

Agenda Item:	5.3
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Site:	Land adjacent to Long Walk, Loxley Lane, Loxley
Proposal:	Erection of 2 No. detached buildings to form holiday lets and installation of package treatment plants

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/2019/00933	
Planning Officer:	Alan Harvey	
Type of Application:	Detailed Planning Application	
Applicant:	Loxley Park Lodges Ltd	
Ward:	Uttoxeter Rural	
Ward Member (s):	Councillor Colin Whittaker	
Date Registered:	15 August 2019	
Date Expires:	14 November 2019 (with the determination date extended to provide for the submission of revised plans and reporting the application to Planning Committee due to the pecuniary interest of the local ward member)	

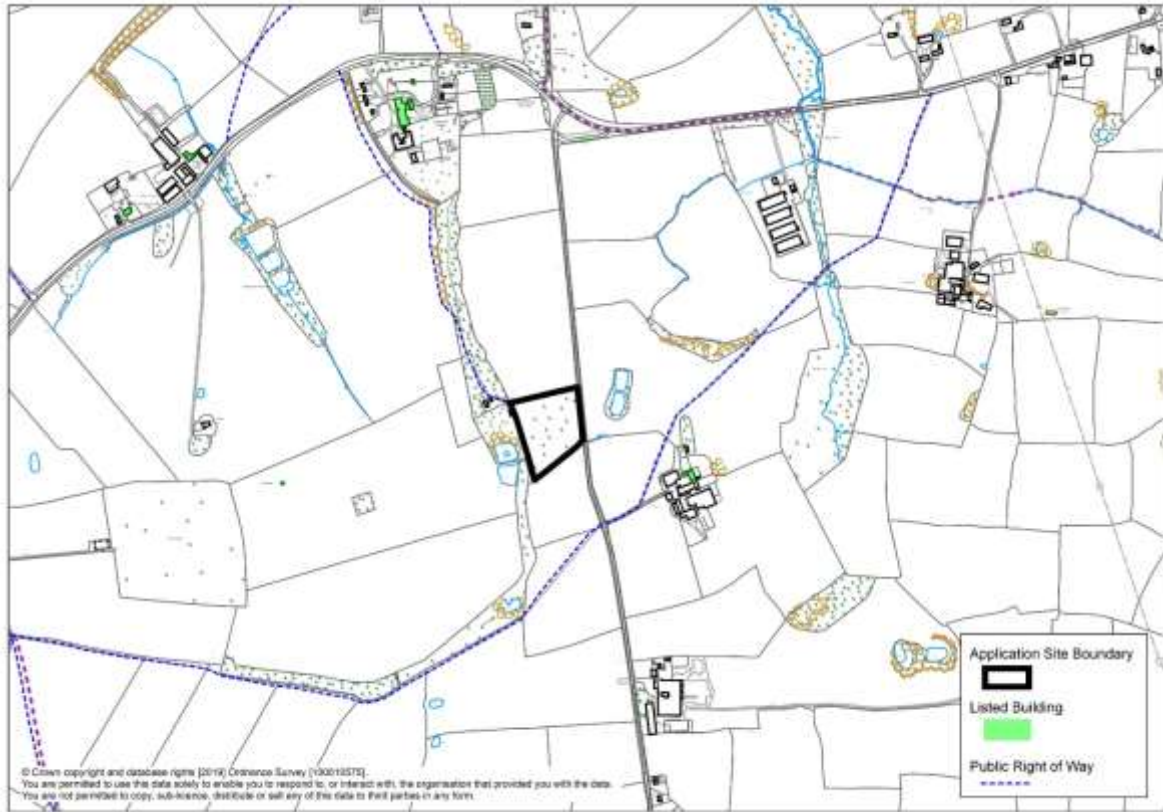
1. Executive Summary

- 1.1 The application site of some 0.5 ha comprises part of an agricultural land holding located to the western side of Loxley Lane in Uttoxeter Rural Parish approximately some 2.5km to the south-west of Uttoxeter. The site lies within a predominantly rural area, with one existing residential property in proximity; this being Long Walk some 40 metres to the north-west (which is also in the applicants ownership).
- 1.2 The application scheme is a full submission which proposes the erection of 2 No. detached timber clad buildings to form holiday lets and the installation of package treatment plants. The scheme will be served off the existing

vehicular access onto Loxley Lane, which is also the route of a public right of way.

- 1.3 Statutory consultees have raised no objections that cannot be addressed by the imposition of planning conditions. Uttoxeter Rural Parish Council state that they have no comment to make about this application and no representations have been received from any local residents/interested parties.
- 1.4 Having weighed the planning policy balance, including the sites proximity and linkages to Uttoxeter (including by walking, cycling and public transport) and having taken account of the schemes overall environmental, social and economic impacts it is considered that the scheme in principle does represent sustainable development and fits the overall aims of the Development Plan; in particular Policies SP1, SP8 and SP15. It is also considered that the development is of an appropriate scale and design within its rural context to comply with the provisions of relevant development plan policies and the National Planning Policy Framework.
- 1.5 The proposal will not adversely affect the amenities of occupiers of existing or proposed nearby dwellings. It has also been demonstrated that the scheme will not impact negatively on the biodiversity of its environs and that it would have appropriate drainage facilities.
- 1.6 The proposal will not have an unacceptably adverse impact on the existing highway network; nor on users of the public right of way which runs east to west immediately to the north of the site.
- 1.7 It is considered that given the separation distances and intervening natural and built features involved that the development would not be to the detriment of the character or appearance or setting of any listed buildings within the locality or the setting of any Conservation Area designation.
- 1.8 In the light of the above conclusions on the planning merits of the case the application is recommended for **approval**.
- 1.9 **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.**

Maps of site



2. The site description

- 2.1 The application site comprises part of an agricultural land holding located to the west of Loxley Lane in Uttoxeter Rural Parish. The site lies within a predominantly rural area approximately 2.5 km to the south-west of Uttoxeter. Surrounding land use is largely agricultural although an existing dwelling at Long Walk (formerly Little Orchard Cottage) lies some 40 metres to the north-west of the application site (being also in the applicant's ownership).
- 2.2 The application site comprises an open grassed area between a recently created woodland (to the east) and hedged lined field areas (to the west) on land which generally rises up westwards from Loxley Lane. Ground levels gradually fall southwards within the site itself.
- 2.3 The site is accessed off Loxley Lane via an existing tarmac track, which also serves the dwelling at Long Walk, along with a single storey brick agricultural building which has the benefit of an approval under Class Q for conversion to residential accommodation (although the scheme has not been implemented to date). This building is also in the applicant's ownership.
- 2.4 To the south-east of the site, and on the opposite side of Loxley Lane, is the applicant's farmhouse and outbuildings at Loxley Bank Farm. The Farmhouse is a Grade II listed building and has a separation distance of some 300 metres from the application site. Some 150 metres to the north-west of the application site is a Grade II listed former garden house to Loxley Hall, which lies within a densely wooded walk (now a public footpath) running south from the Hall.
- 2.5 The application site lies outside settlement boundaries as defined in the adopted Local Plan.

3. Planning history

Adjacent Land

- 3.1 **Application ref: P/2019/00522** - Prior approval (under Class Q) granted for the conversion of the agricultural building to the north-west of the site to a dwelling (although not implemented to date). The building was originally approved under **Application ref: PA/05019/007** in April 1992.

4. The Proposal

- 4.1 The application which is a full submission proposes the erection of 2 No. detached buildings to form holiday lets and the installation of associated package treatment plants.
- 4.2 The northernmost lodge would have a maximum length of 12.82 metres, a maximum width of 7.66 metres and a height to the ridge of 4.2 metres. The southernmost lodge would have a maximum length of 9.65 metres, a maximum width of 7.66 metres and a height to the ridge of 4.2 metres. The style of lodges proposed comes from a range by the company Prime Oak. Each lodge comprises an open plan kitchen, dining and living area

and bedroom accommodation. The northern lodge is of 2 No. bedrooms and the southern lodge is of 1 No bedroom; with all bedrooms having en-suite bathrooms. Each lodge has a projecting porch area to its west side. The proposed lodges would be clad in natural finished timber, with a pitched tiled roof. A hot tub would be provided to each lodge.

- 4.3 The lodges would be serviced via a new access track that runs southwards off the existing tarmac drive from Loxley Lane. The lodges each have 2 No. spaces for parking provision along with a secure cycle store facility.
- 4.4 The package treatment plants are located to the south of the proposed lodges.

List of supporting documentation

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

- Location Plan.
- Proposed Layout Plan.
- Proposed Lodge Elevations and Floor plans
- Package treatment plant and drainage details
- Arboricultural Impact Assessment
- Ecological Appraisal
- Planning Statement (and supplementary submissions)

4.6 In support of the submission, the applicants agent points out the following:-

- The provision of the two holiday cabins on the agricultural holding will provide an additional income stream which will help to support the agricultural activities undertaken at Loxley Bank Farm.
- There is a bus service that runs past the site which provides the opportunity for ‘residents’ of the lodges to get to Uttoxeter and Stafford, as well as exploring the local area via sustainable means. Despite the fact there is not a designated bus stop on Loxley Lane buses run by the service providers (D&G Buses) will stop in such rural areas to collect passengers.
- The public footpath network in the locality has linkages to Uttoxeter, Bramshall and Kingstone all of which have public houses / restaurants and in the case of Uttoxeter other facilities to serve the needs of future occupiers of the lodges. In addition the applicants are committed to enhancing an existing woodland walk on their land which links to the adjoining public footpath.

4.7 The relevant findings of all the application documents 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	Uttoxeter Rural Parish Council	State that they “ <i>have no comment to make about this application.</i> ”
5.3	SCC Highways	No objection

Internal Consultees		Response
5.4	Planning Policy	Comments that the proposal satisfies policies in the Local Plan, namely SP1, SP8 and SP15 and therefore is supported in principle.

6. Neighbour responses

6.1 No representations were received within the statutory consultation period.

7. Policy Framework

National Policy

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

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP8 Development Outside Settlement Boundaries
- SP15 Tourism, culture and leisure development
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP30 Locally Significant Landscape
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP7 Pollution and Contamination
- DP8 Tree Protection

8. Assessment

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

- Principle of the development;
- Impacts on visual amenities;
- Impacts on residential amenities;
- Highway safety;
- Flooding and Drainage implications;
- Impacts on biodiversity;
- Impacts on heritage assets.

9. Principle of the 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.

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. Local Plan Policies

10.1 The policies in the Local Plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

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

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

10.3 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:

- essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or

- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
 - in accordance with a ‘made’ Neighbourhood Plan; or
 - development under the Rural Exception Sites policy
 - Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
 - Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
 - Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
 - Provision for renewable energy generation, of a scale and design appropriate to its location
 - Otherwise appropriate in the countryside
- 10.4 The applicant has provide information to demonstrate that the proposal is essential to the support and viability of their existing lawful business in the countryside. It can therefore be considered that the proposal meets the first criteria of Policy SP8.
- 10.5 The Local Plan contains a vision which states *‘Well managed, sustainable tourism will be a major driver in regenerating the rural areas and enhancing their character and quality.’*
- 10.6 The Local Plan recognises that protecting the countryside needs to be balanced with the recognition that the rural economy, including tourism, is a vital part of the Borough’s total economy and that it faces continuing change and pressure over the Plan period. It is national and local policy to support appropriate rural enterprise and this is reflected in a suitably flexible policy approach to necessary development that is of a suitable scale and designed to fit into its landscape.
- 10.7 Although East Staffordshire is not a major visitor destination, the tourism industry is a significant employer in the area, employing over 4,000 people in a range of businesses. The Borough Council supports tourism growth and it wishes to promote and enhance its environmental, historic and natural assets which contribute to the Borough’s attractiveness.
- 10.8 Strategic Policy 15, Tourism, culture and leisure development states that new tourism and cultural developments, including the improvement of existing and development of facilities, will be assessed according to the extent to which they support the local economy and promote the distinctive character and quality of the Borough. The Borough Council will maximise opportunities to develop and promote tourism by approving in principle proposals which:
- respect the character and quality of the landscape and built form of the Borough’s towns and villages, including heritage assets;
 - champion exemplar design, environmental credentials and sustainable construction appropriate to their context;

- make positive use of the natural assets of the Borough such as The National Forest, without harming their intrinsic qualities or adversely affecting the natural environment and designated features of the built environment, including their settings, biodiversity, geodiversity or visual amenity; and
- do not adversely affect the local transport infrastructure or residential amenity,
- or mitigate such effects where they are likely to arise.

10.9 It is considered that the proposal complies with the criteria set out in the first part of Strategic Policy 15 (SP15).

10.10 Strategic Policy 15 goes on to state that those activities attracting large numbers of people should be directed towards the accessible locations of the Borough's towns, unless the tourism initiative requires a countryside location or setting or is directly related to a specific tourist destination. It is not considered that the proposal will attract large numbers of people. It is also acknowledged that the proposal is of a design and type of visitor accommodation which is usually associated with a more rural location. The proposal, whilst not directly related to nearby tourist destinations is located some 2.5km from Uttoxeter and can be reasonably reached from the town by the public footpath network. The bus service - which essential operates on a hail and ride basis - between Uttoxeter and Stafford can also be accessed by public footpath.

10.11 Policy SP15 states that development of tourist facilities, as is this, in the countryside will be limited to those that make use of the natural environment in a sustainable manner. The applicant has submitted information to demonstrate how mitigation measures could ensure that there will be no significant adverse impact on the natural environment. This information is assessed in detail in other sections of this report.

10.12 Policy SP15 makes specific reference to tourist accommodation and states that this should be provided within existing settlements where it can make use of existing infrastructure and facilities. New tourist accommodation outside settlements will only be acceptable where it will have good accessibility to existing infrastructure, and will not have an adverse impact on the character and appearance of the countryside, features of historic or landscape value, biodiversity, or the amenities of nearby residents. The applicant has submitted information seeking to address impacts on the character and appearance of the countryside, biodiversity, landscape and amenity of residents. The impact of the proposal on the enjoyment of the natural environment by visitors is also assessed in detail in the following sections of this report. In relation to accessibility, as noted above the proposal is located within 2.5 km of a main town (i.e. Uttoxeter), and can be reasonably accessed by walking and cycling as well as by private motor vehicle. The site also benefits from access to a bus route to both Uttoxeter and Stafford; towns which in turn then provide access to a wide(r) range of transport linkages both by bus and train. Uttoxeter, of course, also provides a wide of retail and service facilities for the occupants on the lodges.

10.13 In light of the above overview and assessment it is considered that the proposal could be considered acceptable in principle in compliance with the Policies of the Local Plan subject to evaluating the detailed material considerations relating to the proposal. This evaluation is set out below.

11. Impact on Visual Amenities

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

11.2 Strategic Policies 1 and 24, along with the supplementary paragraphs to Policy SP8, indicate 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. 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

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

11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness.

11.5 Local Plan Policy SP8 of the East Staffordshire Local Plan seeks to ensure that development is appropriate in terms of scale, massing and design and would not have an adverse impact upon the character of the area (including design, materials and landscaping being appropriate and not introducing considerable urban form) or upon the amenities enjoyed by the occupiers of nearby properties.

11.6 The proposed lodges are typical holiday chalet style buildings constructed in natural finished timber with a tiled roof. The existing landscaping around the site in the form of the recent tree planting offers screening to the development when viewed from Loxley Lane. No formal fencing is proposed to the lodges and the occupiers will be able to enjoy access to the woodland to the east and its walks.

11.7 The application is supported by a statement that recognises that the proposal will inevitably change this part of the landscape character of the site from agricultural land to uses for tourism purposes, however, it

contends the development is modest in scale and incorporates appropriate materials and utilises existing landscaping to mitigate against the overall visual impact.

- 11.8 The topography of the land slopes southwards within site (and thus below the crest of the hill to the north) and it is considered that this, along with the tree screening to the east and built form (of the dwellings and agricultural building) to the north-west would limit the visual impact of the proposal within the surrounding area. As such it will not be to the detriment of the visual amenities of the surrounding countryside.
- 11.9 There is a public footpath which crosses east to west adjacent to the site to the north and utilises the tarmac drive serving Long Walk. As such the lodges will be visible from a public vantage point but, on balance, given the form, layout, materials of the proposed development and the fact the view is enclosed and only available for a relatively short distance - because of the trees to the east and buildings to the north-west - it is not considered that the scheme would be detrimental to the enjoyment of the countryside for the users of the public right of way.
- 11.10 In conclusion, given the prevailing levels of the surrounding landscape, and the existing natural screening, and the sensitive nature of the proposed development in terms of form, layout, materials and landscaping, it is considered that the overall visual impact of the proposal will not be detrimental to the character of this rural locality and complies with the provisions of Local Plan Policies SP1, SP8, SP24 and DP1.

12. Impacts on Residential Amenities

- 12.1 The National Planning Policy Framework and Policies DP1, DP3 and DP7 of the Local Plan seeks to ensure new development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing, or by unacceptable levels of noise or disturbance.
- 12.2 The site is located approximately 40 metres away from the nearest residential property located to the north-west at Long Walk (which is also in the applicants ownership). It is considered that given the separation distance involved that there would no significant overbearing, overshadowing or overlooking impact on the occupants of the property concerned. The single storey agricultural building adjacent to the north-western area of the site has the benefit of an approval under Class Q for its conversion to residential unit (although the approval is unimplemented to date). Given the juxtaposition of the siting of the lodges in relation to that building, and that the Class Q residential approval provides for the provision of boundary treatments, it is therefore considered that upon the conversion being undertaken amenities of the future residents of the converted outbuilding would not be compromised in terms of overbearing, overshadowing or overlooking impacts.
- 12.3 With regard to potential noise and disturbance, including traffic movements, it is not considered the proposed development would have any significant impact on existing or future residential amenities. It is also

considered that any potential issues in relation to light pollution could be addressed by submissions through a planning condition.

12.4 In view of the above, it is considered that the impact upon the amenities enjoyed by the occupiers or future occupiers of nearby dwellings will be minimal.

12.5 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Whilst the proposed development does not fully meet the criteria of Policy DP2, the proposal does take into consideration the ecological interest of the area and utilises the existing substantive landscaping to maintain biodiversity in the area.

13. Highway Matters (including impacts on the public right of way)

13.1 The NPPF 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.

13.2 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.

13.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.

13.4 The proposed development will be accessed using the existing entrance and driveway leading from Loxley Lane to Long Walk. The proposal makes provision for adequate parking facilities to serve the development within the site curtilage. The provision of the secure cycling storage will encourage the use of more sustainable transport methods than the private motor vehicle and will be secured by condition.

13.5 The Highway Authority has been consulted and has raised no objections to the proposed development.

13.6 In light of the above, it is considered that there will be no adverse implications for highway safety as a result of the proposal.

13.7 With the regard to any impact on the public right of way that utilises the existing access from Loxley Lane, it is not considered that the levels of traffic to be generated by the two lodges would compromise the safety of the users of the public footpath. The development itself will not impact on the route of the public right of way, although an informative will be added to any decision notice to remind the applicants that during the construction phase it should be ensured that any associated activities do not impact on the users of the footpath.

14. Historic Environment Impacts

14.1 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.

14.2 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. The NPPF also confirms that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset. 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.

14.3 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.

14.4 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.

14.5 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed Policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.

- 14.6 The nearest listed building - some 150 metres to the north-west - is a Grade II listed former garden house to Loxley Hall, which lies within a densely wooded walk (now public footpath) running south from the Hall. The density of the woodland means that the garden house is well screened from the application site. The Grade II listed Loxley Bank Farm is located approximately 300 metres to the south-east. However, given the farmhouse will be effectively screened from the proposed development by its own associated outbuildings as well the woodland immediately to the east of the proposed lodges, it is concluded that the development would not have any negative impact on the setting of this listed building. There is no inter-visibility between the application site and other listed buildings due to the distances involved and local topography.
- 14.7 The location of the site is such that it falls outside of any defined conservation area and the nearest such designation is the Uttoxeter Town Centre Conservation Area located approximately 3.0 km to the north-east of the proposed holiday homes. Given the intervening built form and landscape features, there is no direct inter-visibility between the proposed development and Uttoxeter Conservation Area. The scheme also has no archaeological implications.
- 14.8 In light of the above, it is considered that in this case, both the statutory duties under Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been met and that it can be concluded that scheme does have not any harmful impact on any heritage asset.

15. Flood Risk and Drainage

- 15.1 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.
- 15.2 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.
- 15.3 The site lies entirely within Flood Zone 1 and as such is at a low risk from flooding. The scheme provides for appropriate foul and surface water facilities with the provision of the on-site package treatment plant.
- 15.4 In light of the above and subject to the suggested conditions, it is considered that the development can be implemented with appropriate drainage facilities to serve the holiday units and that there will be no implications for flood risk in the area.

16. Biodiversity

- 16.1 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.
- 16.2 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.
- 16.3 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.
- 16.4 The development site lies within close proximity of woodland and there are ponds close by to the south-west. Given the site itself is largely a grassed clearing, however, the submitted Ecological appraisal concludes that it will have no direct detrimental impact on protected species or other wildlife. The Ecological appraisal does nevertheless recommend that bat and bird boxes be provided to mitigate any potential impacts in the long term. As concluded by the Arboricultural Assessment the development will have minimal impact upon existing trees in proximity to the site. Protective fencing will be secured by condition during the construction phase.
- 16.5 In light of the above assessment, it is considered that the impact upon protected species will be minimal and the development can be adequately mitigated through the inclusion of landscape and habitat enhancement measures which will benefit local wildlife populations.

17. Conclusions

- 17.1 Considering all of the above, it is concluded that subject to various conditions the proposal suitably complies with the overall aims of the relevant Local Plan Policies, the East Staffordshire Design Guide and the NPPF.
- 17.2 The proposal provides a farm diversification opportunity to support the existing business activities on the holding. The proposal provides tourist accommodation of a type and scale considered appropriate to this rural locality and provide opportunities for use of sustainable transport (walking, cycling and use of bus services) in the locality instead of private motor vehicle.
- 17.3 The proposed development will not detract from its rural locality or the wider landscape nor will it impact negatively on the experience of the countryside for users of the public right of way that runs immediately to the north of the site.
- 17.4 There are two Grade II listed buildings in the area, however, given the existing intervening screening and landscape features, it is considered

that the development would not have any detrimental impact on their respective settings. The separation distance from the Uttoxeter Town Centre Conservation Area and the intervening built form will ensure that there are not detrimental impacts on that conservation area. In light of the above, it is considered that in this case, both the statutory duties under Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been complied with.

17.5 The amenities of existing and future neighbouring dwellings will not be materially harmed given the separation distances involved and the siting and design of the developments concerned. Highway safety will not be affected and the use of the nearby public footpath will not be compromised.

17.6 Sufficient information has also been submitted to demonstrate that the proposal will not unacceptably harm protected species or their habitats.

17.7 Having weighed in the balance and having taken account of the schemes overall environmental, social and economic impacts it is considered that the scheme does represent sustainable development and fits the overall aims of the Development Plan Policies, SPDs and the NPPF.

17.8 **PERMIT** subject to the following conditions –

1. Standard time limit for the commencement of the development (0000001A).
2. Compliance with the approved plans (subject to other conditions) (00002).
3. All external materials (including colours) shall be compliance with the approved details (00002F)
4. The drainage scheme shall be completed prior to first use (bespoke).
5. Submission and approval of finished floor/land levels and compliance with the approved details (00016b)
6. Submission and implementation of tree protection measures (bespoke)
7. Submission and approval of a scheme of external lighting. No other lighting to be installed unless otherwise approved by the LPA (Bespoke).
8. Submission and approval of scheme for bat and bird boxes and the implementation and maintenance of such (00016l).
9. Submission and approval of details of cycle storage facilities and compliance with the approved details (Bespoke Condition).
10. Submission and approval of details of the proposed hot tub facilities and any associated works (Bespoke Condition).
11. Completion of the access, parking and turning areas prior to first use and such remaining available for their dedicated purposes for the life of the development (bespoke).
12. The Lodges shall be used for short-stay holiday accommodation only, with a maximum stay of one month in any twelve month period and a register of occupants shall be maintained for inspection during reasonable hours by the Local Planning Authority (Bespoke).
13. If the lodges stand vacant and are not let for a continuous period of six months, then the cabins hereby permitted shall be removed immediately from the site and the land restored to its former condition (Bespoke).

14. No other buildings other than those approved (or provided for by condition) shall be erected at the site unless planning permission is first granted by the Local Planning Authority (Bespoke).

Informatives

1. Pre-commencement conditions standard informative (002a)
2. Standard engagement informative (003a)
3. Requirement to ensure that the construction phase does not impact on the use of the adjoining public right of way (bespoke).

18. Background papers

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

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference: P/2019/00933
- Papers on the Planning Application files references: P/2019/00522 and Application ref: PA/05019/007.

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.

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