

Agenda Item:	5.2
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Site:	Land at Coach And Horses Public House High Street Abbots Bromley
Proposal:	Erection of 2 No dwellings and associated vehicular access (Revised Scheme)

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](#)

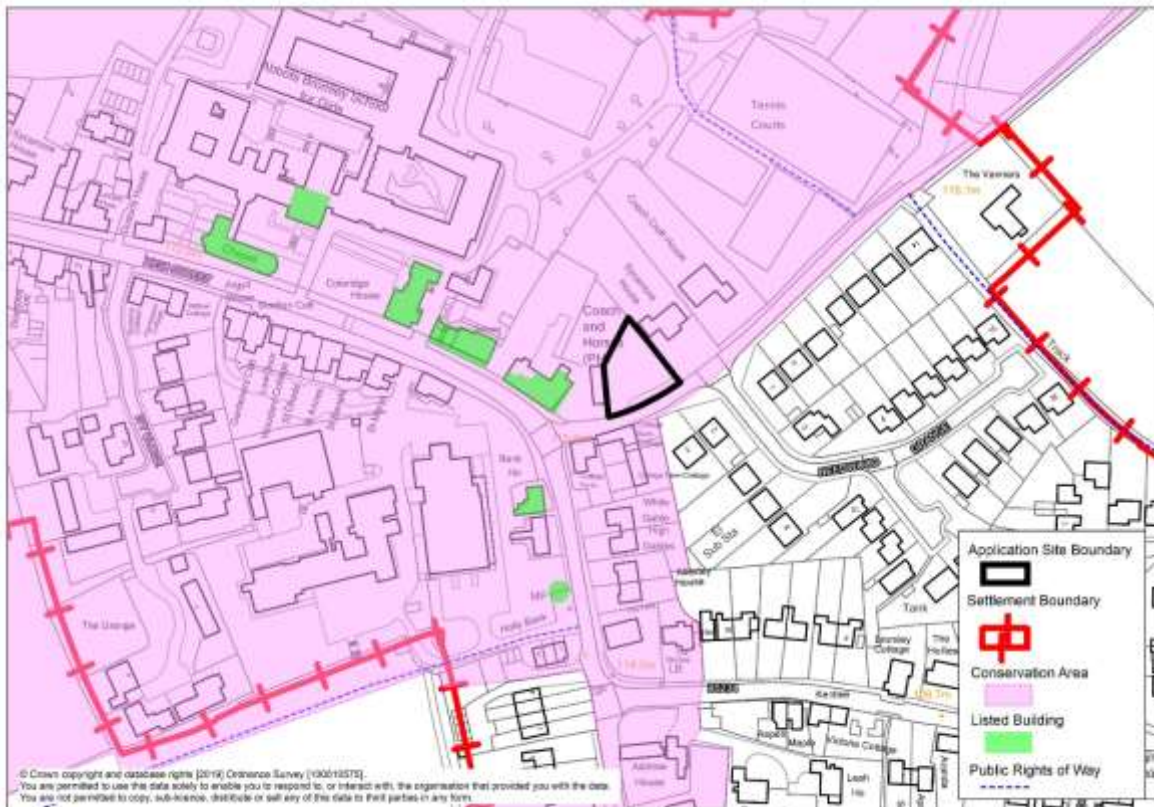
Application Number:	P/2019/00121	
Planning Officer:	Alan Harvey	
Type of Application:	Full Planning Application	
Applicant:	Punch Partnerships (PML) Ltd	
Ward:	Bagots	
Ward Member (s):	Councillor G Hall	
Date Registered:	08 February 2019	
Date Expires:	29 October 2019 (extension of time agreed reflecting a prolonged period of discussions between officers and the applicant's agents and for the re-consultation to be undertaken on the revised scheme).	

1. Executive Summary

- 1.1 The application site comprises some 0.06 ha of land which currently forms part the hard surfaced car parking area serving the Grade II listed Coach and Horses Public House in Abbots Bromley. The site lies on the north-western side of Radmore Lane close to its junction with High Street within the village conservation area. The site is also within the settlement boundary as defined in adopted Local Plan, which also identifies Abbots Bromley as a 'Tier 2' (Local Services) Village for housing delivery purposes during the Plan period.
- 1.2 The application is submitted in full detail and proposes the erection of 2 No. dwellings and a new vehicular access and associated parking, off Radmore Lane. The scheme also involves associated works including the provision of a footway, the removal of a section of an existing boundary wall and gates/gateposts and the lowering of other sections of the wall in connection with the development.

- 1.3 Statutory consultees have raised no objection that cannot be successfully addressed by way of planning conditions. In particular, it is pointed out that the Highway Authority consider that the application scheme - as now revised - is acceptable in highway safety terms in relation to its own access arrangements as well as being satisfied that the Coach and Horses Public House would continue to be served with sufficient car parking provision to meet its needs.
- 1.4 There have been objections and concerns raised by Abbots Bromley Parish Council to the original and revised schemes on the basis that the development would be contrary to the housing policies of the Local Plan, would be detrimental to heritage assets, would compromise highway safety and would result in insufficient car parking being retained to the public house.
- 1.5 There have been objections received from local residents; 11 No in connection with an originally submitted scheme for two detached dwellings; and 4 No. in relation to the revised scheme for a pair of semi-detached dwellings. The correspondences generally raise the same issues as expressed by the Parish Council.
- 1.6 The site is located within the settlement boundary of Abbots Bromley. The development could therefore potentially contribute positively towards meeting the boroughs requirement to provide additional housing to meet the needs of present and future generations. The proposal is also situated close to existing services and facilities and is therefore considered a sustainable location for development and meets the overall aims of sustainability as set out in the Local Plan. It also considered that the scheme would have no negative impacts on any existing or future residential amenities and that there would be no overall detrimental impacts on biodiversity or ecological interests.
- 1.7 It is, however, considered that the scheme will cause less than substantial harm to the setting of the Grade II listed public house and its outbuildings and upon the character and appearance of this part of the streetscape within the village conservation area. Therefore, whilst the scheme has some identified benefits, these would not be outweighed by the harm that the scheme would have on heritage assets.
- 1.8 The application is therefore recommended for **refusal** on the basis that the proposed development would be contrary to East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1 and DP5, the Abbots Bromley Conservation Area Appraisal, the Abbots Bromley Village Design Statement and The National Planning Policy Framework.
- 1.9 **Members are advised that the above is a brief summary of the complex 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 some 0.06 ha of land which currently forms part the car parking area serving the Grade II listed Coach and Horses Public House in Abbots Bromley. The site lies on the north-western side of Radmore Lane close to its junction with High Street within the village conservation area. There are no footways along the section of Radmore Lane from High Street to the application site.
- 2.2 The site is presently surfaced in tarmacadam and lies at a higher level than the public house which has its main façade onto High Street. The ground level to the entrance to the public house off High Street is some 1.05 metres lower.
- 2.3 The site is bounded to the west by a single storey brick built outbuilding - probably originally built to provide stabling - which is considered to have listed status by way of being within the curtilage of the public house. The (to be retained) car parking areas to the public house adjoin the site to the north, across which there are distant views towards the rear elevation of the Grade II listed Dandelion Cottages (which themselves front onto High Street).
- 2.4 Immediately to the north-east of the site is the relatively modern two storey dwelling at Sycamore House; which has its first floor accommodation provided in a dormered roof. The common boundary treatment between the application site is an approximately 1.8 metre high wall in light red modern brickwork.
- 2.5 To the south-east of the site are other modern two storey dwellings. On the southern side of Radmore Lane - opposite the site - is the mature two storey College Farm and its associated outbuildings and College Farm Cottage. These

buildings are of red brick with tiled roofs. The buildings are situated close to the edge of the public highway.

- 2.6 The Coach and Horses Public House is a two storey rendered building which the statutory list entry describes as *“Inn. Early 18th Century with later remodelling. Pebbledash; plain tile roof; pebbledash ridge stack and integral end stacks. 2 storeys with chamfered quoins; 1:3 bays, left hand bay slightly lower, casements with false shutters; 6-panelled door to left of centre of main part.”*
- 2.7 There are other Grade II listed buildings in proximity of the site: namely Bank Cottage some 23 metres to the south-west on High Street and Coleridge House some 72 metres to the north-west (beyond the similarly Grade II listed Dandelion Cottages).
- 2.8 The site is located with the settlement boundary for Abbots Bromley as defined in the adopted Local Plan.

3. Planning history

- 3.1 There is no relevant planning history associated with the site the subject of this application. Old Ordnance Survey maps indicate that in the latter part of the nineteenth century the site was part of a gravel pit.

4. The proposal

- 4.1 The application is submitted in full detail and proposes the erection of 2 No. dwellings and a new vehicular access with associated car parking. The scheme was revised during the course of the application process and originally proposed the erection of two No. detached two storey dwellings. Other revisions have included changes to the vehicular access arrangements in the light of the comments of the County Highway Authority.
- 4.2 The application scheme as now revised effectively comprises a pair of semi-detached dwellings, although in their visual appearance they display a different approach in terms of their design and detailing.
- 4.3 The westernmost dwelling (Plot 1) sits in closest proximity to the existing single storey outbuilding in the curtilage of the public house and presents a single storey façade to the Radmore Lane, although both the eaves level (at 3.2 metres) and ridge level of the building (at 6.3 metres above ground level) are higher than the existing outbuilding (eaves - 2.7m; ridge - 5.1m) as the new dwelling proposes first floor accommodation in the roofspace. To serve this first floor accommodation - and the 2 No. bedrooms to the dwelling - there are 3 No. rooflights in the rear roofslope.
- 4.4 The easternmost dwelling (Plot 2) presents a full two storey façade onto Radmore Lane and has a height to ridge of 8.2 above its finished ground level. Externally, the building seeks to reflect detailing to existing mature buildings in the historic core of the village. The dwelling has 3 No. bedrooms
- 4.5 The development is to be constructed of facing brickwork with slate roofs. All fenestration is to be of timber with a paint finish. A new 1.8 metre high brick wall

is proposed to separate the rear garden areas from the retained car parking area to the public house.

- 4.6 The proposed dwellings will each have two No. off-street parking spaces to their frontages served off the shared access onto Radmore Lane. The properties will also each be provided with individual bin and cycle storage facilities.
- 4.7 The associated works proposed to be undertaken as part of the development include the following:
- The provision of a footway behind the existing boundary wall (and thus within the site) to provide pedestrian access from the dwellings along Radmore Lane to the High Street.
 - The removal of a section of an existing boundary wall on Radmore Lane to create the vehicular access
 - The lowering of other sections of the existing boundary wall to 600 mm in height and the removal of two No. trees and a length of existing hedgerow to provide visibility splays to the new vehicular access. The timber gates and posts are also to be removed from the existing vehicular entrance to the public house.
- 4.8 It is pointed out that the works in connection with the removal of the wall and gates/gate posts to the highway frontage, along with the lowering in height of sections of the (to be) retained wall will also require a separate application for listed building consent. It is nevertheless reasonable to assess the impact of these works as part of this current planning application; as any decision will be based on the merits (or otherwise) of the proposed works in terms of the impact on the setting of the principal listed building as well as on the character and appearance of the village conservation area.
- 4.9 The original application was submitted with supporting documentation; some of which have been revised during the application process. Additional car parking survey work was also requested by the County Highway Authority in response to the original application and that now forms part of an updated Transport Statement. The revised submissions show that 22 No. car parking spaces are to be marked out and retained to serve the public house (including one space for persons with disabilities). The application form submissions indicate that 30 No. spaces are presently available for parking within the curtilage of the public house.
- 4.10 The list of documents that have been provided as part of the application are as follows:
- Site Location Plan
 - Proposed Site Plan (original and revised)
 - Proposed elevation drawings (original and revised)
 - Proposed streetscape drawing (original and revised)
 - Design and Access Statement
 - Heritage Statement
 - Transport statement (original and revised; the latter including additional parking survey results)

- Technical Plans demonstrating that the relevant turning facilities can be provided within the site.
- Letter of support from the landlord of the public house (who is a tenant of the applicants).

4.11 The relevant findings are dealt with in **Section 8** onwards below.

4.12 Members are also advised that prior to the current revised scheme being submitted, the applicants produced a number of other iterations of development proposals for the site, both for a two No. dwelling scheme - and for a single dwelling - for discussion with officers. As these other suggested schemes were not subject to any public consultation, and ultimately were not formally pursued by the applicants, these schemes are not referred to further in any detail as part of this report.

4.13 The officer's approach to the discussions with the applicants between the original and revised schemes was based on the comments of the conservation officer on the original submission; namely *inter alia* that *"there is considered to be scope for development (on the application site) of a more subservient scale and ancillary character without adversely impacting on the setting of the listed building or the character of the CA (Conservation Area) e.g. akin to a converted outbuilding range that responds to the existing built form and hierarchy."* The full comments of the Conservation Officer(s) are set out in Section 5 of this report below.

4.14 Upon the submission of the current revised plans the applicant's agent stated that *"based on the various discussions on the above planning application, the applicant is proposing an amended design for the proposed two dwelling scheme to address the original comments of the highway authority and the conservation team. The attached scheme represents, in our opinion, an acceptable design that takes themes from other historic buildings in the locality of the site."*

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	Abbots Bromley Parish Council	<p>Original Submission</p> <p>Commented initially that it wished the make the following comments :-</p> <ul style="list-style-type: none"> • <i>"The street scene is not a true representation as it fails to show adjoining properties in Radmore Lane, and it is recommended that amended street scene drawings be submitted to give a truer representation of the development in the wider context.</i> • <i>Whilst the Parish Council does not object to the principle of development on the site, the gardens are far too small for what will be family homes and</i>

		<p><i>shows that the developer is trying to put too much on the site. Rather than 2 detached dwellings, the developer is asked to consider a pair of smaller semi-detached cottages.</i></p> <ul style="list-style-type: none"> • <i>In terms of design, simpler finishes are recommended - the use of quoins at the corners is (other than the Coach and Horses PH) not generally representative of development in the villages, and dormer windows should be used more sparingly. The site is within the Conservation Area and the Borough Council are urged to have regard to the current design guidance in the Local Plan.</i> • <i>For safety purposes a footpath should be included in the plans leading from the main street, inside the existing brick wall of the Coach and Horses, giving safe access both to any new properties and existing properties on Radmore Lane. The plans refer to a footpath on Radmore Lane, however, there is no existing footpath on this stretch of road.</i> • <i>The exit on to Radmore Lane is at a narrow part of the lane which means that any vehicles leaving the properties may be exiting in to on-coming traffic.”</i> <p>The Parish Council also stated that it would like to be re-consulted following the submission of any amended/additional details.</p> <p>The Parish Council subsequently ‘updated’ their comments on the original scheme and requested that in addition to the points set out above that it wished to add the following comments:-</p> <ul style="list-style-type: none"> • <i>“Concern over parking spaces being insufficient for customers and may lead to street parking</i> • <i>Concern over housing need, the village has already delivered way beyond the allocation of 40 homes specified in the local plan and therefore only supports applications that meet the local housing need.</i> • <i>Size/type of house is contrary to evidence now available via a recently commissioned housing needs assessment which has identified 1/2/3-bedroomed homes that are social housing types (such as 25% owned), rather than market-value types. These are to help young people onto the property ladder. These houses do not meet this need and therefore do not contribute to the parish's</i>
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		<p><i>housing needs.</i></p> <ul style="list-style-type: none"> • <i>The wall, hedge and trees should not be removed from the front of the property and if planning permission was granted then access should via the pub entrance gate and the footpath should run inside the wall.”</i> <p>Revised Submission</p> <p>The Parish Council states that it “<i>would like to reiterate previous comments made regarding the proposed development at the Coach and Horses. In addition the following comments are made:-</i></p> <p><i>The Planning (Listed Buildings and Conservation Areas) Act 1990 (revised) Section 16 (2) states that for a Listed building the local planning authority "shall have special regard to the desirability of preserving the building and its setting", whilst Section 72 states that for a building in a Conservation Area "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".</i></p> <p><i>The Parish Council's opinion is that the proposed housing units in the curtilage of the Coach and Horses do nothing to preserve the setting of the Listed building and that its close proximity to a large outbuilding actually detracts from the setting, as does the height of the units.</i></p> <p><i>In relation to NPPF's section on" Built Heritage", Section 189 requires that any harm done to the built heritage "should be given great weight even if it is less than substantial", and goes on to name two court judgements from the "numerous" ones that have reinforced this. The Parish Council wishes to remind the planning authority that the site of this planning application has been identified on ESBC's own mapping as an important gateway to the village's Conservation Area. The plans to build two housing units of modern design, together with the removal of a tree and hedging, and the proposal to reduce the height of a boundary wall, will alter the street scene in a detrimental way.</i></p> <p><i>Paragraph 192 requires any "less than substantial harm to heritage assets" to be "weighed against the public benefits of the proposal". The Parish Council does not accept there will be any public benefits from the planning application: the proposed units are not the type identified in the parish's HNA as being required to meet a local need, and the proposal would remove a considerable area of car parking space, resulting on occasions in traffic being parked on an already narrow and busy lane/main road.</i></p>
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5.3	SCC Highways	<p>Original Submission</p> <p>Requested additional surveys of car parking usage to the public house and sought the provision of safe access arrangements in terms of visibility splays and the construction of the footpath.</p> <p>Revised Submission</p> <p>Raise no objection in principle to the proposed access arrangements and the level of the retained car parking provision to the public house.</p>
5.4	Severn Trent Water	No objection.
5.5	Architectural Liaison Officer	Made security recommendations to be incorporated into the scheme

Internal Consultees		Response
5.6	Environmental Health	No objections subject to conditions (noise, air quality and contamination).
5.7	Conservation Officer(s)	<p>Original Submission (former Conservation Officer)</p> <p>The conservation officer commented that :-</p> <p><i>"The site is located within Abbots Bromley Conservation Area and within the setting of the grade II listed public house (1374463). The area proposed for development makes a neutral contribution to the setting and does not make a positive contribution to the character of the Conservation Area (CA). However, there is an obvious hierarchy of built form to the site which is ancillary in character towards the rear, currently evident in the single storey outbuilding as evident on the first OS map (1886) –</i></p>

	<p><i>this outbuilding would currently be considered curtilage listed as it is pre-1948 and assumed to be ancillary and in the ownership of the pub when listed in 1953; regardless it makes a positive contribution to the setting of the listed pub. The modern houses to the north-east do not make a positive contribution to either the setting of the listed building or the character of the CA. Due to the lack of interest of the car park there is considered to be scope for development in this part of the area. However the current scale and character of the proposed development does not respond to the hierarchy of the site and reflects a character more akin to the adjacent modern development which has already been identified as not making a positive contribution to the character of the area. The scale and character of the buildings do not respond to the setting of the listed building and the hierarchy of the site and therefore would result in a degree of minor less than substantial harm. There is considered to be scope for development of a more subservient scale and ancillary character without adversely impacting on the setting of the listed building or the character of the CA e.g. akin to a converted outbuilding range that responds to the existing built form and hierarchy.”</i></p> <p>Revised Submission (Current Conservation Officer)</p> <p>Concludes that the proposal would not harm heritage assets or their settings having regard to the following evaluation :-</p> <p><i>“I have considered these revised plans which are certainly a significant improvement upon the last set of plans.</i></p> <p><i>The land as shown in 1880 is separated from the public house and was likely used for grazing of horses of travellers in association with the use as a coaching inn, the current outbuilding was also shown as being larger, in an ‘L’ shaped arrangement, (with a return running west along the site frontage back towards the public house) what survives was likely a coach/carriage shed and what has been lost was likely stabling. By the later revisions in 1900 and 1922 the likely paddock is shown to have been partly in use as a gravel pit and it is unlikely that any functional relationship with the operation of the public house remained at that time, but importantly no gravel pit is shown in 1881.</i></p> <p><i>The heritage statement suggests that the outbuilding was in separate ownership until the middle of the 20th century. I find this unlikely, it is more probable that the two buildings fell into divided ownership and were only reunited under a single ownership in the mid 20th century. The 1881 OS map shows no boundary between the public house and the</i></p>
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		<p><i>outbuildings, and it cannot be the case that the public house had only the orchard to the west as land as this would not have facilitated use as a coaching inn, whilst a coach-house and stable sat within an area of paddock to the east would have.</i></p> <p><i>Given this it would make sense at least in terms of legibility and understanding of the site to pursue a design along a stable type form, or that of a similar style of subservient outbuilding, a semi-detached building would be of a scale more convincing and appropriate to such a design approach and the designs have evolved via the latest revision to be something a little close to this ideal approach. The two dwellings would now be semi-detached providing a more compact form and footprint and split between a low element which despite having usable first floor accommodation has a convincing single storey form from the street. This single storey element would sit more comfortably alongside the surviving coach/carriage shed outbuilding which is also single storey in nature, whilst the taller element would lift development towards that on the neighbouring site to the east.</i></p> <p><i>The slight set forward of the single storey element and the small element of roofslope which then wraps around the front elevation of the two storey element seems a visually weak feature with little or no justification in terms of practicality or design. A cleaner visual appearance within the streetscene could be achieved by setting the single storey element back instead of forward which would avoid the small roof overlap.</i></p> <p><i>The surviving outbuilding along the west of the site would act as something of a visual barrier from the grade II listed public house and would help ensure that the impact of any development on this site has some degree of mitigation as a result. From outside of the site, particularly in terms of the junction of High Street and Radmore Lane as a 'gateway' location within the conservation area, there would be oblique views from High Street within which the proposed development would be visible beyond the historic outbuilding.</i></p> <p><i>In my view the proposal in its latest revised form would still be capable of further improvement and the advice that dwellings in the form of an outbuilding of subservient character would be the most appropriate. This latest revision is the first to begin to embrace this approach albeit only modestly.</i></p> <p><i>The proposal fails to take advantage of opportunities to better reveal and promote understanding of the heritage significance of the site as part of the site of the former</i></p>
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		<p><i>coaching inn but equally it would not now be overtly harmful to the significance which the listed building derives from its setting. The proposal would ‘preserve’ the special architectural and historic character and appearance of the conservation area and the gateway approach to it, albeit there would have been clear opportunity for development in this location to actively enhance the character of the conservation area which has been missed. Whilst the proposals could be improved I would not object and would conclude that the proposal does achieve the ‘desirable’ objectives described in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.”</i></p>
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6. Neighbour responses

6.1 11 No. representations were received in relation to the original submissions raising the objections/concerns summarised below:

Neighbour/Local Residents responses (Original Submissions)	
Principle	<ul style="list-style-type: none"> - The Coach and Horses and its setting is a designated heritage asset for the purpose of the NPPF and therefore in respect of the proposed development the initial presumption in favour of development does not apply. - There is no identified local need for further housing - There is insufficient public benefit to justify the development - The village does not need more detached market houses - Approval could result in the closure of the pub if the numbers of customers are reduced with the reduction in parking provision. - The scheme would be contrary to the National Planning Policy Framework (NPPF), Local Plan Policies (SP1, SP2, SP24, SP25, S04, DP1, DP3 and DP5), the Village Conservation Area Appraisal and the Village Design Statement. - The Parish should be supported by the Borough Council to ensure the Neighbourhood Plan provides for future development to be community led.
Impacts on Heritage Assets/Visual Amenity	<ul style="list-style-type: none"> - Open space and setting provided by the land would be lost - The wall and hedge to Radmore Lane are features of the conservation area and should be retained. - There is no provision in the proposal to relocate the skips/bins and these should not be in public view. - The scheme would be detrimental to an area designated a ‘strong gateway’ to the conservation area in the Council’s own Conservation Area Appraisal. - The Council should take on board the findings of the Historic Character Assessment of the village

	<p>undertaken by the County Council/Heritage England in 2011.</p> <ul style="list-style-type: none"> - The heritage of the village should be preserved and if dwellings are erected on the site the construction must be in keeping with the local conservation area and heritage materials
Residential amenity	<ul style="list-style-type: none"> - Refusal of the application will preserve residential amenity and in turn provide a greater public benefit - The size of the gardens are not proportional to the size of the dwellings being proposed
Highways Impacts	<ul style="list-style-type: none"> - A recent public meeting on the issue of traffic and parking highlighted the lack of parking available for residents in the village - The car park is used as a much needed overflow car park during the year, easing the pressure of parking within the village - The proposed access and egress is on a blind bend within an area of narrowing roadway, which is already a safety issue. - The turning space for cars within the curtilage of the development site is unlikely to be sufficient to allow cars to leave the site in a forward gear - There is no safe footway for pedestrians from the dwellings to High Street - Parking provision will not satisfy the minimum requirement for the occupants of the dwellings - The development would result in congestion of the main highway and side lanes - Any scheme should be reduced to one dwelling to allow the retention of more car parking for the public house - The proposed access to Radmore Lane is potentially dangerous to both potential owners and pedestrians. - There is already a need for double yellow lines in the vicinity of the site - Proposed car parking spaces do not appear to be of sufficient size to accommodate vehicles - A pathway should be constructed inside the wall and hedge boundary allowing protection for pedestrians from large farm vehicles using Radmore Lane. - It is questioned whether the possibility of using the existing entrance on to High Street had been investigated as an alternative to exiting onto Radmore Lane - Any development scheme should be accompanied by a construction management plan. - It is questioned as to whether the applicants could allocate four parking spaces for public car parking to alleviate parking problems in the village.

	<ul style="list-style-type: none"> - The applicant traffic survey data is inadequate.
Biodiversity	<ul style="list-style-type: none"> - The existing hedge to Radmore Lane should be retained for its length to conserve wildlife habitat as part of the conservation of the village environment. - Any approval of a scheme should provide for a hedge with a minimum height of 1.5 metres to be retained to Radmore Lane.
Other	<ul style="list-style-type: none"> - The paperwork submitted with the application appears to contain contradictions regarding the precise nature of the proposed dwellings; including No. of bedrooms and ‘garaging provision.’

6.2 4 No. representations were received in relation to the revised submissions re-iterating many of the points outlined above and raising the additional objections/concerns summarised below:

Neighbourlocal residents responses (Revised plans)	
Principle	<ul style="list-style-type: none"> - There are concerns that this will set a precedent for other public houses in the village to use their car parks for development. - The proposed homes would not be for any public benefit and the recent Housing Needs Assessment has not identified this type of unit as meeting the local need.
Impacts on Heritage Assets/Visual Amenity	<ul style="list-style-type: none"> - ESBC in its Conservation Area Appraisal has mapped this as a gateway to the village’s conservation area and as such its street scene should be preserved; therefore the trees, hedges and walling fronting Radmore Lane should be maintained. - The design of the two houses is not in keeping with the listed building within whose curtilage it sits. - The ‘infilling’ of all available land will destroy the enjoyment of the village.
Highways Impacts	<ul style="list-style-type: none"> - The revised statement is not consistent with the proposed development and provides limited data for car park occupancy - The sweep path for delivery vehicles seems to assume a virtually empty car park. - The 20 No. car park spaces now proposed would seem to be inadequate for the potential use of the premises and will lead to on street parking, causing traffic flow problems. - The access and egress to and from the site has caused no problems over the past 50 years and this should be used as the access to any proposed new

	<p>development.</p> <ul style="list-style-type: none"> - The newly proposed access is worse than that previously proposed as part of the application as it is closer to the junction of High Street/Radmore Lane and would result in accidents. - It is questioned as to whether there is sufficient space and chance to get across to the correct side of Radmore Lane without obstructing oncoming traffic - Inadequate parking provision is still being proposed for the dwellings. - There is inadequate car parking space size for larger vehicles. - The proposed access point is at a position where the highway curves which would increase the likelihood of collisions. - It would appear that having regard to the manoeuvring details shown on the application submission that the potential position(s) of any vehicle entering the highway would mean that the visibility to the driver would be restricted by the seat/headrest/door pillar. For any van using the proposed access the exit manoeuvre would be completely blind. This is potentially dangerous. - The placing of refuse bins at the end of drive for collection is likely to cause a road hazard. - If the scheme is approved additional yellow lines need to be provided on the surrounding highway.
Residential Amenities	<ul style="list-style-type: none"> - The new access faces the existing dwelling across the road and during winter months cars exiting the site will have their headlights shining directly into rooms thus impacting on the privacy of the residents concerned.
Biodiversity	<ul style="list-style-type: none"> - The maintenance of the hedge should be made a condition of any planning consent. - Open spaces give “green lungs” which go towards everyone’s well- being and benefit, particularly when air pollution is high. The scheme will result in such an open space. - The removal of extra trees are not consistent with the text in the Arboricultural Implications Assessment and Method Statement (which accompanied the original application correspondence). The retention of all trees and hedges is very important.
Other	<ul style="list-style-type: none"> - The Design and Assessment Statement has not been updated and re-submitted and therefore is no longer in accordance with the designs submitted.

7. Policy Framework

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance

Local Plan

- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP4 Distribution of Housing Growth
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP6 Protecting the Historic Environment: All Other Heritage Assets
- DP7 Pollution (including noise and contamination)
- DP8 Tree Protection

Supplementary Planning Documents

- Housing Choice SPD
- Revised Parking Standards SPD
- East Staffordshire Design Guide SPD
- Separation Distance and Amenities SPD
- Abbots Bromley Conservation Appraisal (2015)
- Abbots Bromley Village Design Guide (2006)

8. Assessment

8.1 The main issues in the determination of the application are considered to be as follows:-

- Principle of development;
- Highway safety;
- Impacts on residential amenities;
- Flooding and Drainage Implications/Contamination
- Impacts on biodiversity;
- Impacts on Heritage Assets/Visual Amenities Impacts
- Other Matters.

9. Principle of Development

9.1 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 an up to date development plan without delay; and
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reasons for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

9.2 Annex 1 of the NPPF states that 'existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according their degree of consistency with the NPPF. The closer the policies in the plan to policies in the framework, the greater the weight that may be given'

10. 5 Year land Supply

10.1 The most recent calculation uses figures as at 31st March 2019 and concludes there is 6.33 years of supply. Therefore the policies in the Local Plan can be considered up to date.

11. Local Plan Policies

11.1 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.

11.2 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.

11.3 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 of village designed at levels Tier 1 and 2. Abbots Bromley is identified as a 'Tier 2' (Local Services) Village in Policy SP2.

11.4 It is noted that in their representations both the Parish Council and local residents state that in terms of housing need the village has already delivered more than its allocation of 40 No. homes specified in the Local Plan (at Policy SP2) and therefore only applications that meet the local housing need should be supported in principle. It is also contended that the size/market home type of house being proposed for the site is contrary to evidence in a recently commissioned housing needs assessment which has identified 1/2/3-bedroomed homes that are social housing types (such as 25% owned) are needed to help young people onto the property ladder.

11.5 Insofar as the Local Plan is concerned, the 40 No. dwelling allocation figure for Abbots Bromley as set out in Policy SP2 is not a maximum figure and both the Local Plan and the NPPF provide for the bringing forward of windfall sites in

sustainable locations - such as this 'Tier 2' Village - to deliver housing supply. In relation to housing types, as the scheme does not relate to at least 10 No. the housing mix requirements of the Housing Choice SPD are not 'triggered' in this instance. Furthermore, as a scheme for 2 No. dwellings the development falls below the affordable housing threshold (again of 10 No. properties) set out in national guidance then Policy SP17 of the Local Plan is also not applicable to this case.

- 11.6 As such this proposal for 2 No. residential units on this site within the settlement boundary of Abbots Bromley adheres in principle to the sustainability criteria within Policy SP1 and the settlement hierarchy as set out in Policy SP2.
- 11.7 The scheme will incorporate sustainable building techniques to meet the requirements of Policy DP2 of the Local Plan and the scheme would be capable of delivering broadband to the same speed as per existing properties in the village.

12. Highway Matters

- 12.1 The NPPF in section 9 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should 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.
- 12.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 12.3 The Council's revised parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses. The Abbots Bromley Village Design Statement (2006) states that developments should actively address the car parking, traffic and access problems within the village (paragraph 2.35).
- 12.4 The Parish Council and local residents have consistently throughout the application process raised objections to the scheme on the basis that any new access arrangements to serve the development off Radmore Lane would compromise vehicular and pedestrian safety in terms of the narrowness of the highway, the level and type of vehicles using the road, the lack of a footway and poor visibility. The Parish Council and local residents similarly contend that the level of car parking to be retained to the public house would not be sufficiently adequate to meet the requirements of the existing business which will lead to an increased level on-street parking on surrounding roads as well putting at risk the future of the public house.

- 12.5 During the course of the application changes to the access arrangements have, however, been negotiated between the applicant and the County Highway Authority including ensuring the provision of a new footway from High Street to serve the dwellings and improved visibility splays to a new access. These highway safety mitigation works, which could be secured by way of conditions mean the County Highway Authority have therefore raised no objections to highway works serving the dwellings. The Highway Authority have also assessed the proposed scheme for the retained car parking provision of 22 No spaces (including one space for persons with disabilities) and again are raising no objections.
- 12.6 In the light of the position of the County Highway Authority on the revised scheme, therefore, it is not considered that the Borough Council could justify a reason for refusal on highway safety grounds. The scheme is therefore concluded to be in line with Local Plan Policies SP1 and SP35. It is nevertheless pointed that in achieving highway safety requirements there are also implications in terms of impacts on ecology/biodiversity and heritage assets and these are considered in detail in Sections 15 and 16 below.

13. Residential Amenity

- 13.1 The National Planning Policy Framework and Policies DP1 and DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing. The recently adopted Separation Distances and Amenity SPD provides supplemental guidance to inform relationship parameters between proposed and existing residential properties as well seeking to ensure new developments provide sufficient private amenity space for future residents.
- 13.2 With the regard to the relationship with existing dwellings no issues of overlooking arise in relation to existing dwellings given the scheme is adjoined to the rear by the retained car parking area and that a condition of any planning permission could ensure that the first floor window in the eastern side of elevation of the dwelling could have obscure glazing and top opening lights to mitigate any loss of privacy to the residents of Sycamore House. By reason of its scale, design and siting the proposed development would also not have any significant overbearing or overshadowing impacts on Sycamore House - the nearest adjacent dwelling - or on any other surrounding or nearby dwellings.
- 13.3 With regard to noise and activity implications, it is considered that the traffic generated by the proposed development would not impact on surrounding properties to any notable extent over and above the existing situation. It is noted that local residents state out that the new access faces the existing dwelling across the road and that during winter months cars exiting the site will have their headlights shining directly into rooms thus impacting on privacy. However, given that the rooms in question already face on to the public highway, it is not considered that the likely relatively limited traffic activity to serve two properties would have such a significant level of impact to warrant any reason for refusal on loss of privacy grounds.
- 13.4 In respect of the amenities of the future occupants of the application scheme the proposed dwellings will have garden areas of 54.5 sq. metres (Plot 1) and 61.2 sq. metres (Plot 2) respectively. These meet the minimum standards

recommended by the recently adopted Separation Distance and Amenities SPD (of 50 sq. m and 60 sq.m respectively). In term of the depths of the garden areas, it is recognised that these - at 7 metres (max) to Plot 1 and 9.8 metres (max) to Plot 2 - are shorter than others in the locality. However, in the absence of any dwellings directly to the rear of the site (and thus them common boundaries with other properties), the fact the garden depths are not discernible from the public domain and that habitable rooms will benefit from sufficient light by reason of the internal room layouts it is considered that in overall terms the scheme would meet the reasonable amenity expectations of any future residents. It would nevertheless have been considered to be reasonable in this instance to remove permitted development rights for extensions or outbuildings to future controls over alterations to the dwellings.

- 13.5 With regard to relationship of the proposed dwellings with the public house and its car parking area, it is considered that the provision of the 1.8 metre high brick wall to the rear boundary of the application site will ensure that no privacy issues arise to residents in respect of the users of the (retained) car parking area. Further, it is considered that the boundary treatment will mitigate glare from the headlights of vehicles within the car parking area as well as providing some degree of mitigation in terms of noise and disturbance. The Environment Health Section also consider that additional noise mitigation could be built into the scheme with air vents being provided on those facades facing the car parking area (to provide an alternative for occupiers to opening windows) along with uprated acoustic glazing to window units. Such provisions could necessarily be secured by conditions of any approval.
- 13.6 Accordingly, it is concluded that the scheme would not compromise any existing or future residential amenities to an extent that would justify a refusal of planning permission. As such the scheme is considered to be compliant with the relevant Local Plan policies and with the aim of supplementary planning guidance in these respects.

14. Flood Risk and Drainage/Land Contamination

- 14.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest 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 green field 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 therefore its development with the proposed two dwellings would not give rise to any increased flood risk. Severn Trent have raised no objections in terms of existing drainage capacity.

- 14.4 As such the proposals are not considered to result in any flood risk or drainage issues and are considered to be in accordance with Local Plan Policy SP27 and the NPPF.
- 14.5 With regard to land contamination issues, the development site occupies a former quarry site, however, the ESBC Environmental Health Section raise no objections to the scheme subject to mitigation conditions being put on any grant of planning permission. The Environmental Health Section also request that any decision notice includes an informative drawing the applicants attention to the fact that the site lies within a Radon affected area.

15. Biodiversity

- 15.1 Paragraph 175 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 15.2 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 seeks to retain, maintain and enhance biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 15.4 The proposals will retain two trees in the south-eastern area of the site, although in order to provide the necessary highway works as per the requirements of the County Highway Authority - including associated footpath and visibility splay provision – the other existing trees and hedgerow will need to be removed (with the later to be ‘replaced’ by proposed planting to the height of 600mm).
- 15.5 In visual terms, these works associated with the development will clearly change the character of the streetscape in comparison to the existing situation, nevertheless the trees are of insufficient visual amenity merit to warrant statutory protection by way of the serving of a Tree Preservation Order. The hedgerow could be removed without consent. In biodiversity terms, a condition of any approval could secure full mitigation measures by commensurate tree and hedge planting in other areas of the public house curtilage along with the provision of bird and bat boxes/roosts. During the construction phase of any development scheme tree protection measures could be required by way of a condition.
- 15.6 As such there are not considered to be any significant impacts on biodiversity arising from the proposals which could not be reasonably mitigated. The scheme therefore meets the requirements within Policies SP29 and DP8 of the Local Plan and the NPPF.

16. Impacts on Heritage Assets/Visual Amenities Impacts

- 16.1 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.

- 16.2 Strategic Policies 1 and 24 of the Local Plan 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.
- 16.3 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. Detailed Policy 3 (DP3) sets out general design criteria for new residential development, although in relation to infill development it specifically refers to gardens of houses and as such in that respect is not directly relevant to this case.
- 16.4 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.
- 16.5 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.
- 16.6 Paragraph 184 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 200 of the NPPF indicates inter alia that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance and states that *“proposals that preserve those elements of the*

setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

- 16.7 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.
- 16.8 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.
- 16.9 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.
- 16.10 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed Policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 16.11 The Abbots Bromley Conservation Area Appraisal (of 2015) indicates (at paragraph 3.3) that the general features that provide Abbots Bromley with its locally distinctive character and the special interest can be summarised as follows:
- *“The use of locally manufactured brick and tile, which have provided the primary building materials for the village since the medieval period, and which give Abbots Bromley its distinctive warm colours and texture.*
 - *The comfortable, local scale of building in the village in combination with its simple street pattern and historic open core.*
 - *The historic and enduring plan of the village with its distinctive edges and markers (e.g. the church, Goose Lane and the Girls School).*
 - *The rural setting of the village in an undulating landscape of fields and woodlands, with distant and attractive views across the village from the northern ridge to the south.*

- *The wide, open centre of the village with its distinctive planting and railings fronting the historic High Street/Bagot Street properties.*
- *Retention of historic details such as door canopies, window treatments and the naming of houses rather than just their street number”*

16.12 The Conservation Area Appraisal identifies the High Street/Radmore Lane junction as a strong gateway to the conservation area with ‘key views’ down towards High Street/this ‘gateway’ on the southern approach.

16.13 The Abbots Bromley Village Design Statement (2006) acknowledges the conservation area designation (at paragraphs 3.11 and 3.12) and seeks to provide guidance in terms of change throughout the village by stating amongst other things that:-

- Individual developments should respect the settlement character of that part of the village in which it occurs, and adopt a sensitive and co-ordinated approach to design and layout (paragraph 3.16).
- Infill developments or extensions to existing buildings should avoid filling in gaps that provide substantial views to surrounding countryside or contribute to the street scene (paragraph 3.19).
- Any new development must sit comfortably with its neighbours and enhance the area, taking into account the scale, ‘footprint’ area, shapes, proportion and material of older buildings, *their gardens and open spaces* in the neighbouring townscape and the lie of the land (paragraph 4.33).

16.14 As has been set out in detail in Section 2.0 of this report the application site is located within the curtilage, and therefore, the setting of the Grade II listed Coach and Horses public house (and its associated outbuilding), as well as being seen in the wider setting of other nearby listed buildings on High Street. Furthermore, the site is integral to the streetscape of the village conservation area.

16.15 The impact on heritage assets is therefore at the heart of the material considerations relating to the scheme and therefore in the first instance it is important to come to establish in terms of the guidance set out in Section 16 of the NPPF (at paragraphs 193-196 inclusive.) as to whether the proposed new development would cause substantial, less than substantial or no material harm to the heritage environment.

16.16 With regard to the visual contribution of the site to the streetscape as it stands, it is noted that it is contended in representations that the scheme would result in the loss of an existing open space which makes a positive contribution to the historic, and wider, streetscape. Further, it is suggested that the loss of this area *per se* would represent a continuation of the process of the incremental loss of land to new development in the Abbots Bromley that it is eroding the character of the village. However, whilst these concerns are acknowledged it is fundamental that any proposal is judged on its own merits. Further it is noted that the site, which is an area of tarmacadam with trees/hedgerows fronting onto Radmore Lane, is not identified in the Conservation Area Appraisal as one making a positive contribution to the Area. In addition, the development of the site would provide the opportunity to screen the adjoining modern dwelling, and its associated boundary wall, which by way

of their design and materials do not presently make a positive contribution towards the historic environment. In this context, therefore, it is not considered that the development of the site with built form would necessarily in principle be detrimental to the character and appearance of the streetscape of the Conservation Area or the setting of the Grade II listed Coach and Horses public house or any other nearby listed building.

- 16.17 Having regard to the current new build development scheme the revisions have been designed such that in visual terms the lower element of the development (Unit 1) is that which is in closest proximity to the existing single storey outbuilding whereas the higher element (Unit 2) is located adjacent to the modern two storey dwelling to the north-east. This design approach in principle is more reflective of the established streetscape than the originally submitted scheme, although it does not follow (strictly) the example suggested by the (former) ESBC Conservation Officer of being *“akin to a converted outbuilding range that responds to the existing built form and hierarchy”* to *“achieve a development of a more subservient scale and ancillary character without adversely impacting on the setting of the listed building or the character of the Conservation Area.”*
- 16.18 Any submission nevertheless falls to be dealt with on its own individual design merits. As such the fact that the current scheme is better than that which was first proposed - which officers consider is the case - or that it does not (strictly) follow the suggested form recommended by the conservation officer, should not in themselves become the determinate factors in weighing the balance as to whether (or not) the present scheme is acceptable.
- 16.19 In terms of the representations received in respect of both the original and revised schemes, these have both attracted objections from local residents and Parish Council on the basis that the schemes are detrimental to the setting of heritage assets (as outlined in detail in the summary of responses in Section 6 above). In relation to the original submission the ESBC Conservation Officer (in post) at that time concluded that *“the scale and character of the buildings do not respond to the setting of the listed building and the hierarchy of the site and therefore would result in a degree of minor less than substantial harm.”*
- 16.20 Insofar as the revised scheme is concerned, the current ESBC Conservation Officer comes to the conclusion that the proposal would not harm heritage assets or their settings. In coming to that conclusion, and whilst identifying areas of improvement in design terms (as per Section 5 above), the Conservation Officer, comments *“the two dwellings would now be semi-detached providing a more compact form and footprint and split between a low element which despite having usable first floor accommodation has a convincing single storey form from the street. This single storey element would sit more comfortably alongside the surviving coach/carriage shed outbuilding which is also single storey in nature, whilst the taller element would lift development towards that on the neighbouring site to the east.”* The Conservation Officer also comments that *“the surviving outbuilding along the west of the site would act as something of a visual barrier from the grade II listed public house and would help ensure that the impact of any development on this site has some degree of mitigation as a result. From outside of the site, particularly in terms of the junction of High Street and Radmore Lane as a ‘gateway’ location within the conservation area, there would be oblique views*

from High Street within which the proposed development would be visible beyond the historic outbuilding.”

- 16.21 It is recognised that such conservation expertise is integral to informing any decision making process in respect of an application affecting heritage assets (c.f. paragraph 189 of the NPPF), nevertheless, in this instance these conclusions are not necessarily shared. Rather, whilst it is agreed that in principle the compact nature of the revised scheme would have the potential to offer mitigation in terms of its visual impact, it is considered that the scheme as it stands (in its present iteration) does not satisfactorily achieve this integration into its historic setting to an extent so as to warrant a favourable recommendation having regard to the scale, design, height and proportions of the new buildings in comparison with the Grade II listed public house - within whose curtilage it sits - and its associated outbuilding. It considered that the detrimental situation that would arise is compounded by the difference in levels on the site, which the application submission fails to have due and full regard to in terms of the resultant overall impact on the historic streetscape.
- 16.22 Specifically, whilst both the main built elements of the scheme (for Plots 1 and 2) individually in their designs seek to reflect architectural features of the established built form in the Conservation Area it is considered that in their proportions and (increased) heights - to the roof eaves and ridge - they would not achieve the necessary harmonious integration with their heritage asset setting. Rather, it is considered that they would appear as disproportionate imitations of vernacular style buildings. This is a situation that would be particularly apparent in views along Radmore Lane from High Street where their visual impact would be exacerbated by the fact that they also sit on an increased land level (in comparison to the public house and its outbuilding respectively). As such, it will be readily apparent that Plot 1 has an increased width (by some 2m) and height to ridge (by some 1.25m) than the existing (listed status) outbuilding it adjoins and that the roof ridge of Plot 2 would be of similar height to that of the top of the chimney stack to the Grade II listed public house itself. This disparate visual juxtaposition between the proposed new development and the Coach and Horses Public House and its associated outbuilding means that it is concluded that the proposed scheme would cause less than substantial harm to the setting of the listed buildings and the wider historic streetscape.
- 16.23 In relation to other material factors potentially weighing against the scheme having regard to the representations received, it is considered that the loss of the trees and hedging are not in themselves significantly detrimental to the character of the conservation area streetscape as these are not worthy of protection (with a Tree Preservation Order) in their own right. It is nevertheless, considered that the removal of sections of the boundary wall to Radmore Lane and the existing gates/gate piers, along with the reduction in height of other lengths of the boundary wall, are all harmful to the setting of the principal listed building and to the character and appearance of the conservation area.
- 16.24 It is therefore concluded that given the less than substantial harm that it is considered would be caused by the scheme - and the fact that the harm in question is not outweighed by any other material factors (as identified in this report) - means that the proposed development would not be in accordance with Policies SP1, SP24, SP25, DP1 and DP5 of the East Staffordshire Borough Council Local Plan, the Abbots Bromley Conservation Area Appraisal,

the Abbots Bromley Village Design Statement and the National Planning Policy Framework and Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

17. Other Matters

- 17.1 The scheme relates to development on lands that were formerly worked as a gravel pit before in turn (more recently) being surfaced in tarmacadam and therefore the scheme would not have significant archaeological implications.
- 17.2 It is also pointed out that given that the scheme relates to 2 No. dwellings there are no Section 106 requirements in relation to this development (for example in relation to education provision).
- 17.3 It is noted that local residents request that due regard to be given to the ongoing work in relation to the publication of the Village Neighbourhood Plan. Such an action would be unreasonable as it is clearly important having regard to national legislation that any scheme is determined on its own merits having regard to the relevant Development Plans that are in place at any given time.
- 17.4 The concerns of local residents of the scheme setting a precedent for development on car parks of other public houses in the village are acknowledged. However, as has already been set out in this report it is fundamental that each case is determined on its own individual merits.

18. Conclusions

- 18.1 The site is located within the settlement boundaries for Abbots Bromley and as such is considered a suitable windfall site in such a 'Tier 2' (Local Service) Village which in principle meets the sustainable housing supply aims set out in local and national planning policies.
- 18.2 There are no objections from the County Highway Authority in relation to the proposed development subject to the specified associated highway works being delivered. There are also no other technical issues, for example in relation to matters such as drainage and noise impacts which could not be dealt with successfully by way of conditions of any approval or via any associated discharge of condition application being progressed separately under officer delegated powers.
- 18.3 It is also considered that the scheme would respect existing and future residential amenities and would by way of mitigation measures be necessarily able to address biodiversity and ecological aims. The scheme would not give rise to increased flood risks and could be provided with appropriate drainage facilities.
- 18.4 However, it is also considered that the scheme would in terms of the NPPF (at paragraphs 193 - 196) cause less than substantial harm on the setting and character and appearance of heritage assets and that in weighing the development balance - as also required by the NPPF (at paragraph 196) - it is considered that this harmful impact on heritage assets would be sufficient to outweigh any identifiable positive benefits of the scheme.

- 18.5 In light of the above assessment the proposal is considered to be contrary to East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1 and DP5, the Abbots Bromley Conservation Area Appraisal, the Abbots Bromley Village Design Statement and The National Planning Policy Framework (in particular Section 16).

RECOMMENDATION

- 18.6 **REFUSE**, on the following ground(s):

The application site is situated within the curtilage and therefore setting of a Grade II listed building (Coach and Horses Public House) and lies within the boundary of the Abbots Bromley Conservation Area. Strategic Policy 1 (SP1) of the Local Plan sets out the East Staffordshire Approach to Sustainable Development and one of the principles listed in the policy to be taken into account in decision making is that development is integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character. Strategic Policy 25 (SP25) and Detailed Policy 5 (DP5) require proposals to protect, conserve and enhance heritage assets and their settings. Detailed Policy 1 (DP1) of the East Staffordshire Local Plan (2012 - 2031) requires that the design of the development, responds to the environmental context and the density and mix of the development is in relation to its context. Strategic Policy 24 (SP24) of the Local Plan states that layouts for new development should integrate with the existing environment and context, including space around dwellings, public and private space.

The Abbots Bromley Conservation Area Appraisal (of 2015) indicates (at paragraph 3.3) that the general features that provide Abbots Bromley with its locally distinctive character and the special interest include *inter alia* “the comfortable, local scale of building in the village in combination with its simple street pattern and historic open core.” The Abbots Bromley Village Design Statement (2006) indicates amongst other things “that individual developments should respect the settlement character of that part of the village in which it occurs, and adopt a sensitive and co-ordinated approach to design and layout” (paragraph 3.16) and that “any new development must sit comfortably with its neighbours and enhance the area, taking into account the scale, ‘footprint’ area, shapes, proportion and material of older buildings, their gardens and open spaces in the neighbouring townscape and the lie of the land” (paragraph 4.33).

The application scheme, by reason of the form, design, scale and proportions of the new build development, along with the resultant loss and alteration of built fabric to the boundary wall and the removal of the existing entrance gates/gate posts to the curtilage of the Coach and Horses Public House would cause less than substantial harm to heritage assets; namely to the setting of the Grade II listed Public House - and its associated outbuilding - and upon the character and appearance of this part of the streetscape of the Abbots Bromley Conservation Area. As such the proposed development would be contrary to East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1 and DP5, the Abbots Bromley Conservation Area Appraisal, the Abbots Bromley Village

Design Statement and The National Planning Policy Framework (in particular Section 16).

19. Background papers

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

- The Local and National Planning policies and Supplementary Planning Documents outlined above in section 7
- Papers on the Planning Application file reference: P/2019/00121

20. Human Rights Act 1998

20.1 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.

21. Crime and Disorder Implications

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

22. Equalities Act 2010

22.1 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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