
Agenda Item:	5.1
---------------------	-----

Site:	Land South of Honeywall Lane, Stanton, Ashbourne, DE6 2DD
Proposal:	Erection of a detached dwelling, installation of septic tank and construction of vehicular access

Report of Head of Service (Section 151 Officer)

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

[Hyperlink to Application Details](#)

Application Number:	P/2019/00032	
Planning Officer:	Kerry Challoner	
Type of Application:	Detailed Planning Application	
Applicant:	Mrs Lydia Clare	
Ward:	Weaver	
Ward Member (s):	Councillor E W R Barker	
Date Registered:	15 February 2019	
Date Expires:	11 April 2019. An Extension of Time has been agreed with the applicant.	

The application is reported to Planning Committee as the application is contrary to agreed local plan policy

1. Executive Summary

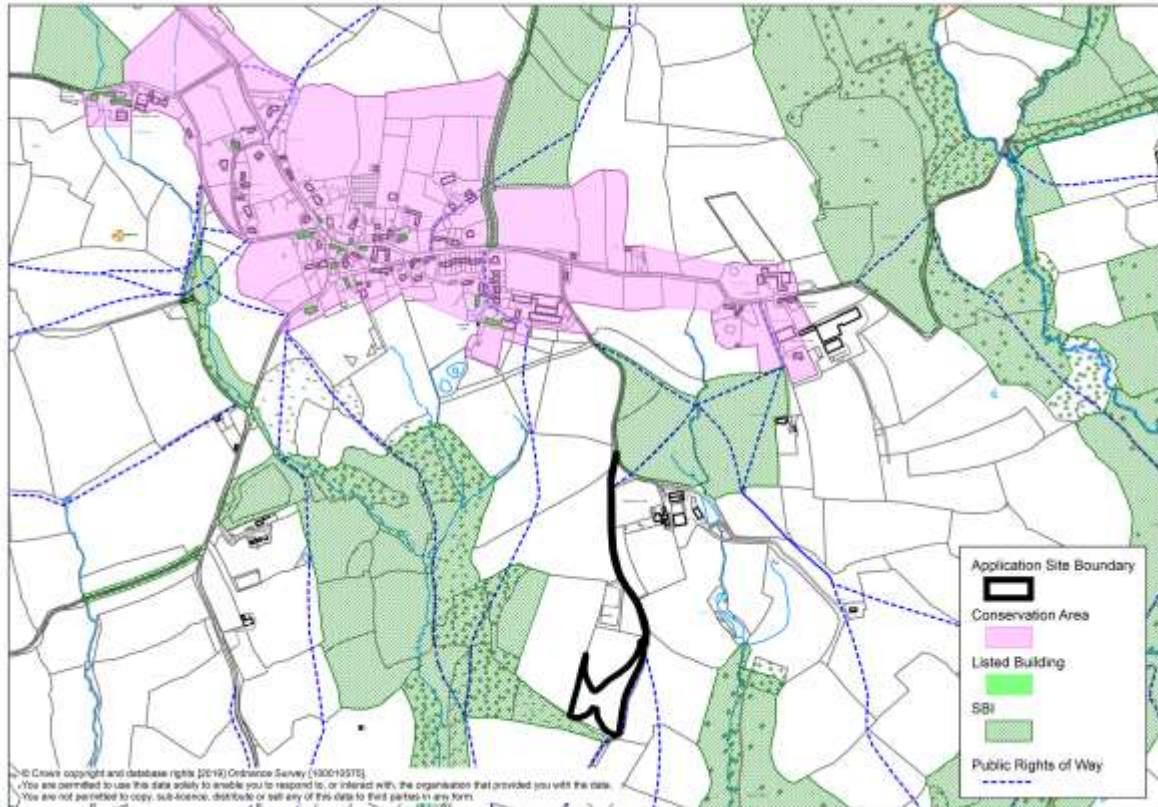
- 1.1 This application is a detailed planning application for a 5-bed detached dwelling with associated access and installation of a septic tank. The application site is located in a remote rural location south of the village of Stanton. The site is accessed via a track off Honeywall Lane and is located outside of the Stanton Village Conservation Area and settlement boundaries as defined in the Local Plan.
- 1.2 The application is submitted as a paragraph 79 (e) dwelling under the National Planning Policy Framework (NPPF), meaning that the proposed dwelling is of “exceptional quality or innovative nature of design”, which

seeks to be truly outstanding, helping to raise standards of design in rural areas reflect the highest standards of architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.” In this case, the submissions confirm that the design was conceived to meet the stringent criteria of the last bullet point of Paragraph 79 of the NPPF and, therefore, that this material consideration indicates that a decision should not be made in accordance with the adopted Local Plan.

- 1.3 The scheme would have no impact on the Stanton Conservation Area or on any of its associated Listed Buildings, due to the separation distances and the position of the proposed dwelling at a low level within the wider landscape. As such, Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not engaged. Consultees have not raised any technical issues which cannot be overcome through suitably worded conditions.
- 1.4 The design approach to the scheme includes extending and enhancing the existing Site of Biological Importance (SBI) located to the south of the site. This is considered to be a significant and positive element of the scheme and would be a major opportunity for biodiversity gain in this area.
- 1.5 Objections have been raised by the Ramblers Association and the Peak and Northern Footpath Society regarding the impact of additional vehicular movements along the Public Right of Way (No.6 Stanton Parish). It is not considered that the addition of one dwelling would cause sufficient detriment to users of the Public Right of Way in order to sustain a refusal of the application. Stanton Parish Council have confirmed that they have no comment to make on this application.
- 1.6 The site is considered to be isolated in its location, and as such the first key element of Paragraph 79 of the NPPF is met. In terms of the more detailed criteria set out in Para 79 (e) above, Officers are satisfied that the exceptionally high requirement of design and impact on setting as set out through policies contained within the NPPF are met through this proposal. The applicant commissioned the ‘Design Review Panel’ of MADE* to provide independent, objective, expert feedback to inform the design of proposed development. The proposal was then revised, and a desktop appraisal by the ‘Design Review Panel’ was carried out. The appraisal concludes that the objectives of Paragraph 79(e) are met.
- 1.7 In conclusion, the design credentials of the scheme are considered to be outstanding and innovative, and respond well to its surroundings, and in principle the scheme would meet the requirements of Policy 79 (e) of the NPPF for a new ‘isolated home’ in the countryside. As this report sets out, therefore, the proposal is considered to be acceptable and the application is therefore recommended for **approval**.
- 1.8 **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.**

(* Members are advised that the MADE Design Review process provides a professional and independent service that assesses and advises on the design quality of schemes being developed in the West Midlands. MADE has an expert Panel of architects, urban designers, landscape architects, planners, engineers, sustainability professionals and other experts in the built environment fields that can be drawn upon as appropriate depending on the nature of the scheme. The attached Appendix A sets more fully the role of MADE in the design review process as is encouraged by the NPPF.)

Map of Site



2. The site description

2.1 The site comprises an irregular shaped area of improved grassland, located 0.6km from Stanton (and its associated Conservation Area) and 5km from Ashbourne. The site extends to an area of 1.54 ha and is situated within a field which slopes steeply towards the south. The western boundary of the field is defined by a traditional stone wall, whilst the southern and eastern boundaries are defined by hedging. The site is accessed via a track off Honeywall Lane. Honeywall Lane leads north towards the village of Stanton and also serves Smithy Moor Farm to the north of the site. To the immediate south of the site is a designated Site of Biological Importance (SBI). A Public Right of Way (PRoW), No.6 Stanton Parish, runs down Honeywall Lane and follows the track to the eastern boundary of the field.

2.2 The nearest Listed Building, Wellcroft Farmhouse, is located 0.6km to the north. The spire of Stanton Parish Church (Grade II listed) is also visible from the northern end of the application site.

- 2.3 The site is located outside the settlement boundaries, as defined in the Local Plan.

3. Planning history

- 3.1 There is no planning history associated with the application site.

4. The proposal

- 4.1 Consent is sought for the erection of a 5-bedroom detached dwelling, installation of a septic tank and construction of a vehicular access.
- 4.2 The proposed dwelling would be located towards the south of the site, nestling into a steep slope towards the southern boundary. Groundworks are proposed to ensure that the dwelling integrates into the site, without altering the overall topography of its surroundings. The dwelling would be two storeys in height and contemporary in design, with limestone cladding to the ground floor and handmade clay tiles to the first floor and roof. Each space at ground floor level maintains a direct link to a relevant external space. The overall arrangement is designed to maximise the southern aspect, with deliberately positioned fenestration, allowing tree frame views through to the SBI beyond the southern boundary.
- 4.3 The scheme has been driven by the overall site strategy, which is to ‘stretch’ the existing SBI up to the northern boundary of the plot. Effectively, the SBI area is to be extended underneath the house, to the northern section of the site. The proposed driveway would sweep into the dwelling from the north-eastern corner of the field.
- 4.4 The application is submitted as a paragraph 79 (e) dwelling under the National Planning Policy Framework (NPPF), meaning that the proposed dwelling is of “exceptional quality or innovative nature of design” which seeks to be truly outstanding, helping to raise standards of design in rural areas; reflect the highest standards of architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.’
- 4.5 During the course of the application, the applicants have commissioned a Design Review Panel to consider the proposal against the provisions of Paragraph 79 (e). The plans have subsequently been revised to indicate minor alterations in response to the comments made by the panel. These minor revisions include simplification of the external upper levels of the dwelling through the removal of a chimney feature, and a step from the roofline along with the refinement of windows and their positions. Following the revisions made, the applicants commissioned a supplementary Desk-top Design Review of the scheme by the same panel. The Design Review Panel concluded that the revisions made to the scheme resulted in a positive resolution of the previously raised points of concern. Notably, the scheme was considered to be ‘exceptional’ in design terms, meeting the requirements of Paragraph 79 (e) of the NPPF.

List of supporting documentation

4.6 The following plans have been provided as part of the application:

- Location Plan
- Site Plan
- Proposed ground floor Plan
- Proposed First Floor Plan
- Proposed Roof Plan
- Proposed East and South Elevations
- Proposed North and West Elevations
- Proposed Building Sections
- Proposed Site Sections
- Proposed Building Isometrics
- Proposed Visualisations

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

- Design and Access Statement
- Design and Access Statement Addendum
- Heritage Statement
- Geology Assessment
- Ecological Appraisal
- Planning Statement
- MADE Design Review Report, May 2019
- MADE Design Review Desktop Report September 2019

4.8 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
5.2	Stanton Parish Council	Confirmed they have no comment to make.
5.3	SCC Highways	No objection subject to conditions to ensure that parking and turning areas are provided.
5.4	SCC Public Right of Way Officer	No objection subject to an informative to ensure that the public right of way is not blocked.
5.5	Natural England	No objections
5.6	Ramblers Association	Object to the proposal on the grounds of the potential impact on the Public Right of Way and the proposal not being in keeping with the rural nature of the area.
5.7	Staffordshire Wildlife Trust	No objections were raised.
5.8	Peak and Northern Footpath Society	Object to the proposal on the grounds of increased vehicle movements along the Public Right of Way.

Internal Consultees		Response
5.9	Environmental Health	No objections were raised.

6. Neighbour responses

6.1 A site notice was posted, and a press notice published in the Ashbourne News. 9 responses were received from the surrounding areas offering support to the proposals. No response was received from the Ward member.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP4 Distribution of Housing Growth 2012 – 2031
- SP8 Development Outside Settlement Boundaries
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP28 Renewable and Low Carbon Energy Generation
- SP29 Biodiversity and Geodiversity
- SP30 Locally Significant Landscape
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology

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 11 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 2 of the Framework states that the NPPF is a material planning consideration in the making of planning decisions.
- 8.3 The application site is located outside any settlement boundary as defined in the Local Plan. New dwellings in the countryside are not generally permitted unless there are exceptional circumstances. In terms of the Local Plan, a development strategy is set out in Strategic Policies 2 and 4 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. Local Plan Policy SP8 deals with development outside of settlement boundaries, and includes exception criteria where new development will be allowed.
- 8.4 Having regard to the submissions, no evidence has been provided to demonstrate that there is a need for housing on the site. Additionally, none of the criteria have been met for housing outside settlement boundaries. The proposed new dwelling would also occupy a site where the absence of any immediate local facilities would necessitate the use of private motor vehicles as the predominant form of transport. As such the proposed scheme would constitute an unnecessary and unsustainable form of development in the countryside, contrary to Policies SP1, SP2 and SP8 of the East Staffordshire Local Plan. Notwithstanding this, the submissions acknowledge the conflict with the Local Plan, and instead the applicants seek to justify the proposal against Paragraph 79 (e) of the NPPF.
- 8.5 Paragraph 79 (formerly Paragraph 55) of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

- 8.6 Taking into consideration the isolated location of the site, it is considered that the first key objective of Paragraph 79 is met. The policy states that Local Planning Authorities should avoid the development of isolated homes in the countryside unless one of the criteria set out is achieved. Whilst Paragraph 79 contains a number of circumstances where an isolated home would be allowed as set out above, Paragraph 79 (e) is the only criteria which is relevant in the assessment of this application. The design credentials of the scheme are discussed in detail below.

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

- 9.1 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.
- 9.2 Paragraph 79 (e) requires the design of the dwelling to be of exceptional quality, in that it:
- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 9.3 Paragraph 129 of the NPPF states that in assessing applications, Local Planning Authorities should have regard to the outcome from any recommendations made by design review panels.
- 9.4 Paragraph 131 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.5 One of the core principles in the Framework is that planning should recognise the intrinsic character and beauty of the countryside. It states that local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes, but also the wider countryside.
- 9.6 Strategic Policy 30 states that development proposals will be expected to demonstrate that they have taken into account the Landscape Character Assessment for Staffordshire and consist of a scheme which reflects the landscape character and where possible enhances the landscape quality.
- 9.7 **Is the design truly outstanding or innovative, reflecting the highest standards in architecture, helping to raise standards of design more generally in rural areas?**
- 9.8 Establishing whether or not the proposal is of a truly outstanding or innovative design is invariably a subjective matter. The proposal has evolved through the pre-application process and has been subject to independent assessment by the 'MADE' Design Review Panel. This reflects advice within

the NPPF and the National Planning Practice Guidance, which states that local planning authorities should have design review arrangements in place to provide assessment and support to ensure high standards of design.

- 9.9 The design of the dwelling reflects the up to date use of local traditional materials and reflects the locally distinctive geology. In the locality, there are three distinctive geologies: sandstone, limestone and clay, all of which have been used to inform the material composition of the dwelling. The dwelling seeks to resonate with the specific site conditions and geology, creating a highly sustainable and sympathetic contemporary dwelling.
- 9.10 The ground floor of the dwelling would be clad in local limestone, whilst the first-floor walls and roof are to be clad in handmade clay tiles. This is with the aim of creating a seamless join between the two, to reinforce the intended sculptured form of the building. Whilst the materials themselves are not seen as particularly unusual, the use of traditional clay tiles as proposed is considered to be innovative, and would result in the characteristic appearance of the upper elevations and roof of the dwelling. This material offers considerable flexibility to achieve sculptural forms, and is considered to be appropriate in this case.
- 9.11 The design of the dwelling, which was subject to minor alterations, was considered to be truly outstanding by the MADE Design Review Panel, reflecting the very highest standards in architecture. It is considered that in design terms, the scheme is of a noteworthy high quality. It is acknowledged that significant works have been carried out on behalf of the applicant to propose a dwelling which is truly bespoke and unique to its surroundings. The scale, form and proposed use of materials which reflect the geology of the area could also provide an example which can be used to raise standards of design within the Borough.
- 9.12 **Would the design of the dwelling significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area?**
- 9.13 The siting of the dwelling at the southern end of the existing field is deliberate, seeking to take advantage of the changes in ground levels and the opportunity to increase and enhance the Site of Biological Importance (SBI) located immediately to the south of the application site. The dwelling seeks to be a “sculpture” within the surrounding landscape. Although long-range views of the dwelling would be limited, the structure would be visible from the immediately adjacent public right of way. The building would be ‘curved’ in form, which also aids its integration into the surrounding landscape. Taking into consideration the carefully thought-out positioning and design of the building, it is considered that it would add significant interest to the immediate surroundings of the site and would integrate well into the topography of the natural environment.
- 9.14 Through careful long-term management, the adjacent SBI would be extended up through the application site. The applicant has engaged with Staffordshire Wildlife Trust who have confirmed that it would be possible to significantly enhance biodiversity within the site, and to achieve maximum benefit from increasing the footprint of the SBI. The Design Review Panel, and indeed Officers, considered this to be a significant element in the

success of the proposal. Conditions are recommended to ensure that an appropriate method statement to establish how the SBI will be extended and improved is provided, which would be assessed in conjunction with Staffordshire Wildlife Trust.

9.15 In conclusion, it is considered that the proposed scheme would significantly enhance its immediate setting, in terms of both architecture and also biodiversity. The defining characteristics of the locality, the impacts on setting and the wider landscape have been given full consideration in the design process, resulting in a dwelling which would sit gently into the landscape, whilst still retaining a presence as an architectural feature.

9.16 As outlined within paragraph 131 of the NPPF, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area. The outstanding and innovative design of the proposed scheme is considered to be a material consideration of great weight in the consideration of the application, with the resulting development considered to raise the standard of design in the area. On this basis the proposed development, which would be of outstanding quality and innovative design, is considered to be in compliance with the NPPF.

10. Residential Amenity

10.1 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.

10.2 Taking into consideration the significant separation distances to the nearest dwelling house, Smithy Moor Farm, and the overall land levels, with the proposed dwelling being sited at a low level, it is considered that there will be no significant loss of light or privacy, overlooking or overbearing impacts resulting from the proposal.

11. Sustainability (energy efficiency and low carbon)

11.1 Policy DP2 of the Local Plan sets out the expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include, where relevant:

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
- incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
- use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
- incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in 'Biodiversity by Design' or future revisions;

- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

11.2 Paragraph 131 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability.

11.3 The proposal seeks to be innovative, utilising a number of technologies to create a highly sustainable, low energy dwelling. The design of the dwelling seeks to maximise the gains from these technologies, which include (but are not limited to) a ground source heat pump, bio mass boiler and appropriate management of water, in order to achieve a low energy dwelling house. A condition is recommended to ensure that appropriate technologies are used to achieve a truly low energy building which will further enrich the innovative nature of the design.

12. Highway Matters

12.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes, 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.

12.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

12.3 The Highway Authority has considered the proposals and have raised no objections subject to a condition requiring the driveway, parking and turning areas to be provided prior to the first occupation of the dwelling.

12.4 Insofar as the site itself is concerned, it is considered that the proposal meets the requirements of the Parking Standards SPD and in technical terms the Highway Authority are satisfied that the necessary visibility splays at the access can be provided.

13. Historic Environment

- 13.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 13.2 In determining planning applications with respect to any building or other land in a conservation area, Local Planning Authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 13.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 13.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 13.5 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology.
- 13.6 The application site is located 0.6km from the Stanton Conservation Area, the boundary of which surrounds Stanton Village to the north of the site. The nearest listed building is the Grade II listed Wellcroft Farmhouse, also located to the north of the site. This building is approximately 0.6km away from the proposed dwelling house. The application is supported by a Heritage Statement which concludes that the location of the site relative to the conservation area and listed buildings, and the proposed location of the building on the site itself, removes any negative impact on the surrounding context.
- 13.7 Given the significant separation distances between the proposed development to the Stanton Conservation Area and to the associated listed buildings and the intervening topography of the lane, it is considered that the proposal would result in no impact to the setting, significance, character or appearance of the heritage assets. As such, Section 66(1) and Section 72

of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not engaged.

14. Flood Risk and Drainage

- 14.1 Section 10 of the Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 14.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 14.3 The site is located within Flood Zone 1 and as such is considered to be at low risk of flooding, therefore a Flood Risk Assessment is not required.
- 14.4 A septic tank is proposed to be installed which will deal with foul water and it is considered that a suitable sustainable drainage system could be used to ensure that the scheme does not create flooding issues within or outside the site.
- 14.5 As such the proposals are not considered to result in any flood risk or drainage issues and are considered to accord with Local Plan Policy SP27 and the NPPF.

15. Biodiversity

- 15.1 Paragraph 118 within Section 11 of the Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 15.2 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.
- 15.3 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.
- 15.4 A preliminary ecological survey has been submitted which confirms that the site was evaluated to support site value on a local and regional scale. The survey concludes that the application site itself is of low ecological value. The small scale of the proposed development (a single residential property)

suggests that there are no direct impacts to Local Wildlife Site to the southern boundary of the site, as works will be contained within the red line boundary provided. A range of mitigation measures are advised including maintaining hedgerows, installing bird and bat boxes and securing an external lighting scheme, all of which can be secured via appropriately worded conditions.

- 15.5 Staffordshire Wildlife Trust have confirmed that the proposal site is situated within the Churnet Valley Living Landscape area, and is between two Local Wildlife Sites (LWS) – Marsh Brook Site of Biological Importance (county importance for wildlife) to the south and west, and Motcarn Sprink Biodiversity Alert Site (district importance) to the east on the other side of the trackway. These sites support diverse woodlands, some wetland and unimproved and acidic grassland. Species-rich grassland and woodland restoration/ creation are key objectives in the Churnet Valley, as well as expanding and linking the network of existing Local Wildlife Sites.
- 15.6 The design approach to the scheme which includes extending and enhancing the existing SBI is considered to be a significant and positive element of the proposal. In effect, if carried out properly this would be an opportunity for biodiversity gain in this area. Details of the creation and management methods are important and could be secured through condition which would need to include a detailed specification for site preparation, soil management, seed and planting mixes, planting methods and future management as part of a detailed landscaping/ ecology enhancement plan.
- 15.7 Accordingly, it is considered that in Biodiversity terms, the proposals offer a scheme which would increase biodiversity. As such, the proposal complies with the objectives of SP29 and the requirements set out in the NPPF.

16. Conclusions

- 16.1 The proposal reflects an outstanding and innovative architectural standard that will enhance its setting, has sensitivity to the defining characteristics of the local area, as well as not being something that can easily be replicated elsewhere. With regard to sustainability, the site lies within an unsustainable location. However, paragraph 79 of the NPPF allows for isolated dwellings in the countryside subject to them being either truly outstanding or innovative, it is considered that this proposal achieves both. The dwelling would appear as a “sculpture” in its landscape and, given its external form and siting, does much to enhance its setting. It is considered that the use of sound and innovative materials would integrate the development into the landscape.
- 16.2 The scheme would have no impact on the Stanton Conservation Area or any of its associated Listed Buildings, as such Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not engaged.
- 16.3 The scheme is compliant with the requirements of the National Planning Policy Framework and is therefore recommended for approval.

17. RECOMMENDATION

17.1 The Planning Committee is asked to resolve to **GRANT** planning permission for the development subject to the following conditions:

Condition 1 – Standard Time Limit (0000001a)

Condition 2 – Standard Plan Number (00002)

Condition 3 – Submission of details of all External Materials (bespoke)

Condition 4 – Submission of Sample Panels (bespoke)

Condition 5- Submission of a Sustainability Method Statement (bespoke)

Condition 6- Submission of materials to be used for Access, Parking and Turning Areas (bespoke)

Condition 7- Submission of Details of Creation, Extension and Management of the SBI (bespoke)

Condition 8- Submission of a Landscaping, Fencing and Walling Scheme (bespoke)

Condition 9- Submission of details of Foul and Surface Water Drainage (00005a)

Condition 10- Access, Parking and Turning Areas to be provided prior to first occupation of the dwelling (bespoke)

Condition 11- Ecological Mitigation to be carried out in accordance with the Preliminary Ecological Appraisal (bespoke)

Condition 12- Two Electric Vehicle Charging Points to be provided prior to first occupation (bespoke)

Condition 13- Landscaping implementation (00003b)

Condition 14- Walling and Fencing Implementation (00003d)

Condition 14- Removal of Permitted Development Rights (00012a)

Condition 15 – Limit Domestic Curtilage (bespoke)

Informatives

1. Standard engagement note
2. Standard pre commencement conditions to be discharged
3. Draw attention to the presence of the Public Right Of Way
4. Draw attention to advice provided by Staffordshire Wildlife Trust re

18. Background papers

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

- The National Planning Policies outlined in the report above.

19. Human Rights Act 1998

19.1 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.

20. Crime and Disorder Implications

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

21. Equalities Act 2010

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

For further information contact: Kerry Challoner
Telephone Number: 01283 508615
Email: kerry.challoner@eaststaffsbc.gov.uk