been raised by the Parish Council and local residents regarding the impact on Highway Safety. The County Highway Authority, however, raise no objections in principle to the vehicular access arrangements in isolation. Furthermore, the proposed parking provision would meet with the Councils Parking Standards SPD.
- 14.5 There is a bus stop directly outside of the site, this is serviced by the Midland Classic 402 bus service which runs from Burton to Uttoxeter. This service runs on a Monday to Friday with a stop in Marchington Village. There is a 402a service which only runs on a Saturday. The frequency is 1 bus every 2-3 hours. It is considered that the infrequency of the bus

service would result in an overriding need for future residents to use a car as a realistic alternative to travel.

- 14.6 The use of a car would also be exacerbated by the lack of public footpaths in the locality, particularly along the B5017 and Bag Lane into Marchington, the nearest service village to the application site. Of the 1.5km distance to the centre of Marchington (village hall), 950m is without public footpaths or street lighting. The lack of pedestrian footpaths would also give rise to pedestrian/ vehicle conflict resulting in increased highway danger. The Highway Authority recommend refusal as the proposed development fails to demonstrate a safe all weather all season pedestrian route to the nearest facilities and services.
- 14.7 As such, it is considered that the proposal is contrary to Local Plan Policies SP1 and SP35 and also to paragraphs 108 and 109 of the NPPF. The likely necessary reliance on the private motor vehicle given the dangers identified also emphasises the unsuitable nature of the proposed development in sustainability terms.
- 14.8 The proposed development would provide sufficient off road parking provision in line with the Councils Parking Standards. 16 spaces would be provided, alongside an additional 3 visitor spaces. The revised plans also indicate that cycle storage and electric vehicle charging points would be provided.

## 15. Historic Environment

- 15.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 15.2 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. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 72 would not be engaged in this case as the application site is not located within, nor in close proximity to, a Conservation Area.
- 15.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets (both designated and non designated) and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology.

- 15.5 Policy DP1 of the Marchington Neighbourhood Plan requires new development to ensure that heritage assets are not adversely affected.
- 15.6 Given the close proximity of the proposed development to the Grade II listed Christmas Cottage, special regard to the desirability of protecting the setting of the listed building and preserving and enhancing the character and appearance of the Conservation Area, including its setting must be paid. To this extent, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged.
- 15.7 Christmas Cottage is Grade II Listed and located adjacent (east) of the site. It has architectural merit in its traditional form and construction being of timber frame with thatched roof. Historic interest is derived from the C17 origins of the cottage with later additions and its reflection of the rural origins of this part of the settlement. The wider rural setting makes a positive contribution to the significance of the listed building, reflecting its agricultural origins, while the location adjacent to the highway and as part of the linear development reflects its importance on a main historic thoroughfare. The Blacksmiths Arms makes a positive contribution to this setting, particularly evident along the road reflecting this historic development and relationship.
- 15.8 The Public House buildings, particularly evident on the front elevation, form a legible historic range. From the Historic Environment Record (HER) description the single storey range to the east with chimney stack forms part of the original blacksmiths shop and the origins of the building dates back to at least the C19. It forms part of a cohesive group along the main road with the adjacent listed cottage.
- 15.9 Turning first to the proposed conversion of the Public House. The building is listed as a non designated heritage asset on the Historic Environment Record (HER). Non designated assets are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.
- 15.10 As part of the proposal the existing single storey element will be increased in height to provide additional floor space. It is considered that this would disrupt the character of the range of buildings and the ancillary character of this part of the building, noted in the HER as potentially the original blacksmiths shop. This also increases the height of this section to compete with the existing two storey element of the Western end of the building. The addition of the dormers on the front elevation also result in a more domesticated character not respecting the previous uses of the building. It is also proposed to externally insulate and render the elevations of the building. This will alter the traditional historic character and appearance of the building and will have an adverse impact.
- 15.11 Revised plans have been provided by the applicant following a meeting with Officers, however no revisions were made to the proposed extensions and alterations to the Blacksmiths Arms.
- 15.12 Accordingly, it is considered that the proposed conversion of the public house would adversely impact and cause harm to the architectural

character of the non-designated heritage asset. This would also have a minor adverse impact on the setting of the listed building, by affecting the traditional appearance of the existing building and the historical relationship between the buildings.

15.13 In terms of the proposed new dwellings, whilst the proposal looks to reflect a more ancillary outbuilding range and respond to the rural character, elements of the layout, scale, size and design fail to reflect this and fail to respond to an ancillary character or establish a relationship with the existing site. There are a mixture of fenestration and design details that result in a more domesticated appearance including dormers, proliferation of openings. The depth of the new elements also fails to respond to the narrower gables of the existing building and increase the bulk of the new dwellings, again failing to reflect an ancillary character. While the linear appearance of the three cottages proposed to the rear of the site is generally reflective of traditional rural dwellings, in this case taking into consideration their siting and orientation they would not reflect traditional rural layout where historic cottages address the road and sit in closer proximity and not recessed so far back into the plot.

15.14 It is considered that the proposed development as a whole would fail to comply with Local Plan Policies SP25 and DP5, Neighbourhood Plan Policy DP1, provisions within the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990. This part of the planning assessment needs to be given considerable importance and weight in the determination of the planning application for the development.

## 16. Flood Risk and Drainage

16.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

16.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.

16.3 Marchington Neighbourhood Plan Policy DP2 states that new development should not increase the risk of flooding and/or exacerbate existing drainage problems.

16.4 The site is not located within an identified flood risk area being in Flood Zone 1. Severn Trent Water Ltd have been formally consulted with regard to the proposal and have raised no objections subject to the submission and approval of a scheme for the disposal of foul and surface water.

16.5 In light of the above, it is considered that a suitable drainage strategy can be employed to adequately address the drainage requirements for the proposed development. The proposal is therefore considered to be compliant with Local Plan Policy SP27, Neighbourhood Plan Policy DP2 and the NPPF.

## **17. Affordable Housing and Housing Mix**

17.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.

17.2 Strategic Policy 16 does not specify an appropriate dwelling or mix of dwellings for smaller settlements, however the Marchington Neighbourhood Plan Policy H2 aims to see a mix of 1, 2 and 3 bedroom properties being brought forward, subject to compliance with other neighbourhood plan policies. As the site is located outside of the settlement boundaries identified in the Local and Neighbourhood Plans, the proposal as a whole would fail to meet with Neighbourhood Plan Policy H2.

## **18. Section 106 Contributions**

18.1 Planning Practice Guidance states that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. One of these circumstances is that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). This guidance came into force in 2016. Therefore there is currently no basis to seek financial contributions for this application.

## **19. Conclusions**

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

19.2 In relation to the Local Plan, this proposal falls outside of the plan's strategy for housing growth so it is not required to deliver dwellings under the Local Plan during the Plan period. The proposal is outside any settlement



boundaries and is therefore contrary to Policy SP8 of the Local Plan and the Housing Needs Assessment is insufficient for the purposes here and has not been prepared in accordance with the requirements of the Housing Choice SPD. Furthermore, the area is not identified as a location for housing development in the Local Plan and therefore the development would be contrary to SP2 and SP4 of the Local Plan.

- 19.3 The proposed development would also exacerbate the risk of pedestrian/vehicle conflict by reason of the lack of reasonable available pedestrian connectivity to the settlement of Marchington leading to an increase in the likelihood of danger to highway users. The proposal is contrary to the Local Plan Policy SP1 and SP35 and also the NPPF.
- 19.4 It is considered that the proposed scheme would result in an adverse impact on the architectural and traditional character of the Blacksmiths Arms. The proposed new dwellings to the side and rear of the public house do not respond to the prevailing rural context and would fail to be ancillary in character. Furthermore, the proposed alterations to the frontage of the building in order to facilitate two new dwellings would have a minor adverse impact on the setting of the adjacent listed building, which would equate to very minor harm to the setting of the listed building. A finding of harm to the setting of a listed building carries significant weight in the assessment of a planning application and gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so, however in this case it is not considered given the principle of the proposal is unacceptable and that there are no public benefits associated with the scheme that there are any considerations that would be sufficient to outweigh the harm identified to the heritage assets.
- 19.5 The statutory duties under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged and have been addressed above.

## RECOMMENDATION

For the reasons set out in this report it recommended to **REFUSE** planning permission, on the following grounds :

1. The proposed development is outside of any settlement boundary, as defined in the East Staffordshire Local Plan and its proposals map, and is, therefore, in the countryside. Policy SP8 of the Local Plan precludes residential development in the countryside unless certain tests are sufficiently met. In this instance none of the criteria have been met in Policy SP8 so the application is considered to be inappropriate and unacceptable.
2. The East Staffordshire Local Plan plans for strategic growth of the Borough through the provision of allocated housing sites and a hierarchy of settlements in which developments would be suitable and acceptable. The location proposed for development is not identified as a location for housing development in the Local Plan under Policies SP2, SP4 and SP8. Whilst a Housing Needs Survey has been submitted it was not conducted in accordance with the methodology in the Housing Choice

SPD and as such is not an accurate marker of the actual housing need in the area. In respect of this it is considered that the granting of permission would be contrary to SP2, SP4, SP8 and SP18 of the Local Plan as well as the Housing Choice SPD.

3. The proposed development fails to demonstrate a safe and practical pedestrian route to the settlement and amenities in Marchington thereby leading to an increased likelihood of pedestrian/vehicle conflict contrary to East Staffordshire Local Plan Policies SP1 and SP35 and the NPPF.
4. The proposed development fails to demonstrate that sustainable travel is viable and this would result in a high likelihood that residents of the proposed development would be unduly reliant on the private car for transport contrary to East Staffordshire Local Plan Policies SP1 and SP35 and the NPPF.
5. The overall scale and form of the conversion and the new dwellings, along with the fenestration details would detrimentally affect the character and appearance of the existing Public House and fails to result in a satisfactory relationship with the surrounding locality. It is considered that the development does not reflect the historic use of the site or the wider rural locality and as such would be in conflict with Local Plan Policies SP1, SP24, DP1, DP3, Neighbourhood Plan Policies DP1 and H3 and the NPPF.
6. The proposal will have an adverse impact on the architectural and traditional character of the existing building which is a non designated heritage asset and due to the alterations to the front elevation of the existing building and loss of traditional character, very minor harm to the setting of the listed building would be caused as a result of the proposal. The development would therefore conflict with East Staffordshire Local Plan Policies SP25 and DP5, Policy DP1 of the Marchington Neighbourhood Plan and the NPPF.

## **20. Background papers**

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

- The Local, Neighbourhood and National Planning policies outlined in the report above
- Papers on the Planning Application file reference P/2018/01408
- Papers on the Planning Application file reference P/2014/00592

## **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.

## **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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