

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

2 August 2018

Application No:	SMD/2018/0328	
Location	LANE END COTTAGE, WHIRLEY LOW, TOWN END ROAD, FOXT, STAFFORDSHIRE, ST10 2HR	
Proposal	Outline permission for erection of 5 No. dwellings with details of access and scale (all other matters reserved).	
Applicant	Mrs M Cooke	
Agent	Mrs Natalie Hewitt, Hewitt & Carr Architects	
Parish/ward	Ipstones/Ipstones	Date registered 23.05.2018
If you have a question about this report please contact: John Williamson -Email john.williamson@staffsmoorlands.gov.uk ; Tel: 01538 395400 Ext: 4922; Mob: 07812981964		

REFERRAL

The application is before committee as there has been significant public interest.

1. SUMMARY OF RECOMMENDATION

Refuse

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site is a field covering an area of approx. 0.16ha (approx. 47m wide x 30m deep). The land is currently grazing land. The site is located on the (broadly) southern side of Town End Road, Whirley Low, Foxt. Immediately to the east of the site is the property Low End Cottage and its curtilage. Directly to the rear (south), western side and opposite the site (north), over the road, the land is agricultural, open countryside. The centre of the central built up area of Foxt is located approx. 850m south-west of the application site. As regards the surrounding pattern of development, from a point which may be deemed to be on the north-eastern edge of the central area of Foxt (i.e. just beyond St Mark's Church, at the junction of Town End Road and Shay Lane), extending north-east along Town End Road (to the Junction with Park Lane/Shaw-Wall Lane), there are a relatively small number of residential properties (approx. a dozen), a number of which are farm houses; these properties are sited sporadically either side of Town End Road. All the properties beyond the centre of Foxt are sited sporadically along the surrounding roads.

2.2 The site is located within the Staffordshire Moorlands Special Landscape Area and Low Risk development Area, as defined in the Core Strategy. A Public Right Of Way (Ipstones 57) passes the southern boundary of the site (and actually passes through the tip of the south-western corner of the site).

3 DESCRIPTION OF THE PROPOSAL

3.1 The application seeks “*Outline permission for erection of 5 No. dwellings with details of access and scale (all other matters reserved).*”

3.2 The proposed 5 No. dwellings comprise 2 No. pairs of semi-detached dwellings and 1 No. detached dwelling. The dwellings are illustrated on the plans submitted as being two-storey.

3.3 The Planning Statement submitted with the application states that the 4 No. semi-detached properties are each to be 2 No. bedroom ‘starter homes’, i.e. they will be offered for sale with a discount of at least 20% below open market value to first time buyers under the age of 40. The 1 No. detached property is illustrated as being of a scale comparable to one pair of the proposed semi-detached dwellings, therefore it is assumed that such a property would consist of at least 4 No. bedrooms.

3.4 Access to the properties is to be taken from Town End Road, each property having its own access. On-site parking is indicated as being provided, though details of layout and landscaping are not applied for at this stage.

3.5 The applicant did not seek any pre application advice from the Council regarding the current application.

3.6 The application and all details associated with it can be found on the Council’s website at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=123236>

4 RELEVANT PLANNING HISTORY

4.1 None specific to the site.

5 PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises:

- Staffordshire Moorlands Local Plan (Adopted 1998)
- The Staffordshire Moorlands Local Development NPPF Core Strategy (Adopted March 2014)
- The Minerals Local Plan (Adopted December 1999) Saved Policies 2007
- Staffordshire & Stoke-on-Trent Joint Waste Core Strategy (Adopted March 2013)

Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Public consultation on specific site allocations has now commenced.

Adopted Staffordshire Moorlands Local Development Framework (LDF) (26th March 2014)

5.3 The Staffordshire Moorlands Local Development Framework (LDF) is a District wide development plan which replaces the Staffordshire Moorlands Local Plan to provide a framework for delivering development up to 2026. The Core Strategy is the key LDF document. It is a strategic District wide plan which influences how and where the Staffordshire Moorlands will develop in the future. It sets out what the Council would like to achieve in each of the main towns and the rural areas outside of the Peak District National Park. The Core Strategy provides the framework for future LDF documents which will then identify specific sites for development in the District (Site Allocations Development Plan Document) and provides detailed guidance to supplement the policies (Supplementary Planning Guidance).

5.4 The following Core Strategy (CS) policies and Supplementary Planning Documents are relevant to the determination of the application:-

- SS1 - Development Principles
- SS1a -Presumption in Favour of Sustainable Development
- SS2 – Future Provision of Development
- SS3 – Distribution of Development
- SS4 – Managing the Release of Housing Land
- SS6 – Rural Areas
- SS6b - Smaller Villages Area Strategy
- SS7 – Churnet Valley Area Strategy
- SD1 – Sustainable Use of Resources
- SD3 – Carbon Saving Measures in Development
- SD4 - Pollution and Flood Risk
- H1 - New Housing Development
- H2 - Affordable and Local Housing Needs
- DC1 - Design Considerations
- DC3 - Landscape and Settlement Setting
- R1 – Rural Diversification
- R2 – Rural Housing
- NE1 - Biodiversity and Geological Resources
- T1 - Development and Sustainable Transport

SPD – Space About Dwellings

SPD – Design Principles for Development

SPD – Churnet Valley Masterplan

Planning For Landscape Change: SPG to the Staffordshire and Stoke on Trent Structure Plan, 1996-2011

National Planning Policy Framework – July 2018

National Planning Practice Guidance

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

5.5 Paragraph 48 of the newly adopted NPPF states that:

“...decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Local Plan process

5.6 The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

5.7 In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public will now be held this Autumn in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At this point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

5.8 In this context, the Council’s position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process

- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

5.9 The following policies are considered to be relevant to this application:

- SS1 - Development Principles
- SS1a - Presumption in favour of sustainable development
- SS2 - Settlement Hierarchy
- SS9 - Smaller Villages Strategy
- SS10- Other Rural Areas Strategy
- H1 - New Housing Development
- DC1 -Design Considerations
- DC3 -Landscape and Settlement Setting
- SD1 – Sustainable Use of Resources
- SD3 – Sustainability measures in development
- SD4 -Pollution and Flood Risk
- H2 -Housing Allocations
- H3 - Affordable and Local Housing Needs
- NE1 -Biodiversity and Geological Resources
- NE2 Trees and Woodlands
- T1 -Development and Sustainable Transport

6 CONSULTATIONS, PUBLICITY & REPRESENTATIONS

Site notice	Expiry date for comments: 29.06.2018
Press notice	Expiry date for comments: N/A
Neighbours	Expiry date for comments: 22/06/2018

Neighbour/public comments

6.1 19 No representations have been received, details of which can be read on file. There are representations objecting to and representations supporting the proposals, with a few simply commenting. A summary of issues/comments raised is provided below:-

Objections (6 No. representations)

- The proposed development is in open countryside and would have a negative visual impact on the landscape of the area
- Intrusive and detrimental impact on the outer boundary of the village (known as Whirley Low)
- Would be conspicuous development in the area
- Would be an eye sore
- The proposal is incongruous with the vision for the Churnet Valley as an area of outstanding natural beauty

- Foxt has been granted a Conservation Area; the proposal would be contrary to this
- The Cotswolds area does not allow such obtrusive house building and consequently remains an area of natural beauty that attracts tourists and supports the rural economy as a result
- Tourists would be deterred from visiting the area
- House building has been allowed (and constructed) in the area in recent times, which has supported the local economy; however, a balance is required and the proposal would be a step too far
- Increase traffic on Foxt Road and surrounding area; residents would be reliant on motor cars to travel to work etc.
- Very few employment opportunities locally
- Very few facilities and services locally
- The site is an agricultural field which is permanent pasture; the Government seek to maintain levels of permanent pasture, building houses on this field would go against Government policy
- Site is not within the Foxt infill boundary of the Local Plan
- Allowing housing on such a site would set a precedent for more housing on similar sites
- Loss of privacy to neighbouring properties
- Increased noise and light pollution
- The proposal is more suited to a town, where there is more infrastructure
- No requirement for such properties
- The proposal would lead to a loss of habitat for important plants and animals and therefore be detrimental to the environment

Support (11 No. representations)

- I was born in the village of Foxt and currently live in rented accommodation in the Potteries, but would love to return to the village. Such properties could assist with this and give us a chance of a home locally
- A unique opportunity for first time buyers; a 20% reduction in asking price (for starter homes) would bring home ownership within reach of some that cannot currently afford it
- There is a lack of properties of this type in the village
- The proposal would be consistent with all local and regional strategies to improve social, economic and environmental conditions of the area and assist in halting outward migration (particularly of young people)
- A lack of 'youth' in the village, which is mainly populated by middle age and elderly residents
- It is infill development
- Views will not be obstructed
- Little impact on the skyline
- The small area of land cannot support livestock
- More residents in the village could support local services like public bus transport
- More housing and residents would support the few local facilities there are; hence, would help regenerate the village

- Proposal would not affect privacy or neighbouring properties
- The road is straight and there would be no highways, traffic or parking issues
- The proposed cottage style properties are more in keeping with the area (similar to Lane End Cottage)
- In keeping with the street-scene
- The positives outweigh the negatives
- One owner of 3 No. holiday cottages has struggled to let them and is seeking to change to residential use; hence, there are not as many visitors to the village as some may perceive
- My son owns the adjoining field and is not thinking of developing it (as others seem to assume)
- Drainage should, and could, be looked at to resolve any minor flooding issues

Other comments (3 No. representations)

- Amazed that Ipstones Parish Council object to the application; the application seems to have been misunderstood; the proposed homes are a much needed addition to the village
- Ipstones PC (as shown in the minutes of meetings) have previously written to SMDC requesting that 10 No. of the Ipstones housing allocation be allocated to Foxt
- The proposed homes are 'starter homes' not 'affordable homes'
- Staffordshire Moorlands District Council, development Framework states that Foxt ESTIMATED need 2011-2031 = 15 dwellings
- Constructing on the land will exacerbate flooding that occurs on the road

Consultee responses

Ipstones Parish Council

Object to the application for the following reasons: -

- The plan is only outline, which if granted could lead to dwellings being placed anywhere on the site when a full application is submitted
- The site is too far outside the main settlement area of Foxt
- Members of the parish council are not aware of any survey that has been carried out as to the local need for affordable housing and members also understand that to be classed as affordable the land normally has to be donated by the landowner and the properties sold for around £60,000.
- In the Local Plan the parish council only asked for a maximum of 10 properties for Foxt and currently there are 14 in the pipe line. The main criteria for new properties was for bungalows for older people.
- It would be an overdevelopment in this rural location.

SCC Highway Authority

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

1. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- layout and disposition of buildings;
- Provision of parking, turning and servicing within the site curtilage;
- Means of surface water drainage
- Surfacing materials

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

2. The development hereby permitted shall not be brought into use until the accesses to the plots have been completed.

Nothing shall be placed, constructed, planted or allowed to remain within 2.4m of the carriageway edge that is greater than 900mm in height above the adjacent carriageway level on the frontage of the development. Anything that is greater than 900mm in height within 2.4m of the adjacent carriageway shall be immediately removed.

3. The development hereby permitted shall not be brought into use until details of the surface water drainage interceptor, connected to a surface water outfall, or drained on SUDS principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

4. The development hereby permitted shall not be brought into use until the access drives rear of the public highway have been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the carriageway edge.

REASONS

To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

ALL

IMPORTANT INFORMATIVE TO BE INCLUDED ON DECISION NOTICE:

The access crossings to the individual plots from the highway shall be constructed in accordance with the submitted drawing and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Although the pack refers to dropped crossings, a S184 notice is required for an access leaving the carriageway and crossing highway verge. Please complete and send to the address indicated on the

application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk) <http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

NOTES TO PLANNING OFFICER

An indicative layout has been submitted but as the application is in outline with access to be determined, the layout should not be construed as being approved.

Foxt Road is the classified C89. Given the nature of Foxt Road, the accesses as proposed will not have a severe effect on the highway and the accesses will be safe and suitable for all.

Condition to provide and maintain visibility has been recommended.

SMDC Environmental Health

Awaiting comments (as at 23.07.2018)

SMDC Arboriculture

This is an outline application for the erection of 5 dwellings, also seeking approval at this stage for access and scale. Other matters, including layout, are reserved for future approval; nevertheless an indicative layout plan is included showing how the site might be developed.

There is no tree survey/arboricultural impact assessment report with the application; however, there are few trees associated with the site and in practice none of any significance that would be affected by a development of the type, scale and indicative layout submitted so such a report is unnecessary.

There are mature Hollies approximately mid-way along the western boundary, and a mature Ash at the south-west corner. These would not be affected by the proposed development as even the closest dwelling (on the indicative layout) would not encroach within their Root Protection Areas. There is the potential for the vehicle standing of the eastern-most plot to require a no-dig, cellular confinement construction specification, but this would be a matter related to subsequent detailed layout design at reserved matters stage and could be subject to submitted details at that stage, or subsequent discharge of conditions application as required under any future reserved matters approval.

There are just a few young Ash and Hawthorn self-set along the site frontage, but these cannot be described as a hedge and would need to be removed both to accommodate the development as indicated and to comply with requested highway conditions; however being immediately at the edge of the highway carriageway these would almost certainly need to be removed or at least heavily reduced at some stage anyway irrespective of any development proposals in order to control highway encroachment. They are also presently of little landscape significance.

No objection to the application. It would be prudent to impose a temporary tree protection condition at this stage in the event that planning permission is granted:

Condition

1. Before the commencement of development (including any site clearance, site stripping or site establishment) temporary protective fencing and advisory notices for the protection of the existing trees to be retained shall be erected in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.

There are indications of new native species hedgerows/trees and stone walls to plot boundaries, which would generally be appropriate. However, as landscaping is a reserved matter there appears to be no need to impose a separate landscaping condition at this stage.

SMDC Waste (Operations)

No comments received as of 23.07.2018

Severn Trent Water

No objections to the proposals subject to the inclusion of the following condition:

Condition

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority; the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Advisory Note

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000

Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

7 POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Policy Context

7.1 The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Council's Development Plan is formed of the Core Strategy (CS) Development Plan Document (adopted March 2014) and the Saved Local Plan Proposals Map/Settlement Boundaries (adopted 1998) and remains in force until the Council's Development Plan Document is adopted.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' as contained within the National Planning Policy Framework (the Framework) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, the Council will grant planning permission unless:-

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) 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. (Para 11 NPPF July 2018).

7.3 The policies contained in the Framework are supplemented by the National Planning Practice Guidance (NPPG), also a material consideration in the determination of this application.

Principle of Housing Development

7.4 Policy SS1 of the Core Strategy (CS) requires development to contribute positively to the social, economic and environmental aspects of Staffordshire Moorlands. This is to be achieved by, inter alia, providing a mix of quality housing types and tenures (including affordable homes) whilst maintaining the distinct character of the Staffordshire Moorlands, its individual towns and villages and their settings; development should protect or enhance the natural and historic environment of the district and provide easy access to jobs, shops and transport services.

7.5 Policy SS2 of the CS states that provision will be made for 6000 additional dwellings to be completed between 2006 and 2026.

7.6 Policy SS3 of the CS outlines how housing development is to be distributed across the District, with 28% of the total new housing to be located across the 'rural areas'.

7.7 Policy SS6 of the CS covers the 'rural areas', comprising the 'larger villages', 'smaller villages' and 'other rural areas'; a total of 1680 new dwellings are to be provided across the 'rural areas'. The policy states that the site allocations Development Plan Document will define urban areas of 'larger villages' by a 'development boundary' and sites will be allocated to meet the housing (and employment) requirements; and in 'smaller villages' an infill boundary will be defined within which limited infill development will be permitted.

7.8 Policy SS6b of the CS relates to the 'smaller villages' and Foxt is listed as one of the 'smaller villages'. The policy states that these settlements shall provide for appropriate development which enhances community vitality or meets a local social or economic need of the settlement and its hinterland. This is to be achieved, inter alia, by enabling new housing development which meets a local need, including affordable housing (in accordance with policy H2).

7.9 Policy H1 of the CS also states that new housing development should (inter alia) provide for a mix of housing sizes, types and tenure (including a proportion of affordable housing as set out in policy H2 and appropriate housing for special groups in accordance with the Area Strategies in policies SS5 and SS6). In addition, the policy allows for residential development on windfall sites up to a maximum of 5 No. dwellings within the Infill Development Boundaries of the 'smaller villages'.

7.10 Bearing in mind points outlined in the above CS policies, Foxt is a 'smaller village' and in the 'smaller villages' residential development will be allowed within the 'infill boundaries' (to be identified in a Development Plan Document). At present, the proposed 'infill boundary' to be drawn around Foxt is not known. However, any reasonable drawing of such a boundary is unlikely to extend to/include the application site, given its distance from and relationship with the central built-up area of the Village. Consequently, the principle of housing development on the proposed site is not acceptable as it does not accord with current Development Plan policies, in particular SS6, SS6b and H1.

7.11 The submitted emerging Local Plan proposes not to draw up 'infill boundaries' as referred to in the existing CS, but to include a criteria based policy instead. Thus Policy 'H2' of the emerging Local Plan states, inter alia, that housing development on sites not allocated for such purposes in Policy H2 will be supported as follows:

Outside of the development boundaries, limited infill residential development of an appropriate scale and character for the Spatial Strategy will be supported provided that:

- *The development will adjoin the boundary of a larger village and be well related to the existing pattern of development and surrounding land uses, or;*
- *The development is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development; and*

In all cases the development will not lead to a prominent intrusion into the countryside or have an adverse impact of significance to the character of the countryside.

7.12 In this case it is considered that the proposal would not comply with the emerging plan in that it would not adjoin the boundary of a larger village or be well related to the existing pattern of development and would lead to a sporadic pattern of development which would be an intrusion into the countryside, for the reasons set out above. However, it is noted that given the level of objection only limited weight can be given to this policy at the present time.

7.11 Footnote '7' of the Framework (July 2018) states that, where local planning authorities cannot demonstrate a 5 year supply of housing land relevant policies are to be regarded as being out of date; in such circumstances para 11 is engaged. Given that the Council cannot currently deliver a 5 year supply of housing land, policies in the Core Strategy which seek to constrain housing delivery must be regarded as out of date and the presumption in favour of sustainable development applies. For decision taking this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole – the so called “tilted balance”. That is not to say that such policies are no longer relevant nor does it alter the status afforded to these policies being part of the Development Plan. However in such cases the weight attributed to out of date policies is a matter for the decision-maker, but it needs to be balanced against the provisions of the Framework as a whole. This is returned to in the planning balance section below.

Highway safety and sustainable transport

7.12 Policy T1 of the CS seeks to support development which reduces the reliance on the private car for travel journeys and reduces the need to travel generally. Development should be close to and not detrimentally impact upon the highway network; the site should be located to enable a range of sustainable travel modes to be used. Section 9 of the NPPF seeks to promote sustainable transport.

7.13 As noted, the application seeks outline permission for 5 No. dwellings including details of access, which is to be taken from Town end Road with an individual access for each property.

7.14 The Highway Authority raises no objections to the proposal on the grounds of Highway safety, subject to conditions and informatives as outlined, i.e. the proposal would not detrimentally impact on the surrounding highway network, would provide safe means of access to/from the dwellings and is likely to be able to provide appropriate levels of on-site parking along with refuse storage and collection arrangements.

7.15 The 'smaller villages' (of which Foxt is one) are identified in the CS as having a poor range of services and facilities, with local residents having to travel outside the village for most of their daily needs. As concluded above, the application site would be outside any reasonably defined infill boundary within the village and as

such is contrary to policy in principle. Allowing for more extensive development beyond any infill boundaries of the rural areas could generate a disproportionate number of additional vehicle journeys which may undermine the spatial strategy. In this context the proposed development would not reduce the need to travel by private motor vehicle and would not promote the use of other modes of transport. Consequently the proposed development would not wholly accord with key tenets of CS policy T1 or section 9 of the NPPF.

Design (including scale), impact on the character and appearance of the area

7.16 As noted, policy SS1 of the Core Strategy (CS) seeks, amongst other things, to ensure development contributes positively to the environment, maintains the distinctive character of the Staffordshire Moorlands District and the individual towns & villages and their settings. Policy DC1 of the CS requires, amongst other things, all development to be well designed, reinforce local distinctiveness, positively contribute to or compliment the special character and heritage of the area and be of high quality respecting the site and its surroundings, including scale, layout, character and appearance. Within the SPD 'Design Principles for Development' the following points are noted:

- a) new development should always have regard to its surroundings so that it is appropriate and blends with the scale, proportions, materials and character of the buildings of the area, and
- b) new buildings should relate to existing buildings in terms of scale and proportion, massing and materials and should derive their inspiration from local tradition.

Section 12 of the NPPF states that good design is a key aspect of sustainable development (para. 124).

7.17 As noted, the application seeks permission for 5 No. dwelling including details of scale, though details of layout and appearance are not applied for at this stage.

7.18 As noted, the proposed 5 No. dwellings comprise 2 No. pairs of semi-detached dwellings and 1 No. detached dwelling. In terms of scale, all are illustrated on the plans submitted as being two-storey – with the ridge heights indicated as approx. 7.5m, the eaves heights approx. 4.3m, the max. width of the semis being approx. 1.1m and 13.3m (for each respective pair), the width of the detached being approx. 12.2m, the depth of the semis being approx. 10.2m and the depth of the detached approx. 8.7m. It is noted that each property shows either single-storey rear aspects and/or single or 1.5 storey side aspects.

7.16 With reference to a range of properties within the area it is considered that the scale of the proposed ridge and eaves heights are in keeping with neighbouring properties; it is also considered that, excluding the single and 1.5 storey additions to the dwellings illustrated on the plans, the core width and depth of the proposed properties are also in keeping with the scale of properties in the area. Therefore, it is considered that the scale of the proposed dwellings is acceptable. However, the proposal would insert a further 5 No. dwellings along a stretch of road away from the central built up area of Foxt, the consequences of which would be additional built form located along a rural road interspersed with dwellings and farm buildings

thereby eroding the open, sporadic nature of development along the rural roads surrounding the central village area of Foxt. As such the proposal would have a detrimental impact on the character and appearance of the area and consequently the proposal would not accord with the tenets which seek to protect the character and appearance of the area outlined in CS policies SS1, DC1 and DC3, the SPD 'Design Principles for Development', the SPG Planning for Landscape Change and section 12 of the NPPF (paras 125, 127, 130)

Impact on trees and biodiversity

7.17 Policy DC1 of the CS requires all development to be well designed and reinforce local distinctiveness, which includes, amongst other things, appropriate landscaping. Policy NE3 of the CS seeks to conserve and enhance the biodiversity and geological resources of the District. Section 15 of the NPPF seeks to protect and enhance the natural environment.

7.18 As noted by the Arboricultural Officer, although no tree survey has been submitted with the application there are no specific trees within the site which would warrant the requirement for a survey at this stage. Details of landscaping are not applied for at this stage. The scale and accesses proposed indicate that no significant arboricultural or landscaping features would be lost as a result of the proposal.

7.19 Given the location of the site and its particular features it is considered that there are no significant ecological aspects that would be harmed as a result of the proposal.

7.20 Bearing the above points in mind it is considered that the proposal accords with the landscaping and ecological tenets of CS policies DC1 & NE1 and section 15 of the NPPF.

Impact on residential amenity

7.21 Policy DC1 of the CS seeks, amongst other things, to protect residential amenity. Bullet point 'f' of para. 127 of the NPPF requires a good standard of amenity for all existing and future occupants of land and buildings to be achieved.

7.22 The neighbouring property nearest to the proposed site/nearest building is the house of the applicant, 'Lane End Cottage'. It is considered that this dwelling and all other surrounding properties are of a sufficient distance, orientation and level such that the proposed development will have a very limited and therefore acceptable degree of impact on the amenities of neighbouring properties. The amenities of future occupants of the proposed dwellings would also be of a satisfactory level. As such, the proposal accords with the amenity tenets of CS policy DC1 and bullet point 'f' of para. 127 of the NPPF.

Drainage, surface water run-off and flooding

7.23 Seven Trent do not object to the application subject to conditions/informatives.

7.24 Bearing the above points in mind it is considered that there are no known drainage or flooding issues that would warrant a refusal of the application. The proposal therefore accords with CS policy SD4 and section 14 of the NPPF.

Public Right of Way

7.25 It has been noted that a PROW (Ipstones 57) runs through the south-western tip of the site. The developer's attention should be drawn to the existence of the path and the requirement that, should planning permission be granted, this does not construe the right to divert, extinguish or obstruct any part of the path. If the path does need diverting the developer would need to apply for this and the County Council would need to be formally consulted. Users of the path should still be able to exercise their public rights safely and the surface of the path must be kept in a state of repair such that the public right to use it can be exercised safely at all times.

8 PLANNING BALANCE

8.1 As outlined above, the application is to be determined in accordance with the Development Plan, unless there are material considerations that indicate otherwise. It has been concluded above that the proposed development is not acceptable in principle, as, although there is no 'infill boundary' for Foxt drawn at present, the proposed dwellings would be outside what would be deemed to be any reasonable infill boundary within/around the village centre. Consequently the proposal would not accord with key CS policies SS6, SS6b or H1.

8.2 However, there are other material considerations which need to be borne in mind when determining the application:

i) the Council cannot demonstrate a 5 year supply of housing land and therefore policies which restrict the development of housing are out of date; in such circumstances planning permission should be granted unless

a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

b) 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. (Para 11 NPPF July 2018).

8.2 It has also been concluded that allowing more extensive development beyond any infill boundaries of the rural areas could generate a disproportionate number of additional vehicle journeys which may undermine the spatial strategy as a whole. In this context the proposed development would not reduce the need to travel by private motor vehicle and would not promote the use of other modes of transport. Consequently the proposed development would not accord with key tenets of CS

policy T1 and section 9 of the NPPF which seek to promote sustainable forms of transport.

8.3 In addition, it has been concluded that the proposal would have a detrimental impact on the character and appearance of the area and as a result would not accord with the tenets which seek to protect the character and appearance of the area outlined in CS policies SS1, DC1 and DC3, the SPD 'Design Principles for Development', the SPG Planning for Landscape Change and section 12 of the NPPF. It would also fail to accord with emerging local plan policies relating to development in the rural areas, although these attract only limited weight at present.

8.4 The proposal would provide some social benefits; although the proposed development does not offer any 'affordable dwellings' as such, the applicant has signalled an intension in the application submission that she is willing to enter into a legal agreement to ensure that 4 No. of the dwellings proposed are placed on the market as 'starter homes', at least at 20% below the market value, for first time buyers under the age of 40; this is considered to be a social benefit of moderate weight;

8.5 The proposal would provide some economic benefits such as the construction phase of the development, new homes bonus and council tax; such economic benefits are considered to be of a relatively small scale and therefore limited weight is attributed to them.

8.6 Bearing all the above factors in mind, it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

8.7 The proposed development would undermine the spatial strategy of the Plan Area, which seeks to focus development in the Towns (and 'larger villages'). Development in the 'smaller villages' located outside the central built up areas would not be sustainable and would generate a disproportionate number of additional journeys by the private motor vehicle. Sporadic development of the type proposed would be detrimental to the character and appearance of the area.

8.8 Consequently the proposed development is considered not to comply with Core Strategy policies SS1, SS6, SS6b, H1, DC1 and DC3, the SPD Design Principles for Development, the SPG Planning for Landscape Change and section 12 of the NPPF. As such, the proposed development would not constitute a sustainable form of development and therefore does not accord with CS policy SS1a (sustainability) and the sustainability thread running through the NPPF.

9 RECOMMENDATION

A. It is recommended that planning permission is REFUSED for the following reason(s):-

- 1. The proposal is located in the Open Countryside outside the logical limits of the village boundary where there is a presumption against new residential development and is therefore contrary to policy SS6 of the Staffordshire Moorlands Core Strategy which seeks to focus development in the Towns (and 'larger villages'). Notwithstanding the lack of a 5 year supply of housing within the District the proposal is not considered to be sustainable development as sporadic development of the type proposed would be detrimental to the character and appearance of the area. As a result, it would conflict with Core Strategy policies SS1, SS6, SS6b, H1, DC1 and DC3, the SPD Design Principles for Development, the SPG Planning for Landscape Change and section 12 of the NPPF. In addition, the proposal would fail to add to the overall quality of the area; respond to local character; or reflect the identity of local surroundings (as required by the National Planning Policy Framework).**
- 2. Due to it's location outside the established village of Foxt, the poor pedestrian and cycle connectivity and lack of services within the village, the proposal would be heavily reliant on the use of the private car. Consequently the proposed development is considered not to comply with Core Strategy policies SS1, SS6, SS6b, H1, DC1 and DC3, the SPD Design Principles for Development, the SPG Planning for Landscape Change and section 12 of the NPPF. As such, the proposed development would not constitute a sustainable form of development and therefore does not accord with CS policy SS1a (sustainability) or the concept of sustainability at the heart of the NPPF.**

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager - Development Services has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

SITE LOCATION PLAN

