

**Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004**

Section 78 Appeal by St. Modwen

Land South of Lichfield Road Branston

Summary Proof of Evidence of
Mark Sitch BSc (Hons) Dip TP MRTPI

Appeal Ref: APP/B3410/A/13/2189989/NWF

LPA Ref: P/2011/01243/JPM/PO

April 2013

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WILLMORE**
Planning · Design · Delivery

Town and Country Planning Act 1990 – Section 78

**Town and Country Planning
(Inquiries Procedure) (England) rules 2000 (As Amended)**

Land south of Lichfield Road, Branston

Appeal against the failure of East Staffordshire Borough Council to determine:

Outline planning application for a mixed use development scheme comprising demolition of existing buildings and structures, up to 660 dwellings (Use Class C3 residential), up to 71,533 sq. Metres (770,000 sq. ft) of employment floor-space (Use Classes B2 general industry and B8 storage and distribution), a local centre providing up to 600 sq. Metres (6,459 sq. ft) of floor-space (Use Classes A1 shops, A2 financial and professional services, A3 restaurants and cafes, A4 drinking establishments and A5 hot food takeaway) together with associated access from Main Street and the A38 including link road, car parking, servicing, landscaping, public realm works and works to the highway, public open space, sports and recreation facilities, structural landscaping, re-profiling of the River Trent and Tatenhill brook and provision of drainage ponds and flood alleviation works, with all matters reserved except means of access

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- 1) This Appeal relates to the failure of East Staffordshire Borough Council ("ESBC") to determine an application for outline planning permission for mixed use development submitted on behalf of St. Modwen ("the Appellant") in relation to Land South of Lichfield Road, Branston ("the Appeal Site").
- 2) Since the appeal was lodged, ESBC reported the application to its Planning Applications Committee on 18th March 2013. ESBC's professional officers recommended that, had they the authority to do so, the Council should approve the application subject to completion of a Section 106 Agreement and a number of conditions. Notwithstanding this recommendation the Committee resolved that planning permission should be refused:

"On the grounds of the impact on highway safety, both during construction, and following the completion of development, and the associated impact this increase in traffic will have on residential amenity."

- 3) A Proof of Evidence has been prepared by Mr. Peter Spencer (Halcrow) in respect of evidence relating to highways matters and ESBC's specific grounds for refusing the Appeal Proposals.
- 4) My Proof of Evidence addresses relevant planning issues surrounding this mixed use Appeal Proposal, including the support for both employment and housing development, issues relating to housing land supply in the Borough, ESBC's emerging housing requirement, it's methodology for dealing with historical shortfall in housing delivery and the overall sustainability credentials of the site.
- 5) I demonstrate that EBSC is unable to show a five year supply of deliverable housing land for the Borough and that the Appeal Site is an appropriate site to contribute towards identified housing need. ESBC have confirmed in a letter to PINS on 9th April that it will not defend the five year land supply position at the Inquiry. Further email correspondence on 10th April confirmed that ESBC is not currently able to demonstrate a five year supply of deliverable housing land. Notwithstanding this, it is necessary to analyse the scale of the shortfall in order to determine how this is weighed against other material considerations.

- 6) I demonstrate that the Appeal Proposals represent a sustainable form of development. I also set out how the Appeal Proposals comply with the Development Plan and I review other matters which are material to the consideration of this Appeal.
- 7) I demonstrate that, subject to the imposition of appropriate planning conditions and completion of a legal agreement, outline planning permission should be granted for the Appeal Proposals.

Planning Policy

- 8) My evidence reviews the Development Plan Policy background along with the National Planning Policy Framework. I have assessed the scheme against both the Development Plan and the emerging draft Local Plan.
- 9) I demonstrate that the proposal is in full accordance with the up to date policies of the Development Plan.

Housing Land Supply

- 10) I have demonstrated that a five year of supply of housing land cannot be demonstrated.

Sustainable Development

- 11) The NPPF contains a clear presumption in favour of sustainable development and my evidence demonstrates that the development of this site can deliver net economic, social and environmental gains and as such this site represents a sustainable form of development.

Spatial Strategy

- 12) I have demonstrated that the Appeal Scheme is in full accordance with the emerging Spatial Strategy of the adopted and draft Local Plan and will not prejudice existing or emerging policy objectives.

Other Material Considerations

- 13) The Appeal Proposals also offer a range of other material benefits including the delivery of much needed affordable housing, economic growth, enhanced open space provision and improvements to bio-diversity.
- 14) The following considerations should therefore be taken into account:
 - The presumption in favour of sustainable development.
 - The lack of an identified five-year supply of deliverable housing land
 - The absence of any objections to the development of the Appeal Site from any statutory consultees or professional Officers of the Council.
 - The economic, social and environmental gains which will be delivered by the Appeal Proposals.
 - Central Government publications (including the Plan for Growth, Laying the Foundations, and the) which seek to increase the rate of house building and deliver economic growth.
- 15) The Evidence put forward by Mr. Spencer coupled with my evidence demonstrates that there are no significant adverse impacts associated with the development of the Appeal Site.
- 16) The Coalition Government have clearly committed themselves to increasing the rate of house building and to encouraging economic growth. The market is operating at a stable level and even at this level the industry requires a continued period of certainty and delivery to allow the market to continue to stabilise and to be able to forward plan its production and growth.
- 17) Having regard to the Evidence contained herein, I conclude that there are no adverse effects which would arise from the development of the Appeal Site. The significant economic, social and environmental benefits which could arise from the development of the Appeal Site coupled with the urgent need to deliver housing in the Borough, accords with the principles of sustainable development. The development of the Appeal Site is fully justified and planning permission should be granted in accordance with paragraph 14 of the NPPF.