

Application No: 19/01526/OUTM

Description of Development: Outline planning application for residential development of up to 57 dwellings including details of access including the demolition of 91 and 93 Alrewas Road

Site Address: Land rear of 67 - 105 Alrewas Road, Kings Bromley, Burton Upon Trent

Agreed extension of time until:
30/11/20

RECOMMENDATION: REFUSE for the following reasons

1. The proposed development seeks affordable residential development located outside of the settlement boundary for Kings Bromley within the Rural Area. As the development is outside Lichfield and Burntwood, affordable housing can be permitted if certain exceptions are made including meeting the need for of local people where there is no other conflict with the policies of the Local Plan. The application fails to justify the quantified need for the numbers and tenures of affordable units proposed, and therefore is unacceptable as a matter of principle. The Local Planning Authority can demonstrate a 5-year housing land supply of deliverable sites and therefore the development would undermine the spatial strategy for housing delivery. The proposed development is therefore contrary to Core Policy 6 (Housing Delivery) and Policy H2 (Provision of Affordable Homes) of the Lichfield District Local Plan Strategy 2008-2029 and the National Planning Policy Framework.
2. The proposed development would result in the loss of best and most versatile agricultural land, and the significant erosion of open countryside; as such would cause undue harm to the character and appearance of the countryside. The proposed development is contrary to Core Policy 1 (The Spatial Strategy); Core Policy 3 (Delivering Sustainable Development); Core Policy 6 (Housing Delivery); Policies H2 (Provision of Affordable Homes), NR1 (Countryside Management); BE1 (High Quality Development); and, Rural 1 (Rural Areas) of the Lichfield District Local Plan Strategy 2008-2029, and the National Planning Policy Framework.
3. The proposed development as detailed within the indicative layout would provide a form and density development which would be against the grain of development in the surrounding area, and would fail to achieve an appropriate transition between the settlement and wider countryside. The Local Planning Authority is not satisfied that the development of 57 dwellings can be accommodated on this site which is of appropriate layout and design. The proposed development would therefore be contrary to Core Policy 3 (Delivering Sustainable Development); Policies NR4 (Trees, Woodland & Hedgerows); and BE1 (High Quality Development) of the Lichfield District Local Plan Strategy 2008-2029, the Sustainable Design Supplementary Planning Document, and the Trees, Landscaping & Development Supplementary Planning Document, and the National Planning Policy Framework.
4. In the absence of a signed legal undertaking the Council cannot be satisfied that the development would make sufficient provision to mitigate the off-site impacts on existing community services, infrastructure serving the development and secure the housing type. The development is therefore contrary to Core Policy 3 (Delivering Sustainable Development), Policies IP1 (Supporting & Providing our Infrastructure), HSC1 (Open Space

Standards), and H2 (Provision of Affordable Homes) of the Lichfield District Local Plan Strategy 2008-2029; the Developer Contributions Supplementary Planning Document, and the National Planning Policy Framework.

NOTES:

1. Prior to the determination of the application the developer sought to address some of the concerns raised through the consultation process. Council advised the applicant that the principle of such development in this location would not be acceptable due to lack of evidenced need of affordable housing in the numbers and tenures proposed in a single rural location; is unsustainable and would not conform to the provisions of the Development Plan and NPPF. It is considered that the applicant is unable to overcome such principle concerns in reasonable time.

REFUSED PLANS

Illustrative Planning Layout	Plan Ref: MP9014 SL.01.Rev*
Location Plan	Plan Ref: 505 0001

DESCRIPTION OF SITE & LOCATION:

The application site measures 2.69 hectares in area and primarily includes fields in agricultural use. The site also includes the dwellings and gardens of No's 91 and 93 Alrewas Road. With the exception of the existing residential units and gardens, the site is located, outside of the settlement boundary for Kings Bromley and therefore within the Rural Area, as defined by the Local Plan Policies Maps.

A watercourse crosses the site which separates the northern and southern parcels of the site. The fields are bound by hedgerows and vegetation. No's 91 and 93 Alrewas Road are a pair of two storey semi-detached dwellings which are set within linear plots.

The site lies within the 8-15km buffer zone from the Cannock Chase Special Area of Conservation. The northern parcel of land lies within Flood Zone 3, while a section of the north eastern corner of the southern field lies within Flood Zone 2.

DATE OF SITE VISIT: 26 November 2019

CONSTRAINTS

Green Belt:	<u>No</u>	Flood Zone:	<u>Mainly zone 1, to the north of the site zone 2 & 3</u>
Conservation Area:	<u>No</u>	Art 4:	<u>No</u>
Listed Building:	<u>No</u>	SAC Zone	<u>8-15km Cannock Chase</u>
TPO:	<u>No</u>		

RELEVANT PLANNING HISTORY:

Yes ☒ No ☐

19/00191/OUTM Outline planning application for residential development of up to Refused 14/05/2019
57 dwellings including details of access.

BACKGROUND:

An outline application for 57 dwellings was refused in May 2019 (19/00191/OUTM) for the following reasons;

- 1) *The proposed development seeks residential development, which would be located outside of the settlement boundary for Kings Bromley, within the Rural Area. The proposed development does not satisfy any of the exceptions for residential development in rural areas and is not allocated for housing development under the Development Plan, and therefore is unacceptable as a matter of principle. The Local Planning Authority can demonstrate a 5-year housing land supply of deliverable sites and therefore the development would undermine the spatial strategy for housing delivery. The proposed development would result in the loss of best and most versatile agricultural land, and the significant erosion of open countryside, which should be protected for its own sake, and as such would cause undue harm to the character and appearance of the countryside. The proposed development is contrary to Policies: Core Policy 1 (The Spatial Strategy); Core Policy 3 (Delivering Sustainable Development); Core Policy 6 (Housing Delivery); NR1 (Countryside Management); BE1 (High Quality Development); and, Rural 1 (Rural Areas) of the Lichfield District Local Plan Strategy, and guidance contained within the National Planning Policy Framework.*
- 2) *The proposed development as detailed within the indicative layout would provide a form and density of development which would be against the grain of development in the surrounding area, and would fail to achieve an appropriate transition between the settlement and wider countryside. The indicative scheme as submitted would be dominated by car parking frontages with limited areas of open space and opportunities for landscaping integrated within the development. Furthermore, the scheme would provide an unacceptable mix of dwellings would be contrary to the Local Plan. Therefore, while details of layout and landscaping are reserved matters, the Local Planning Authority is not satisfied that the development of 57 dwellings can be accommodated on this site which is of appropriate design and achieves acceptable landscaping, open space, and an acceptable impact on the amenity of existing residents and future occupants of the site. The proposed development would therefore be contrary to Policies: Core Policy 3 (Delivering Sustainable Development); H1 (A Balanced Housing Market); NR4 (Trees, Woodland & Hedgerows); and, BE1 (High Quality Development) of the Lichfield District Local Plan Strategy, guidance contained within the Sustainable Design Supplementary Planning Document, and the Trees, Landscaping & Development Supplementary Planning Document, and guidance contained within the National Planning Policy Framework.*
- 3) *Insufficient information has been provided to demonstrate that the proposed development would not have an adverse impact on bats and/or their habitats. Furthermore, the LPA is unable to determine whether any negative impact upon species and/or their habitats can be appropriately compensated or mitigated. The proposed development would therefore be contrary to Core Policy 3 (Delivering Sustainable Development) and Policy NR3 (Biodiversity, Protected Species & their Habitats) of the Lichfield District Local Plan Strategy, guidance contained within the Biodiversity and Development Supplementary Planning Document, and guidance contained within the National Planning Policy Framework.*

PROPOSAL:

This application is a resubmission of the previously refused scheme (19/00191/OUTM).

The application seeks outline permission for the erection of up to 57 dwellings. All matters are reserved for future consideration, with the exception of access. The scheme shows that access would be provided via the creation of a new point of access from Alrewas Road. To facilitate the access (road), the scheme proposes the demolition of No's 91 and 93 Alrewas Road.

All other matters are reserved, however an illustrative layout has been submitted which shows how the site could be laid out to accommodate a development of 57 dwellings.

The illustrative layout shows a scheme of largely semi-detached dwellings and terraces. The scheme shows vehicular parking to the front and adjacent to the dwellings. The layout shows front and rear gardens for a number of properties.

The application indicates that 100% affordable housing would be achieved within the development. The submitted layout indicates an indicative mix of housing of 35 2-bed (61.4%), 21 3-bed (36.8%) and 1 4-bed (1.7%).

LIST OF RELEVANT DEVELOPMENT PLAN POLICY:

Local Plan Strategy	Local Plan Allocations	Supplementary Planning Documents	Government Guidance
Core Policy 1, Core Policy 2, Core Policy 3, Core Policy 4, Core Policy 5, Core Policy 6, Core Policy 10, Core Policy 13, Core Policy 14, SC1, SC2, IP1, ST1, ST2, H1, H2, HSC1, HSC2, NR1, NR3, NR4, NR5, NR6, NR7, BE1, Rural 1, Rural 2	OR1	Sustainable Design Trees, Landscaping & Development Biodiversity and Development Rural Development Developer Contributions	NPPF NPPG

Other

Staffordshire & Stoke on Trent Joint Waste Local Plan

Staffordshire & Stoke on Trent Planning for Landscape Change SPG

EMERGING POLICY

Local Plan Review: Preferred Options (2018-2040)

CONSULTATIONS:

Site Notice Expires:	17 December 2019	Press Notice Expires:	5 December 2019
Council owned land:	No	Parish Objections:	Yes
Member Personal Interest:	No	Member Personal interest reason:	None
Cllr Call in expiry:	6 December 2019		
Cllr Call In?	Yes – Cllr Cox		
	Agreed that a refusal can be under delegated authority.		

Kings Bromley Parish Council – Objection – Further housing would put pressure on the local school; additional vehicular movements between existing houses fronting Alrewas Road; flooding (14/11/19).

Spatial Policy & Delivery (LDC) - The proposed development conflicts with the adopted Local Plan Strategy, specifically Core Policies 1 and 6 and Policies Rural 1 and Rural 2. The proposed development is located outside of the village settlement boundary for Kings Bromley and whilst the council supports sites which provide for 100% affordable housing the proposed site does not demonstrate that it fulfils all the criteria required to be considered a small rural exception site. The latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply 2019. This shows that the District Council can currently demonstrate a 7.2 year supply of housing land against the housing requirement within the adopted Local Plan (03/12/19).

Building Conservation and Urban Design (LDC) – Density is significantly higher than the existing village. Density should reduce towards the edge of a settlement. Permeability has been improved by providing pedestrian/cycle access to Myers Lane. Some key viewpoints within the site still need to be carefully considered so dwellings or spaces visible at the ends of roads need careful consideration. The potential for a robust landscaping scheme is greater in the amended scheme. Any landscaping within the built area of the site should be shown to be sustainable (26/11/19).

Directorate Of Leisure and Parks (LDC) - The council would not be adopting the public open space, therefore, arrangements need to be made to ensure the future maintenance of all POS areas are covered by a suitable management organisation (12/11/19).

Housing Officer (LDC) – The proposed development is just outside the settlement boundary of Kings Bromley which is not one of the Key Rural Settlements laid out in the Local Plan Strategy. Policy H2 of the Strategy does however, state that housing development will be supported on small rural exception sites, where affordable homes can be delivered to meet the needs of local people, subject to various criteria. Confirmation is needed that all the required criteria are being met (04/12/19).

Environmental Health (LDC) – No objections subject to conditions relating to Construction Environmental Management Plan; hours of construction; and investigation and recording of any contamination (04/12/19).

Arboricultural Officer (LDC) – Existing hedgerows and trees and additional planting along boundaries are relied upon to provide screening for this development and therefore their long-term retention and function is important. Whilst the layout is indicative only there is concern about the proximity of the new road serving plots 14-21 to the adjacent hedgerow. This hedgerow (H 7 and H 9 of the tree survey) is a historic hedgerow.

No objection is raised to the loss of the 3 trees T 11-to 13 from the formation of the access. Open space proposals should ensure they bring through the recommendations of the landscape and visual appraisal and the proposed landscape layout (figure 9 of the LVA) to include the provision of footpaths within the public open space which is not currently shown in the illustrative masterplan. I note that the open space is more centrally positioned than earlier. This space should be used as an opportunity to plant larger-canopy trees given that other residential areas of the layout may not be able to provide space for larger trees.

Issues related to the breakup of frontage parking plots raised in the earlier application have been improved in this layout, which now provides improved spaces for frontage tree planting. However, should the site proceed to reserved matters, the applicant will need to demonstrate that sufficient space underground has been provided for rooting and may need to use engineered tree pits. The use of root barriers to enclose trees on all 4 sides is not supported (08/11/19).

Ecology (LDC) – The Ecology Team is not fully able to understand the developments impacts on biodiversity. To fully understand biodiversity impacts, the ecology team requests that the full biodiversity metric for the site be submitted for the site prior to any planning decision being made (05/12/19) (18/12/19).

Waste Management (LDC) – General Comments provided relating to guidelines for waste collection arrangements (11/11/19).

SCC Lead Local Flood Authority – Development should only be permitted subject to condition relating to surface water drainage and SuDS (27/11/19).

SCC Highways – No objections subject to conditions relating to the submission of a master plan detailing internal layout, parking strategy, visibility splays, phasing, pedestrian connectivity, delineation of roads; and a condition relating to the delivery of visibility splays (26/11/19).

SCC Education - 55 dwellings would require 12 primary school places and that 16 dwellings would require 2 secondary places and 0 Post 16 places. There are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at secondary phase of education. The education contribution for a development of this size would be £34,228 (index linked) to be sought from the developer to mitigate the impact on education from the development and would be acceptable from an education perspective subject to a S106 agreement which meets this requirement (28/11/19).

SCC Planning, Policy and Development Control (Minerals) – No objections. Site falls within a Mineral Safeguarding Area for Superficial Sand and Gravel and north parcel falls within Area of Search west of the A38. The development would not lead to a significant sterilisation of an important and viable mineral resource (27/11/2019).

Environment Agency – No objection subject to conditions relating to floor levels (21/11/19).

Western Power Distribution – There are WPD assets in the vicinity of the development, recommend that the developer contacts WPD before commencing. Recommend a 5m buffer around the substation. (11/11/19).

Severn Trent Water – No objections subject to conditions relating to drainage details (11/11/19).

Natural England – No objection. Natural England advises that they concur with the assessment conclusions. (17/12/19).

Architectural Liaison Officer – Detailed comments provided on the design of the scheme relating to designing out crime (27/11/19).

No response received: Economic Development (LDC), South Staffs Water, Cadent Gas, Health and Wellbeing Development Manager (LDC), SCC Archaeology.

LETTERS OF REPRESENTATION RECEIVED: yes ☒ no ☐

Neighbour Notification expiry date: 1 December 2019

39 representations received, comments made are summarised as follows;

- Access next to traffic calming will cause problems
- Parking will become a problem
- Limited public transport in the village
- Outside of the settlement boundary
- Not an allocated site for development in the Councils Local Plan
- Lichfield has sufficient land allocated in the Local Plan to satisfy current housing needs
- Policy in place which discourages large numbers of Social Housing been grouped together, preferring to integrate them within private developments
- Significant increase in the number of pedestrians
- Pedestrian safety
- No school capacity

- Doctors surgeries are already full
- Impact on the local sewage system
- Traffic increase
- Lack of public transport
- Trees to be planted at end of existing residences, how will it be secured these wont damage existing properties
- Impact on bats and wildlife
- Drainage issues
- Loss of farmland will impact wildlife
- Pressure on schools and doctors
- Community imbalance due to the site being 100% affordable
- Out of proportion with the existing small village
- Loss of countryside
- Limited employment opportunities
- Existing traffic calming measures close to the proposed access will cause further congestion and blockages
- Parking provision is underestimated
- Limited social amenities
- Risk of flash flooding
- Water pollution
- Requirement for additional public transport
- Noise and disturbance from use
- No safe crossing place on the Alrewas Road
- Attenuation pond could be a hazard for a child
- Incorrect street name on the submitted plan
- Flood plain encroachment
- Run-off from hard surfaces
- Noise, light and dust pollution
- Decline in existing property value
- Village will already suffer disruption if HS2 goes ahead
- Only way access in and out of the development, is this safe in case of fire or other incident?
- Will result in flooding
- Loss of privacy
- Intrusion into the open countryside
- Development on Green Belt land
- Loss of visual amenity

DETERMINING ISSUES:

1. Policy and Principle of Development
2. Access and Highways
3. Layout and Connectivity
4. Residential Amenity – Future and Existing Residents
5. Flood Risk and Drainage
6. Ecology and Biodiversity Issues
7. Other Matters Arising
8. Planning Obligations / Community Infrastructure Levy
9. Human Rights

1. Policy and Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise.
- 1.2 The NPPF sets out a presumption in favour of sustainable development. The Framework details that there are three overarching objectives to sustainable development: economic, social and environmental. Paragraph 14 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies should not be considered up to date if the Council is not able to demonstrate a 5 year supply of housing sites. The LPA can demonstrate a 5 year housing supply and as such this application is determined against the development plan. The Development Plan for Lichfield District comprises the Local Plan Strategy 2008-2029 (2015) and the Local Plan Allocations 2008-2029 (2019). There is no made Neighbourhood Plan in relation to this application site.
- 1.3 Core Policy 1 of the Local Plan Strategy states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. CP1 confirms that the majority of future development will be directed towards Lichfield and Burntwood, the identified Strategic Development Allocations; and the Key Rural Settlements of Alrewas. CP1 states that smaller villages will accommodate housing to meet local needs, mainly within identified village boundaries, unless supported as a rural exception site. CP1 confirms that allocations of sites for new rural housing will be considered through the Local Plan Allocations document or through a community led plan.
- 1.4 Core Policy 6 of the Local Plan Strategy identifies that housing development will be focused upon the key urban and rural settlements, including Lichfield City; Burntwood; the key rural settlements of Alrewas, Armitage with Handsacre, Fazeley, Fradley, Shenstone and Whittington; and adjacent to the neighbouring towns of Rugeley and Tamworth. Core Policy 6 confirms that in the remaining rural areas, only residential development which meets one of the exceptions identified will be permitted, including affordable housing delivered through Rural Exceptions.
- 1.5 The application site falls outside of the settlement boundary for Kings Bromley, and is not an allocated site within the Development Plan. There is no community led neighbourhood plan for the area which identifies the site for housing development. Kings Bromley is not identified as a key rural settlement. As such, the proposed residential development in this location will only be considered acceptable should it be considered to be a rural exception site.

Affordable housing

- 1.6 Policy H2 of the Local Plan Strategy specifies the criteria required for developments to be considered as small rural exception sites;
- *The majority of the homes provided are affordable;*
 - *The site is adjacent to existing village settlement boundaries;*
 - *A housing need has been identified in the parish, or in one or more of the adjacent parishes, for the type and scale of development proposed;*

- *The proposed development is considered suitable by virtue of its size and scale in relation to an existing settlement and its services, and its proximity to public transport links and key infrastructure; and*
 - *The initial and subsequent occupancy of affordable homes is controlled through planning conditions and legal agreements, as appropriate, to ensure that the accommodation remains available in perpetuity to local people in affordable housing need.*
- 1.7 With regards to this application it is considered that the scheme would satisfy criteria one, two and five, in that the scheme is 100% affordable housing, is sited adjacent to the settlement boundary of Kings Bromley and the occupancy could be secured via conditions or a legal agreement. However, it is considered that criteria three and four have not been satisfied.
- 1.8 The submitted 'Affordable Housing Statement' seeks justify the scheme and largely relies upon the under provision of affordable housing within the District. Whilst the undersupply is not disputed, it is considered that the future provision of affordable housing within the District should be provided in accordance with Policy H2, specifically in that in rural areas only small scale exception sites are suitable.
- 1.9 The Agent has provided a copy of the 'Parish Plan Kings Bromley Action Plan Summary' to support the application. Whilst this document states that there is a desire to provide low cost housing and 2no bedroom dwellings for local people, the document also states that no large or new housing estates are wanted. Given the scale of the scheme in relation to the existing village it is considered that the development would be a large new housing estate contrary to the aspirations in the Action Plan. Notwithstanding this, this document is an appendix from a Parish Plan published in 2005, this plan has no statutory weight and is considered to be outdated. The submission also includes a letter provided by a local estate agent which is afforded limited weight as no evidence is provided to support the opinions within the letter.
- 1.10 It is considered that the submission fails to demonstrate that there is an identified need within the parish or adjacent parishes for a development of this type and scale. There has also been no justification provided for the proposed split of affordable rent and shared ownership. As such the LPA do not consider that the third criteria of H2 has been satisfied.
- 1.11 The 2018 Settlement Sustainability Study ranks Kings Bromley as a Level 4 settlement, with other villages such as Streethay and Stonnall. Whilst Kings Bromley is more sustainable than other rural villages it is not identified as a key rural settlement within the Local Plan Strategy. It is noted that whilst a bus service is provided this is relatively limited, with no buses after 7pm Monday – Saturday, and no service on a Sunday. The proposed scale of development is considered to be excessive given the existing size of the village and services available. As such the LPA do not consider that the forth criteria of H2 has been satisfied.
- 1.12 In conclusion, the information submitted does not satisfactorily justify the need for 57 affordable units of the tenure proposed in a single rural village when the demand for affordable homes is spread across the District. Only limited housing need has been proven with the reminder assumed and this is insufficient to allow a rural housing development of the size proposed in the countryside where no housing allocation exists. The LPA does not consider that the proposal meets the definition of a small rural exception sites as specified in Policy H2, the development therefore is contrary to Core Policy 6 with regards to the location of housing. The principle of development is therefore considered to be unacceptable.

Housing mix

- 1.13 Policy H1 of the Local Plan Strategy requires the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District with high concentrations of larger detached homes, particularly in the rural areas. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters. A dwelling mix of 5% One Bed, 42% Two Bed, 41% Three Bed, and 12% Four Bed is sought by Policy, as set out in the justification for Policy H1.
- 1.14 The submitted indicative layout and breakdown sets out that it is proposed to provide 2, 3 and 4 bedroom properties across the site. The indicative mix is 35 2-bed (61.4%), 21 3-bed (36.8%) and 1 (1.7%) 4 bed unit. The indicative mix of housing is not wholly compliant with Policy H1, but does provide a greater proportion of small scale properties therefore it is considered to be acceptable as it will help to deliver the housing targets of the Strategy.

2. Access and Highway Safety Issues

- 2.1 This application is in outline, with all matters reserved with the exception of access. It is therefore necessary to consider whether the proposed means of access is acceptable. The scheme proposes the construction of a new point of access from Alrewas Road to the south of the site. To facilitate the access road, the scheme includes the demolition of a pair of semi-detached dwellings. The scheme has been supported by a Transport Statement which identifies visibility splays of 2.4m x 43m in both directions. The TS also assesses the likely impact of the proposed access arrangements and development upon the public highway.
- 2.2 The NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people and that improvements can be undertaken within the transport network that effectively limit the impacts of the development. It goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Core Policy 5 of the Local Plan Strategy states that new development will be accessible and that development will reduce the need to travel; widen travel choices; improve road safety; and reduce the impact of travel on the environment. Policy ST1 of the Local Plan states that the LPA will seek to secure more sustainable travel patterns by, inter alia, only permitting traffic generating development where it is or can be made compatible with the transport infrastructure taking into account number and nature of additional movements; the capacity of the local transport network; cumulative impacts with other developments; access and egress to the public highway; and highway safety.

- 2.3 The proposal is for the creation of a simple priority junction onto Alrewas Road. The submitted TS indicates visibility of 2.4m by 43m in both directions. The TS indicates that the proposed development of up to 57 dwellings would generate 29 a.m. peak hour trips, and 25 p.m. peak. This would equate to one additional movement every 2 minutes during a.m. peak and one every 2.5 minutes per p.m. peak. The conclusion of the transport report is that the increase in traffic would be imperceptible and will not have a material impact on the operation or safety of the local highway network.
- 2.4 A number of concerns have been raised by residents with regard to the impact that the development would have on the highway network. While these concerns are noted, SCC Highways have considered the proposed development and have raised no objection to the development subject to conditions relating to the internal layout and securing the visibility splays submitted with the application. Based on the figures which have been submitted within the Transport Statement, and in the absence of any objection or concerns from SCC Highways, it is considered that the existing road network has the capacity to absorb the increased vehicular movements associated with the development. Furthermore, it is considered that a safe means of access can be created to service the site.
- 2.5 With regards to parking, Local Plan Strategy ST2 requires developments to provide appropriate provision for off street parking in accordance with the maximum parking standards set out in the Sustainable Design SPD. Appendix D of the Sustainable Design SPD provides guidance on the Council's off street car parking requirements for new development. It states that for residential development there should be a maximum for 1 and 2 bedroom dwellings of 1 space (plus 1 further space for every 3 dwellings for visitors), for 3 and 4 bed dwellings, 2 spaces and 5 bed dwellings, 3 spaces. The indicative layout appears to demonstrate an appropriate level of off street parking to serve the development.
- 2.6 The Sustainable Design SPD also provides guidance on the level of cycle storage required in order to promote sustainable modes of transport. Residential development is advised to provide 1 cycle storage space for 1 and 2 bedroom dwellings and 2 spaces for 3 or more bedrooms. It is considered that there would be sufficient space within the development to provide for cycle parking, the details of which could, if minded to approve, be secured by condition, to ensure the promotion of sustainable transport methods and the scheme's compliance with the requirements of the Development Plan and NPFF in this regard.
- 2.7 Kings Bromley has a small handful of services and facilities within walking distance from the site which would be accessible by foot. These include a primary school, public house, convenience store, village hall, church and cricket club. The site is also within reasonably close proximity to bus stops providing links to Burton, Alrewas and Lichfield. While the level of services and facilities within Kings Bromley is not expansive, the site is reasonably sustainable in terms of its location, albeit not necessarily for the quantum of development proposed.
- 2.8 Overall therefore, in terms of highways and transportation issues, the Local Planning Authority is satisfied that subject to appropriate conditions, the development is acceptable in highways terms, and the development would therefore be compliant with the requirements of both the Development Plan and NPFF.

3. Layout and Connectivity

- 3.1 The NPPF sets out that the Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
 - establish a strong sense of place;
 - create and sustain an appropriate mix;
 - respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 3.2 Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.
- 3.3 No specific densities are set out in within Policy H1, however it does state that where appropriate, higher density provision will be sought, focused around the most sustainable centres, to assist in the provision of smaller units to meet a diverse range of housing needs.
- 3.4 The application has been supported by a Landscape and Visual Appraisal which confirms that there would be an immediate change in the character of the existing site. It is suggested that this impact will reduce over time as the landscape infrastructure matures. The report concludes that the development is likely to have an imperceptible effect on the broad landscape character and the proposed native species in the landscape proposals would be consistent with the Landscape Character description. In terms of the visual impacts, the report concludes that there would be some general effects on the adjacent dwellings, while users of the public footpath network will experience a range of effects from moderate major to minor, suggesting that this would reduce to minor or negligible through time. The report concludes that the long term residual effects of development are not likely to exceed minor moderate in terms of significance to overall landscape and visual amenity, and that the site can accommodate the development without causing undue harm to landscape character and visual amenity.
- 3.5 The layout plan submitted with this application is wholly indicative, however it has been provided to demonstrate how a scheme of 57 dwellings could be provided on the site. The LPA therefore, needs to be satisfied that a scheme of up to 57 dwellings can be accommodated on the site which is of appropriate design, given the sites context, and would not give rise to any issues relating to residential amenity or other matters (these are explored later).
- 3.6 The application site is located on the edge of a rural settlement and is adjoined on two sides by residential development, while the north and eastern sides adjoin the wider countryside. Existing dwellings in the surrounding area are predominantly detached or semi-detached dwellings, which are sited within large spacious curtilages. Given the rural nature of the site and

settlement, it is important to ensure that any development is appropriately assimilated into both the built up and rural contexts.

- 3.7 Whilst the indicative layout is an improvement upon that previously refused scheme there are still concerns that the creation of 57 dwellings on this parcel of land would result in a form of development which is at a much higher density than the prevailing pattern of development in the rural area. The Council's Conservation and Urban Design Officer has expressed concerns with regards to the layout and density of development, particularly regarding the dwellings to the south and western edges of the site, which are a strong contrast to the density of the existing settlement.
- 3.8 The NPPF requires that new developments should create mixed and sustainable communities and so all the affordable housing should be indistinguishable from and integrated amongst the homes for sale on the open market. Policy H2 of the Local Plan Strategy reflects this and seeks to create a mixed and sustainable community. However, neither the NPPF nor the Local Plan Strategy has a specific policy which dictates where and how affordable housing should be positioned within a development. As a rule of thumb any clusters should have no more than about 15 units. The proposed development will result in a large number of affordable housing cluster together and would not be integrated within the existing community, which is not desirable.
- 3.9 It is noted that the indicative layout has addressed the previous concerns with regards to permeability of the site and parking layout. However, there are still areas which require improvement which could be dealt with at reserved matters stage should the scheme be considered acceptable. The Conservation & Urban Design Officer and Arboricultural Officer have both advised that the scheme provides greater opportunities for landscaping when compared to the previous proposal. There are still concerns with regards to the proximity of development to historic hedgerows and frontage planting, however it is noted that this could be resolved at reserved matters stage should the scheme be considered acceptable.
- 3.10 The proposed development would, inevitably, lead to the erosion of the countryside and would, by its very nature, result in a character change from an agricultural and rural character to an urban environment. The loss of open countryside in lieu of the development proposed would have a detrimental impact on the character and appearance of the area. The countryside should be protected for its own sake, and its loss, where there is no identified need for the development is considered to be unacceptable and contrary to the aims of the NPPF and Development Plan.
- 3.11 Based on the above, the LPA is not satisfied that the site could accommodate up to 57 dwellings on the site, with the incorporation of appropriate open space and landscaping, without causing harm to the character and appearance of its surroundings, and as such could not support the scheme on this basis.

4. Residential Amenity – Future and Existing Residents

- 4.1 It is necessary to consider any potential impacts of the development on the amenities of existing nearby residents, and in addition whether future occupants of the new dwellings would enjoy a satisfactory level of amenity. The NPPF emphasises that planning should seek a good standard

of amenity for all existing and future occupants of land and buildings and Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

- 4.2 As stated above, layout, appearance and scale are matters which are reserved for future consideration. Accordingly, the precise impact of the development on the amenities of existing and indeed future residents will be considered at a later stage. However, it is necessary to consider whether there would be any fundamental issues relating to the site which would result in significant amenity issues.
- 4.3 A number of properties have boundaries adjoining the application site which could be affected by the proposed development. The proposed layout is improved significantly over the previously refused scheme and alleviates many of the issues of privacy and overbearing impacts that caused issue previously.
- 4.4 Internally the indicative layout proposes a form of development which would largely satisfy the spacing standards between probable principal openings. The dwellings would need to provide an appropriate level of private amenity space for each of the properties in accordance with the standards set out in the Sustainable Design Supplementary Planning Document. The indicative layout provides private amenity spaces for each unit which largely appear to comply with standards set out in the SPD. However the final layout would be assessed at reserved matters stage.
- 4.5 The Council's Environmental Health Officer has raised no objections to the scheme subject to conditions to secure a Construction Environmental Management Plan, limit the hours of construction; and to require an investigation and recording of any contamination. This conditions are considered to be reasonable and necessary and would be imposed should the application be approved.
- 4.6 The increase in comings and goings to/from the site will inevitably result in a change in character. The increase in activity and vehicular movements associated with the development will affect the amenity of neighbours either side of the access road. However, it is not considered that this would result in such significant harm to result in an adverse impact upon the amenity of neighbouring dwellings.
- 4.7 The comments and recommendations from Western Power Distribution are noted, and would be taken into consideration at reserved matters stage when the layout is assessed. Should the application be approved a note to applicant would be included to ensure that the developer is aware of these recommendations.
- 4.8 It is considered that subject to a suitable layout being secured at reserved matters stage the site could accommodate up to 57 dwellings whilst providing suitable amenity for existing and future residents. The development is considered acceptable in this regard.

5. Flood Risk and Drainage

- 5.1 Core Policy 3 states that development proposals should guide development away from known areas of flood risk. Where development is proposed in flood risk areas a site specific FRA must be undertaken in line with National Planning Policy. The NPPF confirms that development

should only be allowed in areas at risk of flooding where an FRA has been undertaken and a sequential and exception test where appropriate. The application site includes land which lies within Flood Zone 2 and 3. The indicative layout shows operational development to be provided outside of these areas and within Flood Zone 1. The public open space in its majority lies within Flood Zone 3. The application is for housing development which is a more vulnerable form of development.

- 5.2 The Environment Agency and LLFA are satisfied that the development can be acceptable subject to adherence with the details of the FRA and therefore the site can be appropriately drained without causing flood risk. The parcel of land which lies within Flood Zones 2 and 3 would be the proposed open space for the development, which is considered to be water compatible. All built development, which is more vulnerable in this instance, is provided outside of Flood Zone 2 and 3. Taking a pragmatic approach, therefore, it is not considered that sequential testing is necessary in this instance.

6. Ecology and Biodiversity Issues

Net Gain in Biodiversity

- 6.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under Section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of biodiversity value across the site. Due to the Local Planning Authority's obligations to "reflect and where appropriate promote relevant EU obligations and statutory requirements", the applicant must display a net gain to biodiversity as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measureable net-gain to biodiversity is also a requirement of all developments under Policy NR3 of the Local Plan Strategy and the Biodiversity and Development Supplementary Planning Document.
- 6.2 The application includes a Biodiversity Impact Calculator and Ecological Appraisal which have assessed the existing habitat quality and the potential value of habitat creation on site. The Council's Ecologist is satisfied with the quantitative data submitted in the Biodiversity Impact Calculator, which is an accurate depiction of value of the current habitat on site. The Council's Ecologist also agrees that submitted detail is accurate in describing the likely achievable biodiversity value of the site post development as +3.39 Biodiversity Units. Should the application be approved conditions would be required to secure a Construction Environment Management Plan and a Habitat Management Plan to ensure that suitable net gain to biodiversity is provided and maintained. It is considered that this application has overcome the previous reason for refusal with regards to biodiversity.

Impact on Protected Species

- 6.3 Policy NR3 states that development will only be permitted where it protects, enhances, restores and implements appropriate management of biodiversity. The application has been supported by an Ecological Appraisal and Phase 2 Surveys for Bats which considers the impact that the development would have on protected species and/or their habitats.

- 6.4 The Council's Ecologist is satisfied with the submitted Ecological Appraisal and Phase 2 Surveys for Bats and concurs with the conclusions of the appraisal in that the proposal is unlikely to have a negative impact upon protected or priority species or habitats. The Ecology Team have advised that no further ecological surveys are required at this time. The Ecologist recommends adherence by the applicant to all recommendations and methods of working. This is considered reasonable and necessary and a relevant condition will be imposed should the application be approved. It is considered that this application has overcome the previous reason for refusal with regards to protected species.

Impact on Cannock Chase SAC

- 6.5 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured. The Council has adopted guidance acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. The proposal lies within the 8-15km buffer of the Cannock Chase SAC, as such a financial contribution is not required.
- 6.6 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA, which concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC and therefore they have offered no objections to proposal. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

7. Other Matters

Mineral Safeguarding

- 7.1 The application site falls within an a Mineral Safeguarding Area for Superficial Sand and Gravel, while the northern parcel of land falls within the Area of Search west of A38 which is broad location for potentially working sand and gravel reserves. Local and national planning policies seek to avoid the sterilisation of mineral resources. The proposals have been reviewed by SCC Planning Policy who have confirmed that the proximity of the site to existing residential development would mean that it is unlikely that the extraction of any underlying mineral would be practicable or environmentally acceptable. Therefore no objection is raised in this regard.

Loss of Agricultural Land

- 7.2 Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and wider benefits from natural capital including the economic and other benefits of the best and most versatile agricultural land. The application site relates to agricultural land which is currently in use. The application has been supported by an Agricultural Land Classification Report. The report identifies that the southern parcel of land is classified as Grade 3a, while the northern parcel of land is Grade 4.
- 7.3 Grade 3a land is classed as best and most versatile agricultural land. The proposed development would therefore be contrary to the NPPF in this regard. Whilst in isolation, this may not be a sufficient reason to resist the development, given the size of the parcel of land and the low agricultural Grade of the land, it does, nonetheless weigh against the development. Had the LPA been in a “tilted balance” scenario this the loss of BMV agricultural land would weigh against the proposals.

Impact on Heritage Assets

- 7.4 The application site is not within or adjacent to a conservation area, nor are there Listed Buildings within close proximity to the site. However, the development has the potential to impact upon archaeological interests. The proposal has therefore been supported by an Archaeological Desk Based Assessment. Whilst SCC Archaeology have not provided any comments to this application, they provided a consultation response to the previous application. SCC Archaeology previously advised that they had no objection to the scheme subject to a Written Scheme of Investigation being carried out which could be secured by way of condition. Given that the scale and nature of the scheme is largely unchanged it is considered suitable to consider these comments as still relevant to the current scheme.

Open space provision

- 7.5 It is noted that based on the current indicative layout, open space provision within the site would roughly accord with Local Plan Strategy Policy HSC1. However, final details of open space provision would form part of any future reserved matters application at which point, a full assessment will occur. It is noted that the public open space is sited in one parcel of land with a village green at the centre of the development. An area of play space is also likely to be required in line with the Developer Contributions SPD.

Education

- 7.6 Core Policy 4 and Policy IP1 state that new developments will be required to provide the necessary infrastructure to meet the needs arising from the development. SCC Education have confirmed that the development would result in requirement to provide a financial contribution towards 2 Secondary School places (2 x £17,114 = £34,228).

8. Planning Obligations/Community Infrastructure Levy

- 8.1 Should the application be approved there would be a need for a Section 106 agreement in respect of the following:
1. Delivery of 100% Affordable Housing;

2. Education Contribution for Secondary Provision;
3. The delivery of open space, including areas of play and the formation of a maintenance management company to maintain the Open Space.

These contributions would be sought through a S106 agreement following consultation with the statutory consultees to contribute to local infrastructure provision.

- 8.2 It is noted that the submission did not include Heads of Terms for the legal agreement
- 8.3 With regards to Community Infrastructure Levy (CIL), the Council's Developer Contributions SPD details the Council's CIL requirements for development. The site is located within the higher CIL charging zone. However, the developer would be able to apply for CIL relief due to the delivery of affordable housing. The developer would be required to apply for this relief prior to commencing the development. Should the application be approved a note to applicant would be included to ensure that the developer is aware of the CIL requirement.

9. Human Rights

- 9.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. Article 1 of the first protocol may be of relevance as it provides for every natural and legal person to be entitled to the peaceful enjoyment of their possessions. However it is specifically stated that this right shall not impair the right of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. The interference likely to occur here has been fully assessed in this report. It is considered that any interference can be justified in the general interest, as defined by national planning policy and policies of the Development Plan, and is proportionate. The applicant has a right of appeal in accordance with Article 6. has been fully considered within the report and on balance is justified and proportionate in relation to the provisions of national planning policy and policies of the development plan.

Conclusion

With reference to this scheme, socially, the development would provide 100% affordable housing which is compliant with the requirements of the Council's Local Plan Strategy however the need for the numbers and tenure proposed have not been sufficient justified.

Economically, the proposal will provide employment opportunities, through creating a development opportunity, whose future residents would support existing village facilities. The proposed development would result in the erosion of identified best and most versatile agricultural land.

Environmentally the development is against the strategy for housing delivery in the District and would result in the erosion of countryside. There is also concern that as the location of the site at the edge of the settlement the proposed layout and density is inappropriate and does not relate well with the existing density of the village.

With regard to transport and highways, adequate information and detail has been included within the supporting information to demonstrate that appropriate vehicular accesses can be achieved to ensure that the development can be safely and appropriately accessed without undue harm to the character and appearance of the area, existing or future residents and highway and pedestrian safety.

It is therefore considered that the proposed development would lead to an unsustainable form of development, which would conflict with the social, economic and environmental strands of sustainable development. The development is therefore recommended for refusal.

Report prepared and recommendation made by: Rob Duckworth