



**Yoxall Neighbourhood Plan Consultation Response form:**

Yoxall Neighbourhood Plan Steering Group has prepared a Neighbourhood Plan and would like your comments. In order for your representation to be taken into account at the Neighbourhood Plan examination and to keep you informed of the future progress of the Neighbourhood Plan your contact details are needed. The consultation runs from **Monday February 16<sup>th</sup> 2015 – Monday March 30<sup>th</sup> 2015** 12noon.

All comments will be publicly available and identifiable by name and organisation (where applicable). Please note that any other personal information provided will be processed by East Staffordshire Borough Council in line with the Data Protection Act 1998.

Please fill in your details in the boxes below:

**Full Name:** Ms Nicole Penfold

**Organisation Represented:** Gladman Developments

**Address (including postcode):**

Gladman House  
Alexandria Way  
Congleton  
Cheshire  
CW12 1LB

**Telephone number:** 01260 288849

**Email address:** [n.penfold@gladman.co.uk](mailto:n.penfold@gladman.co.uk)

Please state which part of the neighbourhood development Plan (for example which section, objective or policy) your representation refers to.

See attached representation

Please use the space below to make comments on this part of the Plan.

See attached representation

Please use a separate form for each representation.

Please state whether you would like to be notified of the Council's decision on the neighbourhood Plan Proposal:

Yes

No

This form can be emailed to [neighbourhoodplanning@eaststaffsbc.gov.uk](mailto:neighbourhoodplanning@eaststaffsbc.gov.uk) or posted to **East Staffordshire Borough Council, PO Box 8045, Burton upon Trent, DE14 9JG**, by 12noon on Monday 30<sup>th</sup> March 2015.

**Gladman Developments Ltd**

**Representations on  
Yoxall Neighbourhood Plan  
Submission Version**



**March 2015**

# 1 EXECUTIVE SUMMARY

## 1.1 Context

1.1.1 These representations are made in response to the current consultation to the submission version of the Yoxall Neighbourhood Plan (YNP) 2014-2031 under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman Developments (Gladman) have land interests in Yoxall at land off Lightwood Road and are actively working to promote the site for residential development. An outline application for up to 170 residential dwellings is currently pending determination by East Staffordshire Borough Council (ESBC) (ref: P/2014/01664). A Site Location Plan and Development Framework Plan can be found at Appendix 1 of this document.

1.1.2 Gladman have been involved throughout the previous consultation stages of the Neighbourhood Plan and have raised significant concerns that the draft YNP was inconsistent with the requirements of national policy and did not meet the basic conditions within Schedule 4B of paragraph 8 of the Town and Country Planning Act 1990. Gladman identified a number of issues that needed to be addressed by amendments to the YNP prior to progressing to the submission stage and are critical to the compliance of the YNP with the basic conditions. Gladman believe that the YNP is still fundamentally flawed. It provides a distinctly anti-growth strategy that is inconsistent with the requirements of the National Planning Policy Framework (Framework) and Planning Practice Guidance (PPG) and **does not meet the basic conditions, notably 8(2) (a), (d), (e) and (f)**.

1.1.3 If the Neighbourhood Plan proceeds to Independent Examination it should be withdrawn or subject to major modification. Any decision to approve the Neighbourhood Plan for referendum would be unlawful and therefore capable of successful legal challenge by way of judicial review. A major overhaul of the YNP's development strategy is therefore required now in order to meet the basic conditions.

## 1.2 National Planning Policy

1.2.1 Before a Neighbourhood Plan can proceed to referendum it must be tested through Independent Examination against the statutory Basic Conditions, set out in paragraph 8 (2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended by section 38a of the Planning and Compulsory Purchase Act 2004).

1.2.2 To confirm that the YNP can progress to referendum, the Inspector must conclude that:

(a) Having regard to national policies and advice contained in guidance issued by the

Secretary of State, it is appropriate to make the plan.

(d) The making of the plan contributes to the achievement of sustainable development.

(e) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

(f) The making of the plan does not breach, and is otherwise compatible with, EU obligations, and

- 1.2.3 Having reviewed the YNP, it is clear that there have been major flaws throughout the plan preparation (contrary to basic conditions 8(2)(a), (d), (e) and (f)), and that there are many components of the YNP, both policies and the supporting text, that are contrary to the basic conditions (especially basic conditions 8(2)(a), (d), (e)) such that the Independent Examiner cannot recommend that the plan now progress to referendum under paragraph 10 of Schedule 4B.

### **1.3 Emerging East Staffordshire Local Plan**

The emerging East Staffordshire Local Plan (ESLP) is intended to set out the spatial strategy and planning policies for all development in the Borough to 2031. The ESLP has been submitted for Examination and initial hearings took place between October and November 2014. The Inspector published his interim findings on 11<sup>th</sup> November 2014 which resulted in the suspension of the EIP. The Inspector raised fundamental concerns over the legality of the ESLP's SA, the objectively assessed need, 'frontloading' the housing trajectory and the housing land supply. This has resulted in substantial work needing to be undertaken prior to the resumption of the Examination in May 2015.

- 1.3.1 Basic condition 8(2)(e), the Framework, paragraphs 16 and 184 and the PPG, Neighbourhood Planning (all references below are to this chapter of the PPG unless otherwise stated) 070, require that the YNP must be in conformity with the strategic policies in the development plan for the local authority area. Gladman maintain that the correct statutory construction and correct policy interpretation of the Framework and PPG is that the strategic policies in the development plan refers to a development plan that is up-to-date, following successful examination against NPPF 182. The YNP acts to undermine the proposed policies if the emerging ESLP as its policies effectively constrain the delivery of any future development. If the YNP progresses prior to the outcome of the EIP it will **be contrary to basic conditions 8(2) (a) and (e)**.

### **1.4 Evidence Base**

- 1.4.1 Gladman note that the YNP relies on a significant amount of the Submission Version of the ESLP's evidence base. That evidence has now been tested by the Inspector against the NPPF 182 requirements and already found to be materially inconsistent with the requirements of

the Framework. Therefore the YNP cannot rely on the ESLP until the substantial amendments have been carried out and the plan has been found to be in compliance with national policy and guidance.

- 1.4.2 These representations also provide a critique of the key evidence base used for the YNP and details that no regard has been given to the 'Objectively Assessed Housing Need' as required by paragraph 47 of the Framework. In addition, a number of policies are not supported by up to date and robust assessments required to justify these policies' inclusion in the YNP.

## **1.5 Yoxall Neighbourhood Plan**

- 1.5.1 This section of the representations provides specific comments on the policies contained within the YNP which reiterates previous concerns submitted to the pre-submission YNP consultation. A number of policies and objectives are distinctly anti-growth and fail to comply with the requirements of the Framework and PPG. **Therefore the YNP fails to meet basic conditions (a), (d) and (e).**

## **1.6 Strategic Environmental Assessment**

- 1.6.1 The Yoxall Neighbourhood Plan is supported by a Strategic Environmental Assessment Report. This document was not developed from the outset of the plan preparation process as required by PPG, SEA, 029. It is also a very short document, which fails to consider significant environmental effects of the plan and reasonable alternatives. The failure to conduct lawful SEA is a breach of the Strategic Environmental Assessment Directive and implementing UK Regulations and basic condition (f).

## **1.7 Site Submission**

- 1.7.1 The final section of this representations provides details of the Lightwood Road site, and why this is the most sustainable residential development site that could be delivered in Yoxall, free from the constraints identified by the ESLP. This site offers the opportunity to help deliver some of the additional housing required by the ESLP and the locally assessed housing need. This site is demonstrated to be achievable, deliverable and available for residential development and therefore should be identified for allocation in the Neighbourhood Plan.
- 1.7.2 The development proposals have carefully considered the aspirations of the neighbourhood plan and have designed a scheme accordingly. The proposal will provide a well-designed scheme which helps to meet the local housing need. It will also be providing an area of public open space / village green, which responds to the aspiration of preserving open space within Yoxall. The proposal incorporates a footpath link to an existing public right of way, which will help to enhance the local footpath network and encourage residents to walk

out into the countryside. Finally, the scheme will be providing additional trees and hedgerows, which will help to provide a habitat to local wildlife.

1.7.3 Further, there are major economic benefits to this scheme, which would be felt not only by Yoxall but across East Staffordshire:

- Over £17.5 million construction spend;
- 155 Full Time Equivalent (FTE) employment opportunities directly from construction;
- a further 159 indirect / induced FTE jobs generated locally;
- Up to 209 additional working age and economically active residents;
- New residents could generate total gross expenditure exceeding £3.8 million per annum;
- An additional £1.6 million of New Homes Bonus revenue to East Staffordshire Borough Council over a 6 year period.

## **1.8 Conclusion**

1.8.1 The YNP is distinctly anti-growth and seeks to resist all future development which is contrary to both the scale of growth proposed by the ESLP and Central Governments' national policy imperative 'significantly boost the supply of housing.' (NPPF 47, *Gallagher v Solihull MBC* [2014] EWCA Civ 1610) Gladman contend that as a result the YNP proposes an approach which does not comply with either the Framework or PPG, and therefore it cannot be appropriate to 'make' the plan without having regard to national planning policy and guidance, furthermore it will not contribute to sustainable development and will not be in conformity with strategic policies in the development plan.

1.8.2 The YNP is not sufficiently growth orientated nor is it able to respond rapidly to changes in the market place. Gladman reiterate that the proposals through the YNP effectively act to restrict all growth by defining a tightly drawn settlement boundary. Gladman contend that an approach such as the one presented directly contradicts the policy requirements of the Framework. For these reasons the YNP gives rise to legal flaws and may be subjected to Judicial Review as it **contrary to basic conditions (a), (d), (e) and (f)**.

## 2 NATIONAL PLANNING POLICY

### 2.1 National Planning Policy Framework & Planning Practice Guidance

2.1.1 The Framework sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans and the role they must play in meeting the development needs of the local area. The requirements set out in the Framework has now been supplemented by the Neighbourhood Plan section of Planning Practice Guidance (PPG). Both the Framework and the PPG are mandatory material consideration for the purposes of basic condition 8(2) (a).

2.1.2 The Framework sets out 12 core land use planning principles, that planning should provide. Paragraph 17 states the importance of the need to;

*'Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.'*

2.1.3 The Framework sets out the Government's goal to *'significantly boost the supply of housing* and how this should be reflected through the preparation of Local Plans. In this regard it sets out specific guidance that local planning authorities must take into account when identifying and meeting their objectively assessed housing needs:

*"To boost significantly the supply of housing, local planning authorities should:*

- *Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area*
- *Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements..."*
- *Identify a supply of specific, developable sites or broad locations for growth, for years 6-10, and where possible for years 11-15" (Paragraph 47)*

2.1.4 The starting point for the identification the objectively assessed housing needs is set out in paragraph 159 of the Framework, which requires Local Planning authorities to prepare a Strategic Housing Market Assessment, working with neighbouring authorities where housing market areas cross administrative boundaries. It is clear from the Framework that the objective assessment of housing needs should take full account of up-to-date and relevant



evidence about the economic and social characteristics and prospects of the area. This is supported by paragraph 158 of the Framework which states:

*'Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated and they take full account of relevant market and economic signals'*

2.1.5 This national policy requirement must be read alongside, Paragraph 49 of the Framework which states that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local authority cannot demonstrate a five year supply of deliverable housing states.

2.1.6 Two points provided at paragraph 157 crucially require that Local Plans should:

- Plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework.
- Allocate sites to promote development and flexible use of land, bringing forward new land where necessary and provide detail on form, scale, access and quantum of development where appropriate.

2.1.7 In accordance with PPG a neighbourhood plan or Order must not constrain the delivery of important national policy objectives (Ref ID: 41-069). The Framework is the principal document setting out the Government's planning policies for England and how these are expected to be applied. What is clear from the above is that the Framework has to be interpreted as an integral whole.

2.1.8 Paragraph 16 of the Framework specifically sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. It states that:

*'The application of the Presumption (in Favour of Sustainable Development, set out in paragraph 14 of the Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:*

- *Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan.'*

2.1.9 A further national policy requirement is set out in paragraph 184 of the Framework which states the importance of the relationship between neighbourhood plans and the strategic policies in the wider area set out in a Council's Local Plan, paragraph 184 states;

*'The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them.'*

2.1.10 Before a Neighbourhood Plan can proceed to referendum it must be tested against a set of Neighbourhood Plan Basic Conditions, set out in paragraph 8 (2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). This is also underpinned in PPG at paragraph 065 of the Neighbourhood Planning Chapter, the basic conditions are as follows;

(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.

(d) The making of the plan contributes to the achievement of sustainable development.

(e) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

(f) The making of the order does not breach, and is otherwise compatible with, EU obligations, and

2.1.11 It is clear from the above requirements as set out by both the Framework and PPG that Neighbourhood Plans must conform with national policies and up-to-date strategic policy requirements set out in an adopted Local Plans. Neighbourhood Plans must take a positive approach to facilitate new development, these should not be used as a constraint to restrict growth going forward in the plans strategy.

2.1.12 In section 5 of this representation Gladman evaluate the vision, objectives and policies proposed by YNP against the set of basic conditions in order to determine whether the plan in its current form can be considered compliant with both the requirements of the Framework and PPG, for the purposes of examination and subsequent referendum.

2.1.13 Gladman consider that the YNP in its current form fails to comply with paragraphs 16 and 184 of the Framework as well as failing to meet basic conditions (a), (d), (e) and (f) which will be addressed throughout this representation. If the Parish Council fails to heed this advice and

attempts to progress to examination, the YNP should be found to have failed the basic conditions and work produced will be a waste of both Parish Council and local planning authority's time and resources. It is Gladman's view that the YNP as submitted is fundamentally flawed and requires substantial amendment and reconsideration of the policies it proposes prior to the Independent Examination of the YNP commencing.

## 3 EMERGING EAST STAFFORDSHIRE LOCAL PLAN

### 3.1 Position Post Inspector's Interim Findings

3.1.1 The emerging East Staffordshire Local Plan 2012-2031 (ESLP), will set out the spatial strategy and planning policies for development in the Borough to 2031. It was submitted to the Secretary of State for Examination on the 11<sup>th</sup> April 2014.

3.1.2 Initial hearings took place between October and November 2014. The Inspector published his interim findings on the 11<sup>th</sup> November 2014 and as a result the examination was suspended. The Inspector in his interim findings suspended the examination process to allow ESBC to undertake further work including substantial revision of the Sustainability Appraisal, assessment of objectively assessed housing need and review of the housing land supply. The interim findings are outlined as follows:

- The Inspector concluded in his interim findings that the SA was inadequate as submitted as it was still subject to public consultation when the ESLP was submitted for examination. The SA did not take into account the proposed changes through Main Modifications published since the ESLP was submitted for examination. The chosen hybrid version (Options 2c and 2d) were not tested against the assessment criteria and the selection of sites from the SHLAA for further appraisal were not subject to testing and inconsistencies throughout site assessments were found to lack justification. The Inspector found that the SA was a deficient source of evidence to support the ESLP both in respect of its technical adequacy and legal requirements and therefore the ESLP was not legally compliant. (Appendix 2: pages 2 & 3 paragraphs 8, 9, 10 & 11)
- The OAN was insufficient to support a conclusion on the adequacy of the housing land supply and was only assessed against demographic projections. The inspector found that the jobs growth scenarios which considered the Employment Land Review and carried forward into the SHMA should be included (Appendix 2: page 4, paragraph 14). The Council in its housing requirement adopts a questionable midpoint as a higher employment led total will assume a return to pre-recession economic trends within the plan period and therefore reflects the positive thrust needed to boost the growth and supply of housing (Appendix 2: page 4, paragraph 16). The inspector concludes that at the very least, the higher figure of 630 dpa should be taken as the OAN (Appendix 2: page 4, paragraph 19).
- The site selection process required further clarification and that the choice of housing allocations should be widened over a range of size and capacity to offset the reliance on

the relatively small number of Sustainable Urban Extensions (Appendix 2: page 5, paragraph 22). The Inspector stated that these are *'likely to be comparatively slow to deliver the requisite amount of housing land to restore the five year supply to the necessary level such that the policies of the ESLP once adopted would have full effect under NPPF para 49.'*

- The Inspector raised significant concerns that the Council would be unable to demonstrate a five year housing land supply of more than 4.5 years for at least several years post adoption, this is contrary to the explicit requirements of the Framework. The Council also front loaded the housing trajectory, given these circumstances it would not be appropriate to adopt the ESLP. The interim findings also states the importance of allocating additional sites. This is underpinned at paragraph 23 which states, *'This consideration further militates in favour of an increase in the number and variety of size and location of sites.'* (Appendix 2: page 5, paragraph 23)

- 3.1.3 Given the current status of the ESLP and the uncertainty over the final policies it will set for the Borough, Gladman consider that the YNP cannot progress at the present time. If the Neighbourhood Plan is advanced in its current form and the strategic policies and development requirements for the village change in the interim, then the YNP will fail to be consistent with the requirements of the Framework and PPG and will have no strategic policies in an up-to-date development plan to support its proposed anti-growth strategy and will not meet basic conditions.
- 3.1.4 Continuing with the YNP before the Council have undertaken the necessary work to make the ESLP Framework-compliant, will result in policies which do not align and accord with the strategic guidance for the district. This goes fundamentally against the requirements set out in the Framework and PPG as to how Neighbourhood Plans should be established.
- 3.1.5 The Inspector, in his report on the Devizes appeal (ref: APP/Y3940/A/13/2206963), stated at paragraph 225 that, *'the aim of transferring plan making to community level has to be balanced against wider planning considerations. As before, one of these considerations relates to the need to meet strategic and objectively assessed housing needs.'* In paragraph 231 the Inspector goes on to highlight that, *'the main aim of the NPPF is to facilitate sustainable development, not prevent it.'*
- 3.1.6 The Secretary of State in his consideration (paragraph 13) of the Inspector's report concurred that Neighbourhood Plans need to plan positively to support strategic development needs. In paragraph 15 the Secretary of State concludes that the neighbourhood plan should not promote less development than set out in the local plan or undermine its strategic policies.

- 3.1.7 Gladman therefore recommend postponement of all further work on the YNP. This is in light of both the additional work required by the ESLP to achieve legal compliance and the time that may be required to align the policies within the YNP with up-to-date policies in the ESLP. This may potentially save both abortive work and cost in preparing a strategy that will otherwise not be in compliance with the strategic development policies that cover the Borough. If the YNP continues in its approach to restrict the delivery of sustainable development **it will lead to the plan being found contrary to basic condition (a), (d) and (e) as it will not be in accordance with the principles of an up to date adopted Development Plan.**

## **4 EVIDENCE BASE**

### **4.1 Housing Need (See also Rural Solutions Report – Appendix 2)**

- 4.1.1 Gladman Developments Ltd commissioned Rural Solutions (RS) to assess whether the development proposals set out in the consultation draft YNP will achieve the sustainable development and local planning objectives, as set out in the Framework and ESLP. The full report can be found at Appendix 2. Gladman reiterate points made in our previous representation which the Parish Council have failed to take into account, providing mainly short and dismissive responses to the points raised by Rural Solutions in the YNP Consultation Statement (pages 54 – 57, YNP Consultation Statement).
- 4.1.2 The RS report highlights that the proportion of the Yoxall community comprising people of retirement age has increased significantly since 2001. This has been at the expense of people of working age, a sector of society which has declined. These demographic changes in Yoxall will exert a negative influence on the future vitality and viability of the community.
- 4.1.3 An ageing population will be less able and less well-equipped to maintain local services, facilities and activities. Decline in the working age population has reduced the economic capacity of the community and is increasing its “total dependency ratio”. Growth in the school aged population is pegged back by a fall in the pre-school age population.
- 4.1.4 The greatest concern identified in the RS report, is related to the continued reduction of the working age population as a proportion of the community. This will mean that the Total Dependency Ratio, Child Support Ratio and Elderly Support Ratio will all continue to worsen along with a decline in economic activity levels and the potential impacts this will have on the community if not addressed through appropriate levels of new housing.

### **4.2 Local Evidence of Housing Need**

- 4.2.1 The local evidence of housing need that supports the YNP is set out at Appendix C of the document. This sets out a summary of a housing survey questionnaire, which took place in July 2012. The first point in this regard is that this survey does not comprise an assessment of need (that might be aligned with evidence from housing registers, for example), rather it sets out an exercise that simply sought the opinion of existing households.
- 4.2.2 The survey states that 600 questionnaires were delivered to households in Yoxall, which is well below the 810 households that exist within the Parish. No explanation has been provided

for the failure to contact 200 households and which households were omitted. The survey had a disappointingly low response rate of 28% and in any case, even if the survey were a valid exercise, it is questionable whether the findings would have been statistically significant, such as to form a reliable basis for assessment.

- 4.2.3 The survey summary sets out that 81 questionnaires (49% of the respondents) wanted further housing development. Within Sub-section 1 of Appendix C, it shows that 65 of these respondents (80%) stated a need for a "First Time Buyer" home whilst a further 16 respondents (20%) stated a need for Social Housing. Whilst the findings of the survey are questionable, from this relatively small sample of respondents it can be deduced there is a need for at least 65 new first time buyer homes alone, some or all of which should be in the form of affordable housing. The basic indications of this assessment, which merit further investigation, suggest demand for housing in the settlement. These findings do not appear to have had any bearing on YNP's proposed development strategy or housing requirement.
- 4.2.4 In addition, when questioning the potential level of housing growth which residents would like to see in Yoxall, the questionnaire does not give an option higher than 25 units. If the correct evidence was available, it is likely that a wider range of options would have been presented. Indeed, it ignores the fact that a single site of 40 units has planning approval in the village, so the 25 unit threshold is wholly arbitrary.
- 4.2.5 In accordance with PPG, paragraph 40 of the Neighbourhood Planning Chapter states, *'Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals of an Order.'* The YNP has failed to take account of the guidance contained in PPG as it is not supported by a robust evidence base to explain its intention to restrict the ability of any future growth.
- 4.2.6 It can be concluded from the above that the housing survey is not an appropriate assessment of housing need in Yoxall. It does not take into account concealed households, natural population growth, demographic rebalancing or affordable need. Consequently the draft YNP as presented for consultation was flawed from the outset; it is incapable of planning positively to support local development needs, as is required by paragraph 16 of the Framework as the needs have not been adequately or robustly investigated.
- 4.2.7 The approach taken by YNP is fundamentally contrary to the provisions set out in the National Guidance and Policy. The YNP cannot be considered to be based a robust evidence base and is therefore **contrary to basic condition (a)**.



### **4.3 Yoxall Settlement Character Analysis (Appendix 2)**

- 4.3.1 Appendix B of the YNP sets out the settlement and landscape character for Yoxall and identifies the various constraints which are present within the Parish. The analysis sets out that the western edge of the settlement is sensitive due to public view points and a relationship with the 70m contour.
- 4.3.2 The analysis acknowledges there are no 'landscape features' and this area of the settlement is not the subject of any formal or informal landscape designation. Gladman maintain that the assessment of constraints follows no established assessment methodology for landscape or visual impact and the proposal to constrain any development in this location is therefore wholly evidenced and arbitrary. The assessment simply relies upon the fact that land west of Yoxall lies slightly above the 70m contour line, however this should not be viewed as a means to restrict development.

### **4.4 Site Selection Process**

- 4.4.1 Appendix D of the YNP sets out the Site Selection Process that has been undertaken for residential development in Yoxall. The process was based on a traffic light scoring system, setting out the appropriateness for development (poor, average or high) for the three most popular sites identified by residents in July 2013. Having reviewed these assessments, it would appear some sites have been scored down in a subjective and popularist approach, rather than an approach founded on sound and credible evidence.
- 4.4.2 The YNP should identify and review all potential development sites surrounding the settlement and assess them against their relative sustainability merits, taking into account valid constraints. It is this evidence, aligned with the correct and proportionate housing needs evidence, which should then inform allocations.
- 4.4.3 PPG paragraph 42 of the Neighbourhood Planning chapter states '*A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.*' Gladman contend that the YNP has neglected to carry out this assessment in accordance with PPG. Without the qualifying body undertaking the assessment outlined above, the YNP cannot be considered to be based a robust evidence base and is therefore **contrary to basic condition (a)**.

- 4.4.4 Gladman note that the evidence base fails to take into account the guidance provided by PPG on a number of policies contained in the YNP. Without taking into account national guidance, the objectives and policies contained YNP are fundamentally flawed from the outset.

## **4.5 Neighbourhood Plan Meeting Minutes**

- 4.5.1 The Neighbourhood Planning chapter of PPG provides at para 15 that the relationship between any group and the formal functions of the town or parish council should be transparent to the wider public. The terms of reference for a steering group or other body should be published and the minutes of meetings made available to the public. Gladman note that Neighbourhood Plan minutes on the Parish Council website appear to be incomplete and do not provide a full account of the Neighbourhood Plan preparation and production. Gladman ask that the Parish Council publish all minutes regarding the YNP for this period and for any future YNP meetings as soon as possible.

## 5 YOXALL NEIGHBOURHOOD PLAN

### 5.1 Aims and Objectives

5.1.1 Gladman have major concerns regarding the aims and objectives set out within the YNP and their ability to meet Basic Conditions (a), (d) and (e). Gladman would like to reiterate points made in our previous representation which the Parish Council has failed to take into account. The Consultation Statement produced by the Parish Council simply responds to previous concerns regarding the strategic aims, with brief and dismissive statements such as *“No action required. The Draft Plan is working to the guidance provided by ESBC for 40 homes”* (YNP Consultation Statement, pg. 31). Gladman believe this approach underlines the general negativity versed throughout the YNP and the lack of the detailed consideration of national policy and guidance which requires that a neighbourhood plan must seek to meet local housing need, above that required by the strategic elements of the Plan.

#### Strategic Aim 1

5.1.2 Strategic Aim 1 sets out the need to accommodate new housing development which satisfies strategic growth requirements, fulfils local housing needs and enables locally needed infrastructure to be delivered. The Neighbourhood Plan correctly identifies the need to fulfil local housing needs. Within the supporting text, Objective 1A identifies the need to deliver the amount of housing required by the emerging East Staffordshire Local Plan 2011-2031.

5.1.3 Whatever the outcome of the ESLP, the housing allocation derived from the emerging Local Plan that informs the YNP should be regarded as a minimum requirement, as highlighted by the Inspector in his Interim Findings<sup>1</sup>.

***“It is necessary to make clear that the stated housing requirements of ESLP are in no way to be regarded as ceilings but as minima”***

5.1.4 The distribution of housing in the ESLP should therefore only be the starting point for the preparation of the YNP. Clearly, in order to meet Strategic Aim 1 and ‘fulfil local housing needs’, Yoxall Neighbourhood Plan will have to revisit its evidence base, including demographic rebalancing, affordable need and newly arising need within the Parish.

5.1.5 Once an appropriate assessment of need has been completed, the Council should either apportion housing not merely in accordance with the ESLP but adjusting the minimum housing requirement upward to meet the objectively assessed needs accordingly.

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<sup>1</sup> Inspectors Interim Findings – Document E.19 paragraph 21

5.1.6 Currently Objective 1a does not comply with paragraph 16 of the Framework and paragraph 44, 69 and 70 of PPG (Neighbourhood Planning Chapter), Objective 1A should state:

***“To deliver the amount of housing identified by both the emerging East Staffordshire Local Plan and the objectively assessed housing need of Yoxall.”***

5.1.7 Further, Objective 1B states the need to provide the type and size of housing development required to meet local housing needs including smaller, more manageable dwellings suitable for older persons. The only greenfield site which has been included within the settlement boundary ‘Land at Leafields farm’ has now received planning permission for 40 dwellings (P/2014/00039), of which 15% (6 dwellings) are providing affordable homes. This permission alone fails to adequately address the basic indication of housing need collated locally, as demonstrated in section 5 of this representation.

5.1.8 Paragraph 44 of the Neighbourhood Planning Chapter in PPG states: *‘A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan’.*

5.1.9 The Parish Council have adopted an unjustified stance that 40 dwellings is the strategic requirement until 2031 (in circumstances where the requirement has yet to be found sound) for the Neighbourhood Plan and therefore will not allocate for any further housing developments. This approach is contrary to the guidance set out in PPG, which at paragraph 70 of the Neighbourhood Planning chapter states *‘Qualifying bodies should **plan positively** to support local development shaping and directing development in their area that is **outside the strategic elements of the Local Plan’.***

5.1.10 Furthermore Yoxall is included within the emerging Local Plan settlement hierarchy as a ‘Tier 2 Local Service Village’ which requires villages to ‘meet local needs’. The YNP has failed to meet those needs identified through the basic survey undertaken locally, (without prejudice to our basic position that those needs have not been robustly investigated).

5.1.11 Unless the YNP revisits its evidence base and allocates additional sites for development, it will fail to meet its own objective and fail to conform to both National and Local Policy. SA1 would therefore fail to meet **basic conditions (a), (d) and (e) of the Act.**

## Strategic Aim 2

- 5.1.12 Strategic Aim 2 seeks to restrict the majority of new development to within the settlement boundary. Whilst there is a conservation area and flood zone to the east - the northern, western and southern boundary of Yoxall is not constrained by any statutory or national policy designations. Therefore, there is no reasoned justification as to why development should not be located outside of the settlement boundary in these areas.
- 5.1.13 On the available evidence, it would seem the settlement boundary has been proposed primarily as a means to restrict development. This approach is not consistent with the Framework and it will have the unintended consequence of undermining the emerging Local Plan and of restricting the achievement of national policy objectives.
- 5.1.14 Paragraph 69 of the PPG makes clear: "A neighbourhood plan or Order must not constrain the delivery of important national policy objectives." These include objectives relating to housing (e.g. boosting significantly the supply of housing) or economic development objectives.
- 5.1.15 Further, it is currently impossible to know if these objectives are being prejudiced and unnecessary constraints are being imposed as the emerging plan is a considerable way from successful examination and adoption and the YNP evidence base is severely lacking and would fail when tested against Basic Conditions (a), (d) and (e).
- 5.1.16 Objective 2A of Strategic Aim 2 should be amended to state:
- "To define a Settlement Boundary for Yoxall which accommodates both the strategic housing growth allocation and identified local housing need for the village"***
- 5.1.17 It is therefore considered the YNP must wait to define any settlement boundaries until all evidence is available from the ESLP and local housing need assessments.
- 5.1.18 The Parish Council have disregarded all of the recommendations that Gladman have previously provided in relation to the aims and objectives of the Plan. The YNP is based on a clear intention to constrain the delivery of future sustainable development, specifically through the approach undertaken by Strategic Aim 1 and 2, both of which are contrary to paragraphs 14 and 47 of the Framework and therefore fails to provide a positive approach to plan making. Gladman submit that the YNP's vision and objectives, specifically the YNP's implementation of Strategic Aim 1 and 2 are therefore directly **contrary to basic conditions (a), (d) and (e).**

## 5.2 Housing Policies

5.2.1 Gladman have major concerns regarding the housing policies contained within the YNP and their ability to meet Basic Conditions (a), (d) and (e). Gladman would like to reiterate points made in our previous representation which the Parish Council has failed to take into account. The consultation statement produced by the Parish Council simply responds to previous concerns regarding housing policies with a brief statement providing that the policies have been revised (YNP Consultation Statement, pg. 45), however upon reading the amended policies, the Parish have failed to make any practical revisions at all or conscientiously to take into consideration Gladman's consultation representations.

### **Policy H1: Development inside Yoxall Settlement Boundary**

5.2.2 Policy H1 sets out that a maximum of 3 new dwellings will be permitted on small infill or redevelopment sites and a maximum of 20 dwellings will be allowed inside of the settlement boundary. Policy H1 provides that development outside the settlement boundary will not be permitted with the exception of specific forms of small scale development set out in Policy H2.

5.2.3 Gladman again submit that until the ESLP has been finalised it is not possible to set the reasonable requirements of this policy. Furthermore the reference to infilling is unrealistic and highly misleading to consultees when there are no sites for infilling to occur.

5.2.4 The figure of 20 infill dwellings is based purely on a ESBC Planning Officer's recommendation provided in the Yoxall Consultation Statement, which states: *"A figure of, say 'approximately 20' might have more credibility, whilst still representing an average of little over 1 unit per year."* (Yoxall Development Plan Consultation Statement, pg 21).

5.2.5 Policy H1 is literally a policy of 'containment' and is not based on a robust evidence base as required by PPG. It would be more appropriate for this policy to support windfall developments where they are consistent with achieving sustainable development, without an arbitrary constraint on units.

5.2.6 Gladman believe that the overall level of growth proposed for allocation by the Neighbourhood Plan to be unsound. As previously outlined in this representation, the 40 dwellings derived from the ESLP may be subject to change and the additional 20 dwelling windfall allowance is not founded on any credible evidence. Indeed, and as highlighted, it does not even reflect the the basic evidence of need which has been collated locally (and which is almost certainly an under-estimate).

- 5.2.7 Given the significant doubt and objection towards East Staffordshire's housing requirement, proposing a housing target of 60 dwellings would, in this instance, be potentially prejudicial to the ESLP and any housing target found sound therein. If the emerging Local Plan target was increased as a result of the examination process, Policy H1 would become immediately out-of-date, undermining all the work undertaken to date.

### **Policy H2: Development outside Yoxall Settlement Boundary**

- 5.2.8 The Policy which flows from Strategic Aim 2 is, perhaps predictably, unnecessarily prohibitive and inflexible. Policy H2 provides that development outside of the settlement boundary will only be permitted for small scale housing growth on small infill or redevelopment sites outside the settlement boundary, if it satisfies the following criteria:

- *Affordable housing on a rural exception site;*
- *Makes a positive contribution to environmental sustainability;*
- *Enhances the character of the area;*
- *Brings redundant or vacant historic buildings back into beneficial re-use; and*
- *Development is of a scale commensurate with the size of the settlement*

- 5.2.9 Even if the correct boundary had been identified through the proper process mentioned above, there is no flexibility within the policy to provide for situations of undersupply of market housing in the Borough (resulting from the likely non-delivery of the Borough's large strategic sites). Gladman consider this approach to development is fundamentally contrary to the presumption in favour of sustainable development as outlined by paragraph 14 of the Framework and embodied in the emerging ESLP. It is therefore in conflict **with Basic Conditions (a), (d) and (e)**.

- 5.2.10 A settlement boundary is the most restrictive form of policy constraint after a strict numbers cap. Where the settlement boundary is tightly drawn around a fixed allocation it acts in precisely the same way as a numerical cap. Reference to infilling and redevelopment is unrealistic and highly misleading when there are no sites for infilling to occur. Policy H2 is literally a policy of 'containment'. The policy severely restricts the delivery of market housing outside the settlement boundary, which has been very tightly drawn on the Policies Map to include the limited land that the plan allocates but nothing further.

- 5.2.11 Gladman submit that the following would be more consistent against this national policy context:

*“Development will be permitted in the open countryside adjacent to the existing settlement provided that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits of doing so.”*

- 5.2.12 Gladman believe that this approach reflects a positive attitude to development, allowing for the development needs of the village to be met in the future, without detriment to the existing environment of the village and objectives of the YNP.
- 5.2.13 Worryingly, the supporting text to Policy H2 states: *“....to place a numerical limit on the amount of new housing development that will be permitted outside the Settlement Boundary over the plan period.”*
- 5.2.14 As stated earlier in this representation, the Inspector for the ESLP has provided that the housing requirement should be considered **a minimum**. The reference to a numerical limit must therefore be deleted.
- 5.2.15 The YNP is essentially predicated on policies contained in the ESLP, it is clear that the strategic policies of the ESLP failed to provide a housing land supply sufficient to meet the OAN and following the Inspector’s recommendations, a minimum of the higher figure identified by the OAN (630dpa) is required to deliver the housing requirement. If the YNP progresses to independent examination in its current form, it will result in a plan that acts to obstruct the strategic policies of the emerging ESLP rather than supporting it.
- 5.2.16 The Yoxall Neighbourhood Plan does not allocate any development proposals beyond the tightly drawn settlement boundary and provides no flexibility or contingency, apart from small infill sites for affordable housing, for circumstances where the proposed strategic allocations may not come forward as planned. This does not demonstrate a positive approach to planning. It is restrictive and anti-growth contrary to the provisions of national policy and guidance. In their current form, housing policies H1 and H2 would **fail basic conditions (a), (d) and (e)**.
- 5.2.17 Finally, Gladman re-emphasise that a settlement boundary cannot be established for Yoxall until a robust evidence base has been provided which identifies the local housing need of the Parish.

### **5.3 General Policies**

#### **Policy D1: Protecting and Enhancing the Historic Rural Character of Yoxall**



5.3.1 Policy D1 provides the policy for protecting and enhancing the historic rural character of Yoxall. The policy sets out that development must protect, complement or enhance the historic character of Yoxall and its hinterland, identified in the Yoxall Village Design Statement and Yoxall Character Analysis. The policy goes on to state that Design and Access Statements must explain how the development will achieve the above criteria, in regard to the scale of development; density of development; materials used in the development and elevated views of Yoxall village and its landscape setting.

5.3.2 The contents of this policy are then repeated in Policy D2, "The Design of New Development". Gladman believe that Policy D1 and D2 are essentially the same policy. Policy D1 is purely an abbreviated version of Policy D2 and there is no need for repetition, as both policies relate to matters of design and require development to respect and enhance local character in the context of the Yoxall Character Analysis and Village Design Statement.

#### **Policy T1: Traffic Impact Assessments**

5.3.3 Gladman maintain Policy T1 should be deleted. It is inconsistent with national policy, which requires that only developments which generate 'significant' amounts of movement should be supported by a Transport Assessment. The threshold for a Transport Assessment or Transport Statement should not therefore be redefined by a neighbourhood plan and the highways evidence required to support planning applications should remain at the discretion of the Local Planning Authority.

#### **Policy RE1: Flood Risk**

5.3.4 Gladman maintain that this policy goes over and above what is required by Neighbourhood Planning. The policy approach seeks to implement a series of flood risk mitigation measures, this is more suited to be dealt with by both national and local planning policy and guidance. Therefore this policy should be deleted from the YNP.

#### **Policy E1: Supporting Local Employment**

5.3.5 Policy E1 provides that both the development of new small business and the expansion of existing businesses will be permitted providing that it can be demonstrated no adverse impacts will be caused as a result of the development. Gladman maintain that this approach is inconsistent with national policy and it is unnecessarily prohibitive. The policy should be amended to make it clear that development will be permitted where there are 'no unacceptable adverse impacts'.

- 5.3.6 Policy E1 goes on to state that development proposals for new development must provide a Connectivity Statement setting out how the development will help achieve a fibre optic connection to the nearest connection chamber in the public highway. Gladman maintain their serious concerns over the deliverability of this policy and it may preclude perfectly acceptable development that may not be able to provide ducting or achieve connectivity to the broadband network. The policy should be amended to require development to achieve fibre optic connection where practical and feasible.

**Policy S6: Flooding**

- 5.3.7 Gladman contend that this policy goes over and above what is required by Neighbourhood Planning. The policy approach seeks to implement a series of flood risk mitigation measures, this is more suited to be dealt with by both national and local planning policy and guidance. Therefore this policy should be deleted from the YNP.

## 6 STRATEGIC ENVIRONMENTAL ASSESSMENT

- 6.1.1 Gladman do not consider that the SEA is adequate or sufficiently robust to meet the EU obligations. The Draft SEA is far too simplistic and was prepared very late in the process, rather than at a sufficiently early stage to guide, structure and shape policy preparation.
- 6.1.2 In *Ashdown Forest Economic Development LLP v SSCLG and Wealden DC* [2014] EWHC 406 (Admin) , Mr Justice Sales held at paragraph 97 that: *“The court will be alert to scrutinise its choices regarding reasonable alternatives to ensure that it is not seeking to avoid that obligation by saying that there are no reasonable alternatives or by improperly limiting the range of such alternatives which is identified.”* reflecting the earlier High Court authorities of *Save Historic Newmarket v. Forest Heath District Council* [2011] EWHC 606 and *Heard v. Broadland District Council* [2012] EWHC 344 where plan-making bodies, as here, artificially and unlawfully constrained the alternatives assessed and failed to provide adequate reasons to justify the choices made. An SEA / SA must inform the production of the plan from the outset, as set out in paragraphs 028 and 029 of PPG PPG Strategic Environmental Assessment and Sustainability Appraisal. This has not been achieved.
- 6.1.3 There has been no attempt to assess an alternative of a specified higher housing figure for the village above the 40 dwellings proposed. There has been no attempt to examine the Gladman site at Lightwood Road although this is subject to a planning application and the application and its evidence base are well-known to those preparing the plan. The SEA is therefore fundamentally flawed in relation to the assessment of reasonable alternatives, with a very limited narrative and any evidential analysis or scoring that underpins the policy selection. The SEA appears to have been prepared simply on a retrospective basis as an attempt to justify the proposals in the neighbourhood plan which had already been pre-determined, rather than being an iterative and informative process throughout plan preparation. The SA document is not transparent about how the policies were assessed and how the various scoring exercises were undertaken. We renew our request set out above that the full evidence base and details of the authorship, duration and nature of the Draft SEA Report exercise are set out in full.
- 6.1.4 The Neighbourhood Plan is therefore proceeding towards adoption contrary to Regulation 8 of the Environmental Assessment of Plans and Programmes Regulations 2004 (“EAPP”), transposing the SEA Directive 2001/42/EC, to take into account “(a) the environmental report for the plan or programme;” because the environmental report does not meet that definition. In particular, it has failed to identify, describe and evaluate the likely significant effects on the environment including in respect of reasonable alternatives, contrary to Regulation 12(2)(b) and Schedule 2, paragraph 8.

- 6.1.5 **The Yoxall Neighbourhood Plan does not meet basic condition 8(2) (f): The making of the plan will breach, or otherwise be compatible with EU obligations, notably the SEA Directive and the SEA Regulations.**

## 7 YOXALL NEIGHBOURHOOD PLAN BASIC CONDITION STATEMENT

7.1.1 Urban Vision have prepared a Basic Condition Statement to accompany the Yoxall Neighbourhood Development Plan. Gladman believe this condition statement to be fundamentally flawed as it fails to take into account guidance published in PPG. Additionally the statement undertakes a broad brush approach to its policy appraisal, failing to identify key sections of the Framework. The Neighbourhood Planning Chapter of PPG at paragraph 9 states:

*“Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the Local planning authority should discuss and aim to agree the relationship between policies in:*

- the emerging neighbourhood plan*
- the emerging Local Plan*
- the adopted development plan*

***With appropriate regard to national policy and guidance.”***

7.1.2 The basic condition statement has made no reference to PPG throughout the document. The statement therefore does not adequately assess the objectives, aims and policies contained within the YNP against national guidance. Furthermore the basic condition statement provides only a very simplistic, broad-brush assessment against the Framework, notably failing to identify whether there has been compliance with key paragraphs such as: NPPF 14, 16, 17, 47, 49, 55, 157, 159 and 182.

7.1.3 Gladman would therefore question validity of this statement to robustly assess the policies and proposals contained within the YNP, against the basic conditions set out in paragraph 8 (2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended by section 38a of the Planning and Compulsory Purchase Act 2004).

## **8 SITE SUBMISSION**

### **8.1 Land at Lightwood Road, Yoxall**

8.1.1 Gladman Developments (Gladman) have land interests in Yoxall at land off Lightwood Road and are actively working to promote the site for residential development. An outline application for up to 170 residential dwellings is currently pending determination by East Staffordshire Borough Council (ESBC) (ref: P/2014/01664). Gladman consider the site to be suitable, available and deliverable and is capable of accommodating a number of dwellings including affordable housing, and useable public open space. A Location Plan and Development Framework Plan can be found at Appendix 1 of this document.

8.1.2 The supporting documents provided within the planning application show that the site and receiving environment have the capacity to accommodate the proposals. The proposals will not result in significant harm to the landscape character or visual environment and, as such, it is considered that the proposed development can be successfully integrated in this location, is supportable from a landscape and visual perspective. Gladman consider that the site is suitably located with good access to existing facilities.

8.1.3 The Yoxall Neighbourhood Plan sets out a number of aspirations for Yoxall, including:

- provide development which meets local housing need enables locally needed infrastructure;
- Preserving and enhancing public open space and the footpath network;
- development which would not increase the risk of flooding;
- preserves and enhances habitats and native landscapes

8.1.4 The development proposals have carefully considered the aspirations of the neighbourhood plan and have designed a scheme accordingly. The proposal will provide a well-designed scheme which helps to meet the local housing need and will contribute towards the provision and maintenance of locally needed infrastructure. The proposal will provide new homes which help sustain the vitality and viability of local services and facilities for future years.

8.1.5 The existing Public Right of Way which runs along the eastern boundary of the site will be maintained and enhanced as part of the development proposals. Furthermore development of the site will reinstate a former permissive public footpath which runs along the southern boundary of the site, linking into the wider PROW network to the west.

- 8.1.6 A significant component of the green infrastructure proposals will be the provision of two key major public open spaces along the southern boundary. Public Open Space to the south west will provide the main provision of open space whilst an informal public open space incorporating an attenuation pond will be located to the south east. These high quality landscapes will promote an over-riding rural ambience and provide subtle gateway elements to the threshold of the Yoxall village as experienced from the western approach of Bondfield Lane. Finally, the scheme will be providing additional trees and hedgerows, which will help provide a habitat to maintain and enhance local wildlife. The Design & Access Statement submitted with the application can be found at Appendix 4 of this document.
- 8.1.7 Further, there are a number of social and economic benefits which would flow from development of this site. The proposed development will have an estimated construction spend of £17.5 million. The construction phase would support approximately 155 FTE (Full-Time-Equivalent) construction jobs spread over a 5 year build-out and an additional 169 FTE indirect jobs in associated industries. The scheme will deliver an additional £4.3 million of direct GVA over the build period. The development of 170 dwellings could be home to 408 new residents who could be expected to be economically active and in employment. Residents could generate total gross expenditure of £3.8m annually. In addition, the development would generate a New Homes Bonus payment of £1.6m over a 6 year period and Council Tax payments of approximately £2m over a 10 year period. Clearly, there are major economic benefits to this scheme, which would be felt not only by Yoxall but across East Staffordshire. The Planning Statement submitted with the application can be found at Appendix 3 of this document.
- 8.1.8 Given the need for housing within both the district and the locality, the application site represents an appropriate and logical extension to the settlement that will not compromise the integrity of the open countryside setting of Yoxall nor its heritage assets.

## 9 CONCLUSIONS

### 9.1 Assessment against the Basic Conditions

- 9.1.1 Gladman raise significant concern that the YNP in its current form is distinctly anti-growth and seeks to resist future growth by a number of policies which seek to constrain the ability of new sustainable development proposals from coming forward. The YNP does not allocate any land for residential development and instead relies on small scale infill level development and one current permission to facilitate its future housing need. The YNP fails to plan positively in a number of approaches and fails to recognise Yoxall's role in the development hierarchy.
- 9.1.2 The Inspector suspended the EIP following the publication of the interim findings to the emerging ESLP which addressed a number of key concerns that will need to be resolved before the plan can found to be in compliance with the Framework. It is clear that the YNP in its current form fails to take a positive approach and obstructs the emerging ESLP rather than supports it. Furthermore, the YNP as proposed is inflexible and lacks the appropriate policy to adapt to rapid change that has arisen following the Inspector's interim findings on the emerging ESLP.
- 9.1.3 The YNP contains a series of fundamental flaws not only in terms of its conflict with or lack of conformity with local and national policy, but lacks clear, robust and up-to-date evidence to support a number of its objectives and policies. Several areas of the Yoxall Neighbourhood Plan need to be addressed by a fundamental overhaul to the development strategy, failure to do so will undoubtedly lead to the plan being found unable to meet a number of basic conditions at Independent Examination.
- 9.1.4 Gladman note the Larkfleet Homes case *R(Larkfleet Homes) v Rutland CC* [2014] EWHC 4095 (Admin)) which states, *'There are a number of steps which have to be taken by planning authorities in drawing up plans setting out policies which apply in their area. The statutory provisions are complex and as will become apparent, not always well drafted. They also involve relatively lengthy processes and inquires which does nothing to reduce expense that has to be incurred. However, it is of obvious importance that all necessary procedures are followed and that powers are not misused.'* Gladman also refers to the commentary provided by the Planning Minister, Brandon Lewis MP, at the Planning (Community Right of Appeal) debate (20<sup>th</sup> Jan 2015) which follows from the Larkfleet Homes case and states that, *'interested parties can raise all issues that they are concerned about at each stage of the process, in the knowledge that the decision maker is required to have regard to their views in making a decision.'*



9.1.5 The YNP contains a number of matters which contravene the following basic conditions:

**(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State,**

- Gladman contend that the strategy as proposed by the Yoxall Neighbourhood Plan's vision, development strategy and a number of policies, including their supporting text, seek to constrain the delivery of sustainable housing development. This is in direct conflict with the National Planning Policy Framework.

- The Yoxall Neighbourhood Plan fails to have any regard to the advice and guidance contained in PPG.

**(d) The making of the order contributes to the achievement of sustainable development,**

- A number of policies throughout the Yoxall Neighbourhood Plan actively seek to constrain the ability for development to come forward and are used as a mechanism to prevent future sustainable development.

-The plan provides no flexibility or contingency. Therefore the Yoxall Neighbourhood Plan will fail to maintain the village's vitality and will not provide housing of a scale to meet localised or District-wide needs. This will lead to a decline in key facilities and essential services and will have a direct impact on the demographic profile of Yoxall.

**(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area (or any part of that area),**

- The emerging ESLP has been subject to an Inspector's scrutiny with regards to the Inspector's interim findings which raised significant concern on a number of aspects regarding the preparation of the ESLP. Therefore there is no sound or up-to-date, adopted local development plan against which the YNP can be prepared against. Gladman have raised significant concerns regarding the soundness of the ESLP. Progression with the YNP at this time will result in the YNP not being able to meet the basic conditions as it actively seeks to obstruct the progression of the ESLP's strategic policies. The YNP should not be progressed until the necessary work has been undertaken by ESBC and is found to be in compliance with the Framework. Failure to do so will impact on the ability of the YNP to progress to independent examination as it will not support the strategic policies contained in the development plan for ESBC.

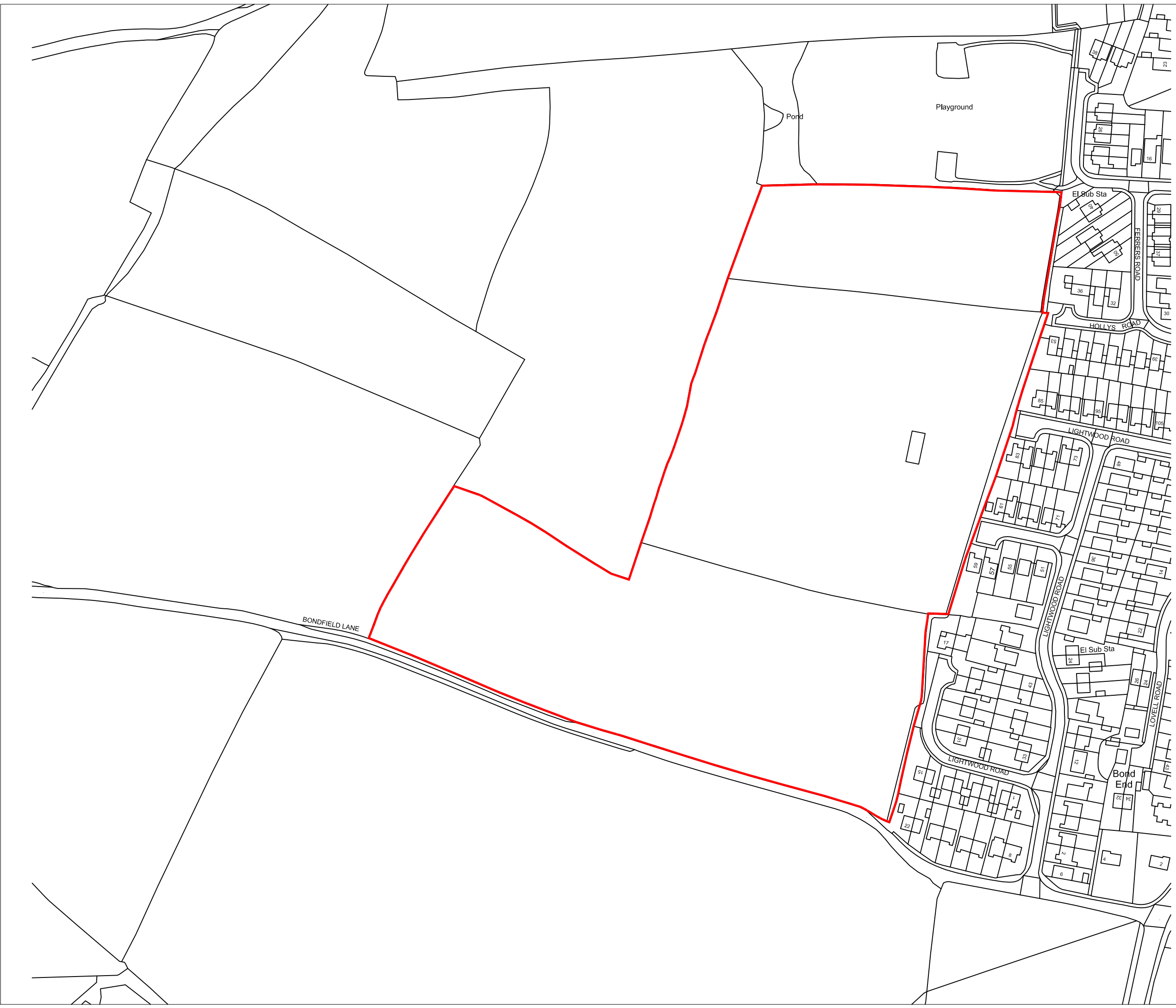
- The Yoxall Neighbourhood Plan lacks a credible evidence base in order inform an intelligent policy response.

**(f) The making of the order does not breach, and is otherwise compatible with EU obligations.**

- Whilst an SEA has been undertaken, Gladman do not consider this to be lawful on account of its failure to assess reasonable alternatives, nor it is sufficiently detailed and robust in respect of the identification of significant environmental effects to meet the EU obligations.

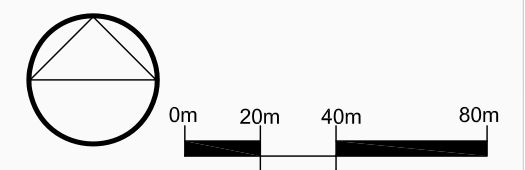
9.1.6 Gladman would like to remain involved throughout the preparation of the YNP and therefore request to be added to the consultation database. Gladman wish to take part in the hearings session(s) of the examination of the Neighbourhood Plan and would like to be notified of the Council's decision to "make" the plan.

# **APPENDIX 1: Site Location Plan and Development Framework Plan**



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KEY:  
 Site Boundary

REV	DATE	NOTE	DRAWN	CHK'D
REVISIONS				



TITLE  
**Land off Lightwood Road, Yoxall  
 Location Plan**

CLIENT  
**Gladman Developments Ltd**

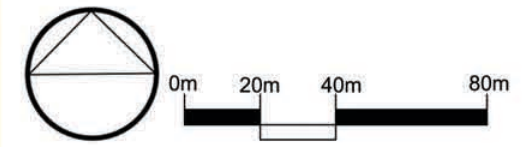
SCALE 1:2000@A3	DATE JAN 2015	DRAWN SLB
DRAWING NUMBER 5448/ ASP01		REVISION





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- Key:
- Application Site Boundary  
7.36ha
  - Potential Developable Area  
5.76ha
  - Public Open Space Areas  
1.6ha
  - Proposed Vehicular Access Points
  - Proposed Primary Roads
  - Balancing / Attenuation Pond
  - Boundaries to be Reinforced and Enhanced
  - Key Vegetation Structure
  - Existing Public Rights of Way
  - Retained Permissive Footpath Link
  - Key Views
  - Proposed Vegetation Structure

REV	DATE	NOTE	DRAWN	CHK'D
E	13.01.15	Updated red line	SLB	RF
D	15.12.14	Updated to client comments	RF	RF
C	11.11.14	Updated to client comments	RF	RF
B	28.10.14	Updated to team comments	SLB	RF

REVISIONS

**aspect** landscape planning

TITLE  
 Land off Lightwood Road, Yoxall  
 Development Framework Plan

CLIENT  
 Gladman Developments Ltd

SCALE	DATE	DRAWN
1:2000@A3	JUN 2014	SB
DRAWING NUMBER	REVISION	
5448 / ASP03	E	



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## **Appendix 2: Rural Solutions: Demographic and Viability Outcomes**

# **Yoxall Neighbourhood Development Plan Demographic & Vitality Outcomes**

**Prepared for: Gladman Developments Limited**

**Prepared by: Rural Solutions Ltd**

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Canalside House  
01756 797501  
Brewery Lane  
info@ruralsolutions.co.uk  
Skipton  
ruralsolutions.co.uk  
North Yorkshire  
England No. 6839914  
BD23 1DR  
8082 90

Registered in  
VAT Registration No. 972

---

Canalside House

01756 797501

Brewery Lane

[info@ruralsolutions.co.uk](mailto:info@ruralsolutions.co.uk)

Skipton

[ruralsolutions.co.uk](http://ruralsolutions.co.uk)

North Yorkshire

England No. 6839914

BD23 1DR

8082 90

Registered in

VAT Registration No. 972



- I.1. Rural Solutions has been instructed by Gladman Developments Ltd to assess whether the development proposals set out in the consultation draft Neighbourhood Development Plan will be likely to achieve objectives relating to sustainable development set out in the National Planning Policy Framework, the East Staffordshire Local Plan and in the draft Neighbourhood Plan.
- I.2. In order to do so we have used the evidence presented in the Neighbourhood Plan, the emerging Local Plan for East Staffordshire and Census data published by the Office for National Statistics (ONS)
- I.3. Our assessment raises concerns about the ability of the development provided for in the draft Neighbourhood Plan (draft policies H1, H2, H3 and E1) to accord with the emerging planning policy framework as set out in the East Staffordshire Local Plan which is subject to examination. In particular the draft neighbourhood plan attempts to set limits on the numbers of new housing that can be provided within the plan period and proposes a restrictive policy framework for housing delivery. This is at odds with the comments of the Local Plan Inspector's interim findings<sup>1</sup> published following the conclusion of examination hearings. The Inspector commented:
- "It is (also) necessary to make clear that the stated housing requirements of the ESLP are in no way to be regarded as ceilings but as minima."*<sup>2</sup>
- I.4. The inspector also made clear that he had concerns about whether the Council was planning to meet its full Objectively Assessed Housing Need. In his report he comments:
- "...on the evidence available, it appears that, at very least, the higher figure of 630dpa should be taken as the OAHN. That alone would result in an overall increase of 323 units in the total requirement. This would be in circumstances where the ESLP itself shows that, after taking account of commitments since 2012, its allocations would already only just meet the requirement as submitted."*<sup>3</sup>
- I.5. The Inspector also made it clear that whilst the overall spatial strategy is essentially sound challenges to the strategy remain around the quantum and distribution of development within settlements (paragraph 12). The inspector also suggests the need to increase the number and variety of size of allocated sites (paragraph 22).

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<sup>1</sup> Document E.19 interim findings by the Inspector

<sup>2</sup> Document E.19 paragraph 21

<sup>3</sup> Document E.19 paragraph 19

- 1.6. Our concerns relate to the need to ensure the future vitality and viability of the community of Yoxall and its ability to continue to fulfil its role and function and to meet a range of local development needs (Yoxall Strategic Aim 1).
- 1.7. In order to do this the Neighbourhood Plan must enable sustainable development that will enhance and maintain the communities' vitality.
- 1.8. Rural Solutions has assessed the vitality of the community and in doing so has considered its demographic balance. This assessment has identified an emerging weakness that is likely to prejudice future vitality. . Analysis of data reported in the 2001 and 2011 Census show that between the two Census dates:
- The number of dwellings reported in the parish has increased by 18 (2.3%) from 792 (2001) to 810 (2011)
  - The number of households reported in the parish has increased by 45 (5.9%) from 765 (2001) to 810 (2011)
  - The population reported in the parish has increased by 68 (4%) from 1827 (2001) to 1895 (2011).
- 1.9. This data demonstrates that Yoxall has seen low growth over this period particularly when compared to East Staffordshire. Over the same period the number of dwellings in East Staffordshire grew by 6.4% (compared to 2.3% in Yoxall), the number of households grew by 10.6% (compared to 5.9% in Yoxall) and the population of East Staffordshire grew by 9% (compared to 4% in Yoxall).
- 1.10. More significantly, over the same period the demographic profile of Yoxall has changed. In particular:
- The number of children aged 0 – 4 has decreased by 8 (from 75 to 67) and the percentage of the population represented by this age group has fallen from 4.1% to 3.5%.
  - The number of children aged 5 – 15 has increased by 33 (from 216 to 249); this change has meant that the percentage of the population represented by this age group has risen from 11.8% to 13.1%.
  - The number of people of working age (16 – 65) has decreased by 95 (from 1212 to 1117) and the percentage of the population represented by this age group has fallen from 66.4% to 58.9%.

- The number of people of retirement age (65+) has increased by 138 (from 324 to 462); consequently the percentage of the population represented by this age group has increased from 17.7% to 24.4%.

1.11. These changes represent an ageing of the community in Yoxall. The proportion of the community comprising people of retirement age has increased and this has been at the expense of people of working age, which has declined. Growth in the number of children is also pegged back due to a decline in 0-4 year olds. This is in marked contrast to East Staffordshire as a whole which has seen a lower increase in residents aged over 65 and increases overall in those of working age.

1.12. These demographic changes in Yoxall will exert a negative influence on the future vitality and viability of the community. This is because:

- An ageing population will be less able and equipped to maintain local services, facilities and activities. People's social capacity reduces as they age and their level of household expenditure falls. This leads inevitably to lower level of demand for services and local businesses and a reduced capacity to contribute to the community through volunteering, organisation and participation.
- Decline in the working age population reduces the economic capacity of the community (which is currently above average) and increases its "Total Dependency Ratio" (dependents per 100 people of working age). This change will mean that the current high levels of economic activity within the community are unlikely to be maintained in the future, weakening the communities economic contribution and undermining the future viability of local businesses and service providers. .
- Growth in the school aged population is pegged back by a fall in the pre-school age population. This will reduce the vibrancy of the village as, over time, demand for services and activities aimed at children will fall as children grow up. The decline seen in the 0-4 year old age group also suggests that overall, the number of children may decline over time. This will change the social dynamic of the community. . Fewer children will also reduce the connection between the village primary school and the community.

1.13. The change that is of greatest concern is related to the continued reduction of the working age population as a proportion of the community. This will mean that the Total Dependency Ratio, Child Support Ratio and Elderly Support Ratio will all continue to worsen along with a decline in economic activity levels.

- I.14. We note that the evidence presented in the draft Neighbourhood Plan, the Plan's vision, strategic objectives and policies, take no account of demographic change or balance. In our view this omission seriously undermines the Plan and means that it fails to comply with national policy, specifically paragraphs 50 and 55 of the National Planning Policy Framework.
- I.15. We have reviewed the Council's emerging Local Plan and the evidence base that sits behind it. We have noted that the work to inform the Council's spatial strategy and settlement hierarchy appears to have taken little (if any) account of demographic balance and the ability of existing housing stock in villages to meet current and future housing needs.
- I.16. We note also that the Council has confirmed<sup>4</sup> that the quantum of growth allocated to the villages was the result of "opportunities available and a quantum that seemed reasonable to support the villages further".
- I.17. The 40 houses proposed are identified in the Council's 2014 Spatial Strategy Topic Paper (updated supply position, page 31) as part of the Council's housing land supply, not as the housing needed to deliver the Plan's objectives.
- I.18. We have seen no evidence or justification that the 40 dwellings proposed (Strategic Policy 4) as the development allowance for Yoxall is the appropriate scale of development to deliver the vision and strategic objectives set out in the draft Neighbourhood Plan, in particular to provide a good range of high quality homes, community facilities fulfilling local needs and a convenient local service centre (Vision) or to accommodate new housing development which satisfies strategic growth requirements, fulfils local housing needs and enables locally infrastructure to be delivered (Strategic Aim 1).
- I.19. In our view this approach cannot be relied upon as a means of assessing the appropriate scale of development. The lack of rationale and justification for the scale of development compounds our concerns around the likely effectiveness of the plan and its compliance with national planning policy.
- I.20. Given the above analysis it is our view that:
- The draft Neighbourhood Development Plan as currently presented will fail to conform with the emerging East Staffordshire Local Plan and with national planning policy and guidance relating to sustainable rural development, and;

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<sup>4</sup> Matter 4 Hearing Statement, paragraphs 4a.9 and 4a.10

- The limited quantum of development proposed for Yoxall, even if delivered in the manner set out in the draft plan, along with the proposed settlement boundary, which is tightly drawn and restrictive in nature, will not allow the plan to achieve its vision and objectives as set out in chapter 3, in particular Strategic Aim 1 and Strategic Aim 2.

Rural Solutions Ltd  
5<sup>th</sup> December 2014

Note:

Rural Solutions is a specialist rural planning and development consultancy operating across rural England.

This Statement has been produced by Rural Solutions director Robert Hindle BSc MRICS. Mr Hindle is a leading rural development consultant and an expert on sustainable rural development. He has led and participated in evidence based studies for Defra, The Homes and Community Agency, Local Authorities, Rural Partnerships, the Commission for Rural Communities, Regional Development Agencies and Regional Government Offices. His work has focused exclusively on rural regeneration and sustainable rural development since 2001. He has presented evidence as an expert witness on the social and economic sustainability of rural settlements at a number of Local Plan Examinations in Public and Planning Inquiries.

Rural Solutions has produced over 90 studies into the sustainability of rural settlements since the publication of the National Planning Policy Framework.

**Gladman Developments Ltd**

**Land off Lightwood Road,**

**Yoxall**

**East Staffordshire Borough Council**

**Planning Statement**



**December 2014**

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# 1 INTRODUCTION

## 1.1 Context

1.1.1 This Planning Statement forms part of the suite of documents submitted to East Staffordshire Borough Council (referred to herein after as ESBC) by Gladman Developments Ltd (referred to herein after as Gladman) in support of an outline planning application for:

***"Outline application for up to 170 Dwellings with associated open space and landscaping with all matters reserved, except for access."***

1.1.2 The statement sets out the context for the development by providing the background to the proposals including a description of the site and its surroundings, the proposed development and the relevant up-to-date policy framework. It then assesses the proposals against the identified policy framework and the key material considerations and sets out the case in support of development.

## 1.2 The Application

1.2.1 The Application Documentation includes the following:

Application Covering letter, Form & Certificates	Gladman
Location Plan (including Application Red Line)	Dwg No. 5448/ LP.001
Development Framework Plan	Aspect
Planning Statement	Gladman
Design and Access Statement	Aspect
Transport Assessment	Hydrock
Framework Travel Plan	Hydrock
Air Quality Screening Assessment	Wardell Armstrong
Noise Screening Assessment	Wardell Armstrong
Ecological Appraisal	FPCR
Arboricultural Assessment	FPCR
Flood Risk Assessment	Hydrock
Phase 1 Site Investigation Report	Hydrock
Landscape and Visual Impact Assessment	Aspect
Archaeology and Heritage Report	CgMs

Socio-Economic Impact Assessment	Gladman
Assessment of Current and Future Sustainability	Rural Solutions
Statement of Community Involvement	Gladman
S106 Heads of Terms	Gladman

1.2.2 Also enclosed with this Planning Statement at Appendix 1 is a list of draft proposed planning conditions for discussion. A Sustainability Matrix describing the available shops, services and community facilities that are available to the site is enclosed at Appendix 2, a Utilities Appraisal is enclosed at Appendix 3, a draft s.106 Heads of Terms is enclosed at Appendix 4, a Planning Balance Table is enclosed at Appendix 5 and a table with a track record of delivery of housing on Gladman’s sites is enclosed at Appendix 6.

### **1.3 Overview of Planning Case**

1.3.1 Gladman are currently undertaking a programme of public consultation. The public consultation employs a number of methods including a dedicated website and consultation leaflet to residents, businesses and interested parties. The Statement of Community Involvement (SCI) will be updated with an Addendum once this has been complete, including any positive amendments or community benefits suggested through the consultation process

1.3.2 The application relates to land off Lightwood Road, Yoxall. The proposed development responds directly to the identified need to deliver additional homes in East Staffordshire, and Yoxall at a local level. In summary, the planning statement demonstrates that:

- Extant Local Plan policies in respect of the housing requirement are time-expired and out of date.
- The proposals will make a valuable contribution to the housing supply in circumstances where the Council acknowledge they do not have a 5 year supply. Available evidence shows the supply to be as low as 3.89 years;
- The development proposed is situated outside of defined settlement boundaries in the open countryside. The relevant policies for these areas have the effect of restricting housing land supply. In the circumstances, and applying paragraph 49 of the Framework, those policies are out-of-date.
- The emerging East Staffordshire Local Plan (EESLP) once adopted will oversee growth in the Borough until 2031. The Inspector in his ‘Interim Findings’ has set out the

various concerns he has regarding the emerging Local Plan housing requirement and reliance on larger strategic sites to maintain a housing land supply. Until the housing requirement and development strategy has been found sound by the Inspector, only very limited weight can be given to the EESLP.

- The emerging Yoxall Neighbourhood Plan (YNP) has recently completed a public consultation on the draft version. Gladman has provided detailed representations to the Parish and consider that the plan requires further work to comply with the requirements of a Regulation 14 consultation. A particular concern is that evidence base supporting the draft YNP was insufficient to inform an intelligent policy response. The draft YNP still therefore has rounds of formal consultation to go through and as presently drafted it would be incapable of satisfying the 'basic conditions' for examination. The draft YNP therefore holds very limited weight in the determination of this application.
- Compliance with relevant technical policies of both the adopted and emerging Local Plan that can be afforded weight is demonstrated by the proposals. In regard to these policies, the Framework confirms development should be approved 'without delay'.

1.3.3 In addition, the proposed development will:

- Deliver development in a sustainable location – The development is within close proximity of Bus stops in Yoxall village centre. The centre of Yoxall , with its shops, services and community facilities is within easy walking or cycling distance of the site, which reduces reliance on private cars;
- Create a high quality residential environment which respects the character of Yoxall – The development has been carefully designed to respond positively and sympathetically to its built and environmental context and the character and appearance of the surrounding area;
- Deliver a mix of housing types and sizes to meet the strategic needs of the local housing market, including family and affordable housing. This will demonstrably support and secure the current and future vitality of the village;
- Provide new public open space and a quality landscape setting which will be provided in close proximity to the proposed housing, along with more informal recreation space and landscaping to meet the needs of the new residents;

- Retain existing trees and landscape features as far as possible and allow for ecological enhancement. The surface water balancing pond and habitat area proposed adjacent to the existing watercourse to the west of the site entrance road will result in a net benefit to biodiversity on the site;
- Proposal will retain public footpaths and create new pedestrian links through the site, linking it to Yoxall centre and surrounding area;
- Provide satisfactory access with minimal traffic impact. The access meets all required visibility splays and safety requirements and the anticipated level of traffic increase associated with the development proposals would be unlikely to have a material impact upon the local highway network;
- Deliver increased Council Tax revenue and receipts of New Homes Bonus payments to further invest back into the community, along with other tangible economic benefits that will benefit the community of Yoxall and the Borough.

1.3.4 The proposals therefore constitute sustainable development in the context of the three dimensions of sustainable development; environmental, social and economic. There are no significant and demonstrable adverse impacts that would outweigh the benefits of granting permission when assessed against the Framework as a whole.

1.3.5 In the light of these considerations, the presumption in favour of sustainable development is engaged and there is clearly a compelling case in favour of planning permission being granted.

## **1.4 Structure of the Statement**

1.4.1 The remainder of the supporting Planning Statement is structured as follows:

- Chapter 2 - The Site
- Chapter 3 - The Proposed Development
- Chapter 4 - The Development Plan
- Chapter 5 - Other Material Considerations
- Chapter 6 - Planning Appraisal
- Chapter 7 - Conclusions and Planning Balance

## **2 THE SITE**

### **2.1 Site Location**

2.1.1 Yoxall is a village and a civil parish in the English county of Staffordshire. It is on the banks of the River Swarbourn on the A515 road, 13km north of Lichfield and 15km south west of Burton-upon-Trent. South of the village, Yoxall Bridge crosses the River Trent. The site is located on the western edge of the village, to the north of Bondfield Lane and south of Ferrers Field.

### **2.2 The Site**

2.2.1 The site comprises 3 fields divided by mature hedgerows and mature trees and is approximately 8.7ha in size. The site can be accessed to the north via a gated track on Ferrers Road or a second entrance available on Bondfield Lane, located to the south of the site. There is one Public Right of Way (PROW) which crosses the site, the PROW is accessed from Ferrers Road and then follows the eastern boundary towards an opening on Bondfield Lane. The permissive footpath which runs along the southern boundary of the site, accessed from Bondfield Lane, has recently been withdrawn.

2.2.2 The site is well contained by existing urban form and associated development. The eastern boundary of the site is bounded by a mature hedgerow and existing trees which border the gardens of the dwelling houses on Lightwood Road and Hollys Road. Further east lies the existing built up area of Yoxall. The northern boundary of the site is defined by an existing hedgerow. Adjacent to the northern boundary lies Ferrers Field which holds a children's playground, football pitch and basketball court. Beyond Ferrers Field to the north lies a large parcel of land which is primarily used for agricultural purposes and Savey Lane. The southern boundary of the site is defined by a low lying existing hedgerow and Bondfield Lane. The western boundary is defined by a mixture of trees and existing hedgerow which run the length of the boundary.

2.2.3 Within the site confines the northernmost field is a small rectangular parcel of land currently used for agricultural purposes, there are a number of over-head cables which run across this field. The central parcel of land is the largest section of the site, there is a small farmstead placed in the centre of this field. The final section of the site is the southern field, there is a mature tree on the south east corner of the site and some mature trees which border the gardens of the dwelling houses of Lightwood Road.

## **Statutory Designations**

- 2.2.4 There is one Public Right of Way (PROW) which runs adjacent to the eastern boundary of the site. It is accessed from Ferrers Road to the north and ends at Bondfield Lane, to the south. There is also a permissive footpath which crosses the site from Bondfield Lane, it then runs along the southern boundary of the site and connects to a Public Right of Way located on the field west of the site.
- 2.2.5 The site itself is not the subject of any formal historic or environmental designations and it is not situated within a conservation area. The nearest heritage asset is Yoxall Conservation Area and associated listed buildings along Bonds End and Main Street, 250m to the east of the site, which are screened from view by intervening topography and residential development.
- 2.2.6 None of the trees on site are the subject of Tree Preservation Orders and the site is located within Flood Zone 1. Therefore the probability of flooding is less than 1 in 1000 (<0.1%).

## **Site Accessibility**

- 2.2.7 The site is located within walking and cycling distance of a range of shops, services and community facilities in Yoxall, including: St Peters C of E Primary School, a food shop (Lifestyle Express), Yoxall Post Office/ Convenience Store, Recreation Ground (Ferrers Field), Yoxall Health Centre, Village Garage, two pubs (The Crown and Golden Cup), a Parish Hall, Parish Church (St Peters), Florist, Hairdressers (Chic Styling) and Antiques Store.
- 2.2.8 Bus stops are located within close proximity to the site on Bond End c.500m to the east. These link the site to Burton, Branston, Barton, Kings Bromley, Alrewas, Fradley South, Streethay and Lichfield with two buses every hour in the early morning and one bus every hour in the evening, Monday to Saturday, with a limited service provided on a Sunday (the 7 service). The nearest main centres are therefore all accessible during the main part of the day allowing for work, shopping and daytime leisure trips.
- 2.2.9 The nearest railway station is located at Rugeley approx. 12.8.km to the west of the site. The station is served by Trent Valley Line and trains operate every hour in each direction serving stations: Lichfield, Stafford, Wolverhampton and London.

- 2.2.10 The site is therefore accessible by a range of means of transport. For more detailed information, please see the Transport Assessment, Rural Solutions Report and the Sustainability Matrix which accompanies this Planning Statement, enclosed at Appendix 3.

## **2.3 Planning History**

- 2.3.1 The site was subject to an application in 2002 as part of a proposed Yoxall bypass (Application Reference: PA/22124/004). However, this was refused at committee and no further plans have since been submitted for the scheme to be taken forward. Further the Yoxall bypass forms no part of any adopted or emerging Local Plan proposals.



## **3 THE PROPOSED DEVELOPMENT**

### **3.1 Introduction**

3.1.1 This application seeks outline permission for a residential development with all matters reserved, including access. Whilst an indicative Framework Masterplan is provided that illustrates how the site could be developed, it is not for determination at this stage.

3.1.2 The application comprises:

- Residential development of up to 170 dwellings;
- Vehicular and pedestrian access from Lightwood Road and Bondfield Lane;
- Retention of existing Public Right of Way and reinstatement of the permissive footpath on the southern boundary of the site;
- New structure landscaping including trees and vegetation to create attractive informal public open spaces and street scenes;
- Retention, enhancement and where necessary, replacement, of hedgerows on site; and
- Provision of a Sustainable Urban Drainage pond.

### **3.2 Public Consultation**

3.2.1 Gladman are currently undertaking a programme of public consultation. The public consultation employs a number of methods including a dedicated website and consultation leaflet to residents, businesses and interested parties. The Statement of Community Involvement (SCI) will be updated with an Addendum once this has been complete, including any positive amendments or community benefits suggested through the consultation process.

### **3.3 The Vision – The Design Objectives**

3.3.1 The proposals are based on sound design principles that have taken into account the constraints and opportunities presented by the site. Consideration has also been given to achieving a sensitive integration between the proposed development and the existing settlement. The overarching objectives of the illustrative Framework Masterplan is to provide for a good mix of housing sizes and tenures with a range of housing, embracing a high quality design philosophy as required by the Framework.

- 3.3.2 The housing mix will reflect the accommodation needs of different people, families and ages. Careful consideration has been given to the provision of public open space provision.
- 3.3.3 Recognising the value of the local vernacular and architectural character, the proposals respond to this by embracing local distinctiveness throughout the site. Whilst not for determination now, the Design and Access Statement demonstrates that the development could create a high quality and pleasant residential environment that will be a desirable place to live.
- 3.3.4 The proposals will deliver transport infrastructure including highways and pedestrian networks throughout the scheme thus delivering a development with good accessibility to local services and facilities in Yoxall. A key benefit of the scheme is the retention and enhancement of an existing Public Right of Way to the east of the site and existing permissive footpath to the south of the site. This will allow residents to continue to walk around the west of the village without using Bondfield Lane.

## **3.4 Delivery**

- 3.4.1 Market dwellings will be delivered by private house builders with affordable housing provided by, or in partnership with, a Registered Provider (RP). Following a grant of consent, the site would be marketed immediately and sold as expeditiously as possible to one or more house builders who would submit the requisite reserved matters application(s).
- 3.4.2 The development proposal will provide a policy compliant (30%) amount of affordable housing. This will be provided either all on site, or a quantum will be delivered off site subject to further discussions with the Local Planning Authority.
- 3.4.3 It is likely that, subject to market conditions, on average around 25 to 30 market dwellings would be completed per annum. The affordable housing would be delivered simultaneously (as required by Planning Condition) alongside the market dwelling completions. Taking into account infrastructure delivery and two developers working on site, it is anticipated that the development would take in the order of five years to complete.
- 3.4.4 Attached at Appendix 6 is a table of sites for which Gladman has secured planning permission. It outlines the timescales from initial permission to start on site. This demonstrates that where planning permission has been granted, these are sold on to developers expeditiously and delivered quickly to make a valid contribution to local housing land supply.

## **3.5 Planning Obligations**

- 3.5.1 Gladman will seek to enter into constructive dialogue with East Staffordshire Borough Council to agree obligations for any necessary and reasonable on and off site provisions which are related in scale and kind to the proposed development and which meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

## **4 THE DEVELOPMENT PLAN**

### **4.1 Introduction**

- 4.1.1 Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act). This is confirmed by Paragraphs 11 and 12 of the National Planning Policy Framework (the Framework), which continues to place importance on the plan-led approach.
- 4.1.2 The Framework also makes clear at paragraph 215 that now 12 months have passed since its publication, due weight should be given to relevant policies in existing plans according to the degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given).
- 4.1.3 The Development Plan for the area comprises:
- The 'saved' policies of the East Staffordshire Borough Local Plan (Adopted 2006);
  - Staffordshire and Stoke-on-Trent Joint Waste Local Plan (Adopted 2013); and
  - The 'saved' policies of the Staffordshire and Stoke-on-Trent Minerals Local Plan (Adopted 1999)
- 4.1.4 This chapter will identify the relevant policies of the Development Plan to which weight may be given in the determination of planning applications.

### **4.2 East Staffordshire Borough Local Plan**

- 4.2.1 The East Staffordshire Borough Local Plan (ESLP) was adopted in July 2006 to guide development until 2011. The ESLP was based on the requirement set out within the Staffordshire and Stoke-on-Trent Structure Plan, which along with the West Midlands RSS has now been revoked. The ESLP is time expired and does not include housing allocations to cover the period beyond 2011, in that sense the housing delivery policies contained within the plan are out of date.
- 4.2.2 The Spatial Strategy of the Plan focuses on concentrating development towards the urban centres of Burton upon Trent and Uttoxeter whilst restricting new development in the rural areas. The Spatial Strategy is out of date and cannot be attributed any weight as this approach does not accord with the presumption in favour of sustainable development and the need to

boost significantly the supply of housing as set out in the Framework. Whilst ESLP does not set out a settlement hierarchy, there are a number of Key Objectives set out within the Local Plan which can be considered both relevant up and up to date:

- *To meet the housing requirements of the population of the Borough including those with special needs;*
- *To strengthen and diversify the economy of the Borough and increase employment opportunities;*
- *To preserve and enhance the character and quality of the countryside; and*
- *To improve the quality of the urban environment and;*
- *To preserve or enhance the areas architectural and historical heritage;*
- *To safeguard and encourage the conservation of natural resources;*
- *To enhance the range of community facilities;*
- *To improve accessibility to jobs and facilities; and*
- *To reduce adverse transport impacts including emissions.*

4.2.3 **Policy NE1** of the ESLP seeks to restrict development outside defined settlement boundaries to only that required to support the rural economy is otherwise appropriate in the countryside or comprises a community facility accessible to the public. The application proposal which would form an extension to the built up area, is in principle contrary to **Policy NE1**.

4.2.4 However, whilst the general thrust of protection for the countryside is consistent with the Framework, **Policy NE1** in relation to its application around the defined settlement boundaries of Yoxall is out of date when considered against the requirements of the Framework (paragraphs 14, 17, 47, 49, 157, 158 and Annex 1). This is because the settlement boundaries around the town were tightly drawn to only allow sufficient land to accommodate the development planned for the period up to 2011 and can no longer be sustained if the Framework objective of boosting the supply of housing is to be met and the presumption in favour of sustainable development applied. The boundaries therefore must change in order to accommodate objectively assessed housing needs and sustainable development.

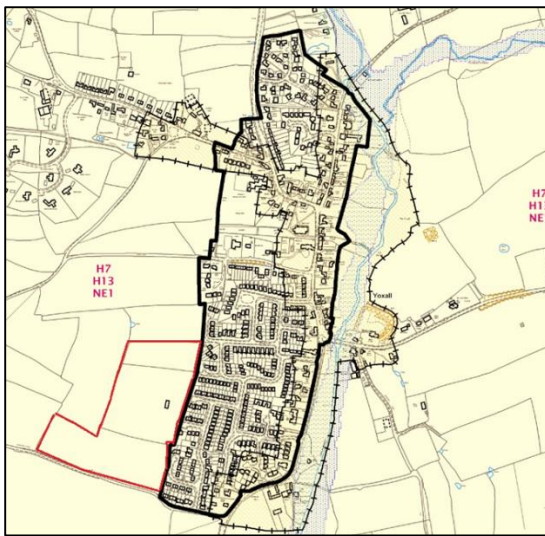
4.2.5 It is relevant that at the recent Forest Road appeal decision (APP/B3410/A/13/2193657) the inspector concluded:

*"Policy NE1 is not up to date and cannot be afforded any weight in the determination of this application".*

- 4.2.6 It is important to note that the council themselves accepted this position (paragraph 127). As such, no weight can be afforded to this policy.

### **Site Specific Policies**

- 4.2.7 The extract from the East Staffordshire Borough Local Plan Proposals Map (with the site outlined in red) shows that the site is not the subject of any planning allocations or designations. However the whole of the site lies within National Forrest boundary.



**Figure 1: Excerpt from the East Staffordshire Borough Local Plan Proposals Map**

### **Other Relevant Policies of the Development Plan**

- 4.2.8 **Policy H2** deals with large housing windfall sites, confirming that the release of sites will be managed by ensuring that previously developed sites are released before greenfield sites. However, it is accepted by the Council that there is not enough brownfield land to deliver the housing needs of the Borough. The need to develop greenfield land is therefore inevitable. Policy H2 is not consistent with the Framework and should be considered out of date.
- 4.2.9 **Policy H12** concerns affordable housing. The policy requires developments of more than 25 dwellings to negotiate the provision for affordable housing based on an adopted Housing Needs Survey.
- 4.2.10 The environmental, design and technical development-management policies of the Development Plan that remain relevant and broadly consistent with the National Planning Policy Framework include:

- Policy CSP5           Infrastructure and Community Provision
- Policy CSP6           National Forrest
- Policy NE27           Light Pollution
- Policy BE1             Design
- Policy H6             Housing Design and Dwelling Extensions
- Policy T1             Transport
  
- Policy T2             Strategic Highway Network
- Policy T7             Parking Standards
- Policy T8             Public Transport
- Policy L2             Landscape and Greenspace
- Policy IMR2           Contributions and Legal Agreements

### **4.3    The Staffordshire and Stoke-on-Trent Waste and Minerals Plans**

4.3.1    A review of the Staffordshire and Stoke-on-Trent Minerals Plan (1999) and the Waste Plan (2013) has not identified any polices of relevance to the application site. These plans are not considered further in this statement.

### **4.4    Development Plan Summary**

4.4.1    In summary, the ESBLP is time expired in that its purpose was to provide development needs up to the year 2011. It does not plan positively for future development to meet the objectively assessed needs of the area and therefore it has more than a limited degree of conflict with the Framework.

4.4.2    The Council acknowledges that they cannot demonstrate a 5 year supply of deliverable housing sites. Development Plan policies relating to the supply of housing, including those which restrict housing in the open countryside, are therefore out-of-date and the presumption in favour of sustainable development is engaged.

4.4.3    However, there are a number of technical policies of the Local Plan which are considered to be both relevant and should be given due weight.

## 5 OTHER MATERIAL CONSIDERATIONS

### 5.1 Introduction

5.1.1 The following policy documents, research and guidance are important material considerations in the determination of this application.

### 5.2 National Planning Policy Framework

5.2.1 Following its publication in March 2012, national planning policy is now provided in the National Planning Policy Framework ('the Framework'). The Framework sets out the Government's planning policies for England and how these are expected to be applied.

5.2.2 The Framework adopts the Brundtland definition of sustainable development of meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 highlights the economic, social and environmental elements of delivering sustainable development. Paragraph 8 notes:

***"These roles [economic, social and environmental] should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities."***

5.2.3 The Government has made clear its expectation, through the Framework, that the planning system should positively embrace well-conceived development to deliver the economic growth necessary and the housing we need to create inclusive and mixed communities. The 'presumption in favour of sustainable development' is the golden thread running through national policy. With regarding to decision-taking, Paragraph 14 confirms this means approving development proposals that accord with the development plan 'without delay'. Where the development plan is absent, silent or out-of-date, planning permission should be granted, provided the impacts do not significantly and demonstrably outweigh the benefits.

5.2.4 To support the delivery of sustainable development, Paragraphs 186-187 state:

***"Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and***



***plan-making should be seamless, translating plans into high quality development on the ground.***

***Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”***

5.2.5 The Framework is explicit at paragraph 210 that; “*Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*”.

5.2.6 The Framework includes the following key provisions, which are relevant to the development proposals:

- The Framework calls for a positive approach to new development and amongst other things seeks to deliver a significant boost to housing supply. LPAs are required to identify a 5 year land supply of deliverable sites for housing development; where the authority has a persistent record of under-delivery against the delivery of housing they should provide an additional 20% flexibility allowance (§ 47). Policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a deliverable five-year supply of sites (§ 49).
- Sustainable development in rural areas should be promoted, with housing located where it will enhance or maintain the vitality of rural communities (§ 50).
- Developments should be located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. This should take into account the development needs and opportunities available in rural areas, which differ from those in urban areas (§ 34 and § 29).
- New development should aim to be safe and accessible, with clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas (§ 69).

5.2.7 The remainder of the Framework contains thematic chapters mirroring the subject content of former PPS / PPGs. Of relevance to the proposed development at Lightwood Road, it requires planning authorities to:

- help achieve economic growth by proactively supporting an economy fit for the 21st century, by taking a positive approach to sustainable development;
- seek high quality and inclusive design;
- promote sustainable transport and only refuse development where the residual cumulative impacts are severe;
- conserve the natural and historic environment; and
- meet the challenge of climate change and the move to a low carbon future.

5.2.8 A full assessment against the provisions of the Framework is included in Chapter 6 of this Statement.

### **5.3 Planning Practice Guidance**

5.3.1 The National Planning Practice Guidance (NPPG) website was launched on 6 March 2014, following a period of beta-testing and public consultation. It replaces and consolidates 7,000 pages of planning guidance on topics including flood risk, heritage and design and it should be read in conjunction with the Framework.

5.3.2 As well as expanding on policy, the NPPG also provides general procedural guidance on matters such as the use of planning conditions and planning obligations and on planning appeals. It replaces cancelled guidance such as 'The Planning System: General Principles' document, providing guidance on issues of prejudice and prematurity, as well as providing detailed technical guidance for authorities and applicants on the production of planning studies, such as housing and economic land availability assessments.

5.3.3 Where provisions of the NPPG are relevant to the application, assessment will be provided in the relevant section of the planning appraisal in the following chapter.

### **5.4 Emerging East Staffordshire Local Plan 2012-2031 (EESLP) – Submission Local Plan**

5.4.1 The emerging East Staffordshire Local Plan (EESLP), which will set out the spatial strategy and key planning policies for development in the Borough to 2031, was submitted to the Secretary of State for formal examination on the 11th April 2014. Initial hearings took place between 28<sup>th</sup> and 31<sup>st</sup> October 2014.

5.4.2 The Framework sets out at Paragraph 216 that weight may be afforded to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to

which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to policies in the Framework.

#### **Inspector's Interim Findings (November 2014)**

- 5.4.3 The Inspector has produced his interim findings following completion of the first four hearing sessions which took place in October 2014. The Inspector has set out a list of matters which the Council has agreed to give further consideration.
- 5.4.4 The Inspector found that the Sustainability Assessment (SA) is deficient as a source of evidence in support of the EESLP both in respect of its technical adequacy and legal compliance. It therefore requires significant further work well beyond the scope of the established procedure for the SA and public consultation.
- 5.4.5 The Inspector states that at the *"very least"* a requirement of 630 dpa should be taken as the OAHN (objectively assessed housing needs), resulting in an increase of 323 units in the total housing requirement. The Inspector goes on to state that after having regard to employment estimates it may be necessary to increase the EESLP housing land requirement in order to comply with national policy. Additionally the Inspector provides that by taking into account markets signals of overcrowding, increasing demand for housing benefit, under-delivery of affordable housing and reducing vacancy rates all favour the same conclusion. The Inspector concludes that it is also necessary to make clear that the stated housing requirements of the EESLP are *"in no way to be regarded as ceilings, but as minima"*.
- 5.4.6 The Inspector provides that further consideration should be given to whether the choice of allocations should be widened over a range of size and capacity to offset an apparent reliance upon a relatively small number of large strategic sites - which are likely to be comparatively slow to deliver the requisite amount of housing land to restore the five year supply once the EESLP is adopted. If the Trajectory were 'stepped' to 'back-load' the supply, the five year position might be rectified in the early years after adoption without detriment to overall delivery. The Inspector concludes that this consideration further weighs in favour of an increase in the number and variety of size and location of sites.
- 5.4.7 These outstanding concerns therefore suggest that significant flaws in the 'soundness' and legal compliance requirements of the plan exist. The Strategic Objectives, Spatial Strategy and housing policies of the draft Local Plan which flow from them, can therefore only be afforded very limited weight until those objections have been addressed and the Plan is found sound at examination.

5.4.8 Notwithstanding the above, the EESLP and supporting evidence provides an indication of East Staffordshire Borough Council's current objectives for development.

#### **Vision, Spatial Strategy and Objectives**

5.4.9 The vision sets out that quality housing will be available with a variety that meets the needs of all sectors of the community and aspirations of a growing population. Further the vision states that the borough's rural areas are extensive and diverse - opportunities for sustainable rural economic growth and jobs will be actively encouraged and supported. Larger Strategic Villages will build upon their role as rural centres for residents in the local area with services, facilities and jobs enabling people in the wider area to work and live locally. Whilst smaller village communities will also continue to thrive and have distinctive and appropriate levels of growth shaped by people who live and work in the area.

5.4.10 The Spatial Strategy of the EESLP provides that the majority of new development should be directed towards the main urban areas of Burton upon Trent and Uttoxeter as they represent the largest settlements in the borough. The Spatial Strategy also states that some development should be directed towards villages to ensure that existing facilities, services and community life are supported. The strategy provides that there are not enough brownfield sites available across the Borough to accommodate the Council's growth targets over the duration of the Plan. The strategy goes on to state that major Sustainable Urban Extensions traditionally take longer before delivery can commence owing to the complex planning issues and infrastructure requirements. The Strategy concludes that in the short term, smaller greenfield sites will be readily available to accommodate supply more quickly.

5.4.11 In order to achieve the vision, the EESLP sets a number of Strategic Objectives:

- **SO1:** Well-designed communities: To develop green infrastructure-led strategic housing growth providing well designed communities that provide accessible green space, services and facilities, promote distinctiveness, wellbeing, whilst protecting and enhancing sensitive environments.
- **SO2:** Housing Choice: To provide a mix of well designed, sustainable market, specialist and affordable homes that meet the needs of existing and future residents given ongoing and expected population change in the Borough.
- **SO3:** Accessibility and Transport Infrastructure: To ensure that new development will be supported by effective transport infrastructure and designed in a way that reduces the need and desire to travel by car through encouraging the use of public transport, walking, cycling and rail travel.

- **SO4:** Neighbourhood Planning: To ensure local communities have opportunities to help plan their own neighbourhoods to positively shape where development is located.
- **SO5:** Education Infrastructure: To plan for and deliver new education infrastructure to meet the growing need of Borough residents.
- **SO8:** Rural Economy: To sustain and enhance employment opportunities in the rural part of the Borough by promoting local distinctiveness and in particular make the most of employment and business opportunities associated with the National Forest and rural diversification.
- **SO9:** Heritage (Historic Environment – Sustainable Management and Use) To deliver high quality places that conserve and enhance the historic environment whilst promoting local distinctiveness, place making, significance and sustainable development to support heritage-led regeneration and the sustainable use of heritage assets.
- **SO10:** Flood Risk: To plan for and reduce the impacts of climate change including ensuring that new development in settlements along our river corridors in particular are not exposed unnecessarily to the risk of flooding or increases the risk of flooding elsewhere.
- **SO11:** Prudent Use of Resources: To promote the prudent use of finite resources and the positive use of renewable resources, through the design, location and layout of development and by optimising the use of existing infrastructure.
- **SO12:** Countryside: To protect, conserve and enhance the local countryside, character, distinctiveness and quality of the landscape and the diversity of wildlife and habitats.

## **Strategic Policies**

5.4.12 **Principle 1 'Presumption in Favour of Sustainable Development'** provides that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. Planning applications which accord with the policies of the Local Plan and 'made' neighbourhood plans

(i.e. those that have been brought into legal force by the Council) will be approved without delay, unless material considerations indicate otherwise.

5.4.1 **Strategic Policy 1 'Approach to Sustainable Development'** sets out that in line with Principle 1 - development proposals and allocations will be required to demonstrate the principles of sustainable development. Development proposals and allocations will be assessed against the following principles:

- located with good links to the strategic highway network, not cause highway safety issues or harm the character of the open countryside;
- convenient and safe to walk, cycle and travel by public transport between the site and existing workplaces, shops, education, health recreation, leisure and community facilities;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and use Sustainable Drainage Systems where appropriate (SUDS);
- does not harm biodiversity, but rather enhances it where possible, including increasing tree cover, especially as part of the National Forrest;
- creates well designed and located publicly accessibly open space;
- contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures; and
- would result in the removal of contamination and other environmental problems associated with the site.

5.4.2 **Strategic Policy 2** sets out a settlement hierarchy for the Borough. Yoxall has been identified as a Tier 2 Local Service Village. Local Service Villages are considered to meet local needs by providing a limited range of facilities which sustain village life. SP2 concludes that Tier 2 Local Service Centres will accommodate some development over the plan period.

- 5.4.3 **Strategic Policy 3** sets a requirement of 11,648 homes (613 dwellings per annum) over the plan period.
- 5.4.4 Issues raised by Gladman and others during Examination in Public state that the Council has failed to meet its objectively assessed housing need as required by paragraph 47 of the Framework. This has been echoed in the Inspector's Interim Findings. Gladman's representations were accompanied by a report undertaken by Regeneris Consulting which provide an independent assessment of housing need within East Staffordshire above that proposed by the Council. The Regeneris report is considered later in this Statement. Only very limited weight may be attributed to emerging Policy SP3 until outstanding objections relating to the housing requirement are resolved.
- 5.4.1 **Strategic Policy 4** provides the distribution of housing growth in the Borough. The EESLP has allocated a total of 160 dwellings to be delivered at Tier 2 Local Service Villages, of which a minimum of 40 are assigned to Yoxall. There remain objections to how the spatial distribution has been derived and it is possible the overall housing requirement could increase, requiring Tier 2 settlements to accommodate more development than was previously anticipated. That said, the designation as a Tier 2 Service Village in the settlement hierarchy acknowledges that Yoxall is a sustainable location for development as it has sufficient existing facilities and services to serve the needs of existing and proposed new development.
- 5.4.2 **Strategic Policy 6 'Managing the release of Housing and Employment Land'** states that the release of housing land will be managed so it delivers the level of distribution and development as set out in Strategic Policies 3 and 4. SP6 provides that should monitoring indicate that where delivery has fallen behind development targets, action will be taken to bring forward sites through a Development Plan Document.
- 5.4.3 **Strategic Policy 8** sets out the policy for development outside settlement boundaries. SP8 states that residential development outside of settlement boundaries will generally not be permitted unless allocated by a Neighbourhood Plan or is a Rural Exception Site. The settlement boundaries as proposed can only be allocated very limited weight until such time as the outstanding objections in relation to the housing policies of the plan are resolved. Should the Council's housing target be increased to reflect the objectively assessed needs of the Borough then the proposed settlement boundaries will need to be amended accordingly

to accommodate the higher level of growth.

5.4.4 **Strategic Policy 16 'Meeting Housing Needs'** sets out that residential development elsewhere shall provide the mix of market housing required to meet local need based firstly on a housing needs survey and on the mix required in that part of the borough. SP16 states that different sizes and tenures of housing shall be fully integrated by means of dispersal around the site. Further all new housing shall meet the Lifetime Homes standard.

5.4.5 **Strategic Policy 17 'Affordable Housing'** sets out that market housing led residential development that provides 4 or more dwellings or on a site of 0.14 hectares shall provide on average 25% of the dwellings as affordable housing. In Burton, Uttoxeter and Tier 1 settlements, developments shall be agreed with the Council based on the identified need in the Housing Choice SPD. The mix on other developments shall be agreed with the Council based on the housing needs survey carried out in accordance with Housing Choice SPD.

5.4.6 A number of design and development management policies in the emerging Local Plan are relevant to the application proposals. These are broadly consistent with the Framework and they are not the subject of significant objection. These include the following policies, against which the development proposals will be assessed:

- Strategic Policy 9 – Infrastructure Delivery
- Strategic Policy 23 – Green Infrastructure
- Strategic Policy 24 - High Design
- Strategic Policy 26 - National Forest
- Strategic Policy 35 – Accessibility and Sustainable Transport
- Detailed Policy 1 – Design of New Development
- Detailed Policy 2 – Designing Sustainable Construction
- Detailed Policy 3 – Design of New Residential Development
- Detailed Policy 6 – Protecting the Historic Environment
- Detailed Policy 8 – Tree Protection
- Detailed Policy 11 - Cannock Chase SAC



## **5.5 Emerging East Staffordshire Local Plan (EESLP) – Evidence Base**

### **East Staffordshire Borough Council's 5 Year Housing Supply: Sept 2014**

- 5.5.1 The Council has produced a statement which sets out the Council's assessment of its supply of housing land over the five year period from August 2014 to 2019. The assessment is based on the emerging Local Plan requirement of 11,657 dwellings (613d dpa) as set out in the EESLP.
- 5.5.2 Between August 2012 and August 2014, 504 houses were built in East Staffordshire, creating a shortfall of 722 dwellings against the emerging Local Plan requirement. The report states that this leaves a residual requirement of 3,678 houses to be provided over the next five years (736 dpa), which assumes the application of the Sedgefield approach (in which the backlog would be reclaimed in the next 5 years) and a 20% delivery buffer, which is applied to both the requirement and the backlog.
- 5.5.3 Against this requirement, the report identifies a deliverable supply of 3,961 units, which includes an assumed supply of 90 windfall dwellings each year. On this basis, the Statement calculates that the deliverable supply in the Borough is equivalent to **3.89 years**.

### **Strategic Housing Market Assessment Update 2013**

- 5.5.4 The East Staffordshire Borough Council Strategic Housing Market Assessment was published in October 2013 and updated in April 2014. The SHMA predicts a housing requirement of between 596 and 630 dwellings per annum based on four different scenarios.
- 5.5.5 Scenario 1a analyses the latest official sub-national population projection dataset released by the ONS (2010 based) and provides a figure of 601 dwellings per annum. Scenario 1b builds upon the population analysis underpinning Scenario 1a however fixes headship rates for household formation at 2011 levels in order to test the sensitivity of the projections to changes in headship rates as included in the 2008-based Sub-National Household Projections. A figure of 571 dwellings per annum is projected. Scenario 2a is Employment Led and projects future population change based on forecast future economic performance of East Staffordshire – this scenario is aligned to the economic forecasts which underpin the 2013 East Staffordshire

Employment Land Review (ELR). Scenario 2a provides a projection figure of 630 dwellings per annum. Scenario 2b is Employment Led (Fixed Headship) and builds upon the population analysis underpinning Scenario 2a, and continues to take account of population changes arising from the future performance of the economy, in line with the Employment Land Review. The scenario fixes headship rates for household formation at 2011 levels. A figure of 696 dwellings per annum is projected.

5.5.6 East Staffordshire decided on Scenario 2a to progress forward with as it was a mid-point calculation of 613 dwellings per annum. The SHMA sets out that the total annual need for affordable housing is 159 dwellings. Over the plan period 2012-2031 this equates to 3,021 dwellings.

5.5.7 The Inspector has however set out various concerns he has with the requirement of 613 dpa as set out within the emerging Local Plan. The Inspector states in paragraph 20 of his Interim Report:

*"Having regard to the further challenge to the employment predictions, it could become necessary to conclude that the OAHN should be revised and the ESLP housing land requirement increased, in order to comply with national policy. Additional market signals of worsening overcrowding, increasing demand for housing benefit, under-delivery of affordable housing and reducing vacancy rates might all militate in favour of the same conclusion."*

#### **Gladman Strategic Housing Market Assessment 2014**

5.5.8 Gladman commissioned Regeneris Consulting to produce an Objectively Assessed Need (OAN) figure for East Staffordshire, in accordance with the guidelines set out in PPG.

5.5.9 The 'Objectively Assessed Housing Need' assessment prepared by Regeneris concludes that the Council should aim to deliver between 660 to 710 dwellings per annum in order to meet the needs of the Borough based on an assessment of economic and demographic drivers; affordability and market signals; and neighbouring areas as required by PPG.

5.5.10 The Borough has in the recent past achieved employment growth at higher rates than the emerging Local Plan target. As such, the higher annual dwelling requirement of between 660

and 710 dpa would allow for a growth rate consistent with the expansion of employment over a 10-20 year period which includes the recession.

## **5.6 Yoxall Neighbourhood Development Plan 2031**

5.6.1 On the 16<sup>th</sup> May 2013, Yoxall was granted Neighbourhood Area status by East Staffordshire Borough Council. The first draft of the Neighbourhood Plan was circulated to the local community for comments and feedback in November 2014.

5.6.2 The draft Yoxall Neighbourhood Plan (YNP) includes the Leafields Farm site for 40 dwellings as the only allocation for residential development. The draft Plan provides that Yoxall will accommodate a further 10 windfall dwellings. Other than the Leafields Farm allocation and windfall allowance, residential development will not be permitted outside of the settlement boundary. The Leafields Farm site has now received outline planning permission for 40 dwellings (Application Reference: P/2014/00039).

5.6.3 Gladman has provided detailed representations to help the Parish Council achieve a sound plan. Gladman believe that it would be prudent for the production of the YNP to be delayed until the housing requirement and distribution are defined in the emerging Borough Plan. Further, there are significant concerns regarding the evidence base which underpins the YNP and also whether it has satisfied SEA requirements. In order to address these issues and produce a legally compliant Regulation 14 draft consultation, it will be necessary to undertake a significant review of the evidence base, including the assessment of local housing needs, and consult on issues and options stage that reflect that robust evidence base.

### **Conclusion on Yoxall Neighbourhood Plan**

5.6.4 The draft YNP is in a relatively early stage and still has rounds of formal consultation to pass through before adoption. The draft YNP is still subject to considerable change, has not been found to meet the basic conditions and currently holds very limited weight in the determination of this application. However, available evidence does indicate that there is a sustained need for housing in Yoxall, above that identified in the draft Plan.

## **5.7 Supplementary Planning Documents**

5.7.1 The following Supplementary Planning Documents are of relevance to the planning application:

### **Design Guide SPD (October 2008)**

5.7.2 The East Staffordshire Design Guide SPD 2008 provides guidance on a range of issues pertaining to residential development; such as development location, access, building design and the provision of amenity space.

5.7.3 While much of the guidance is not relevant to the determination of an outline application, the main aims of the guidance are relevant. These require that development be located in a sustainable location, be designed sympathetically with regard to its surroundings, provide safe linkages from the development to the surrounding area and incorporate amenity open space in keeping with the character of development.

### **Housing Choice SPD (December 2010)**

5.7.4 The Housing choice SPD has been adopted in December 2010 to ensure that new residential developments meet the housing needs and aspirations of the District. This includes the requirement for developer's to include suitable, high quality affordable housing within their developments.

5.7.5 The aims of this SPD are to ensure the development of mixed communities which means that areas contain a mix of housing types, sizes and tenures to accommodate households of different ages, compositions and incomes. Further the SPD seeks to encourage delivery of aspirational housing and provide suitable, high quality affordable housing in the right location. The percentage of affordable dwellings across the district is stated as 30%.

### **Open Space SPD (2010)**

5.7.6 The open space SPD 2010 makes available detailed guidance on the process and measures the council will adopt to establish the amount, type and size of the out-door playing spaces and children's play areas within the borough. The SPD supports saved policies from the Local Plan, relating to open space provision in new residential developments. Yoxall is classified as

a 'Rural 1' tier settlement which requires the provision of 1.99 Ha of open space per 1000 population.

## 6 PLANNING APPRAISAL

### 6.1 Introduction

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the Development Plan as a whole and requires that:

***"If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise"***

6.1.2 This is in addition to Section 54A of the 1990 Act, and is a reiteration of the presumption in favour of development that accords with an adopted and up to date Development Plan, as qualified by Paragraph 12 of the Framework.

6.1.3 The key issues to determine in the consideration of this planning application are whether;

- the development proposals are in accordance with the relevant policies of the adopted Development Plan, insofar as they apply and the degree of weight that can be reasonably attributed to them; and
- the assessment of all other material considerations, including the National Planning Policy Framework and the application of the presumption in favour of sustainable development, point towards the appropriateness of a grant of planning permission in the planning balance.

### 6.2 Conformity with the Development Plan

6.2.1 The second part of Paragraph 14 of the Framework sets out clear guidance for decision makers, stating that unless material considerations indicate otherwise, the presumption in favour of sustainable development means;

***"Approving development proposals that accord with the development plan without delay"***

6.2.2 Having identified those parts of the development plan that are relevant and up-to date in the previous chapter, the following paragraphs assess whether the development proposals are in accordance with the Development Plan.

## **6.3 Development Plan: The Principle of Residential Development**

- 6.3.1 The ESLP comprises the principal adopted development plan document of relevance to the determination of the application. Whilst the adopted Local Plan strategy seeks to focus development towards Burton-upon-Trent and Uttoxeter, the objectives of the plan recognise the need to meet the housing requirements of the Borough. As set out in chapter 4 of this statement, it is the case that the application site at Lightwood Road is situated outside of the settlement boundaries of Yoxall. Development in this location would therefore be contrary to saved Policy NE1 of the Plan, which precludes development in open countryside locations. However, whilst there is a conflict in principle, the housing and countryside policies are out-of-date, as they conspire to constrain housing supply at a time when the Council cannot demonstrate an adequate supply of housing sites. This is contrary to Paragraph 49 of the Framework. The presumption in favour of sustainable development is therefore engaged and permission should be granted unless the harm significantly and demonstrably outweighs the benefits.
- 6.3.2 The emerging East Staffordshire Local Plan (EESLP) once adopted will become the development plan which oversees growth in the Borough until 2031. The Inspector in his recent Interim Report has set out his concerns regarding the emerging Local Plan housing requirement and reliance on large strategic sites to maintain a housing land supply. Until the housing requirement has been found sound by the Inspector, only very limited weight can be given to the Objectives, Strategy and housing policies contained within the EESLP.
- 6.3.3 Further, the settlement boundaries as proposed can only be allocated very limited weight until such time as the outstanding objections in relation to the housing policies of the plan and associated evidence bases are resolved. Should the Council's housing target be increased to reflect the objectively assessed needs of the Borough then the proposed settlement boundaries will need to be amended accordingly to accommodate the higher level of growth.
- 6.3.4 The draft YNP is in a relatively early stage in its preparation and still has rounds of formal consultation to pass through before adoption. The draft YNP is still subject to considerable change and currently holds very limited weight in the determination of this application.

6.3.5 It has been demonstrated that the development proposal constitutes sustainable development and in order to remedy the Councils five year housing land supply position and comply with the Framework, the application should be approved without delay.

### **Development Plan: Technical Matters**

6.3.6 The application is accompanied by a suite of supporting technical reports which demonstrate that the proposal has been designed taking into consideration site constraints as well as offering appropriate mitigation and long term improvements to the site and wider area. These include:

- Design and Access Statement – This demonstrates the evolution of the design and how the indicative Masterplan could deliver up to 170 dwellings, taking into consideration the sites surroundings and land constraints
- Transport Assessment and Travel Plan – The TA demonstrates that the site can be safely accessed from both Bondfield Lane and Lightwood Road. The results of the TA illustrate that the assessed junctions would operate well within capacity, provide adequate visibility splays and would adequately accommodate the development proposals. A residential Travel Plan would be secured to encourage alternative travel arrangements for future residents. Further the TA demonstrates that the site is sustainable and is well served by public transport.
- Flood Risk Assessment and Surface Water Drainage Strategy – The site is located within Flood Zone 1 and is at low risk of flooding. Evidence from the SFRA and EA surface water maps also illustrate that the site is at low risk of surface water flooding. The drainage strategy proposes to direct all the surface water runoff from the new development to new surface water networks that flow south east. An infiltration basin will be situated to the south east of the site, to retain the excess water. The strategies proposed have been designed to reduce the risk of flooding on site and elsewhere in the local area.
- Landscape and Visual Impact Assessment – The scheme has evolved taking into consideration important views and vistas from within and out of the site. The assessment demonstrates that the scheme is acceptable in landscape terms.
- Ground Conditions Desk Study – The study finds very limited potential for contamination. Requirements in relation to ground conditions and contamination can be conditioned as part of any planning permission.
- Ecological Appraisal – The appraisal shows that the proposal will provide



betterment to the existing ecological conditions of the site. This is a benefit of the scheme.

- Arboricultural Assessment – There is limited tree cover within the site, the majority of trees are confined to the existing field boundaries. The tree cover on the site is regarded as being of low arboricultural value. Some minor tree and hedgerow loss will be required to facilitate the proposed development. Proposed new tree and hedgerow planting within the developments frontage, public open space and elsewhere within the development will suitably mitigate against any loss.
- Sustainability Assessment – The supporting report shows that Yoxall is a successful and highly sustainable village. Yoxall is therefore considered to be a good place to locate new housing. The report concludes that the proposed development will help enhance the economic vitality of Yoxall and ensure the future sustainability of the settlement.
- Desk Based Archaeological Assessment – There are no designated or non-designated heritage assets on the site. Based on current evidence there is low potential that archaeological features are present on the site. Should further assessments be required prior to the commencement of development, a suitably worded condition can be attached to any planning decision.
- Foul Drainage Strategy Report – The supporting report demonstrates that all foul flows from the development will be connected to the existing public sewerage network.
- Air Quality – The site is not located within an existing Air Quality Management Area. Following assessment of the proposal and statutory designations, and discussions with the LPA a full air quality assessment has not been considered necessary for the outline planning application.
- Socio-Economic Impact Statement – This report demonstrates the economic and social benefits which the proposed development will deliver to the local community and economy.
- S106 Heads of Terms – A full package of financial contributions are offered to comply with local planning policy requirements (see Appendix 4).

## **Conclusion on Compliance with the Development Plan**

- 6.3.7 Support at the strategic level for the development can be drawn from the Spatial Strategy, which seeks to deliver housing development for the Borough. There is a technical non-compliance with Policy NE1; however, settlement boundaries are demonstrably out-of-date and the Council cannot demonstrate a 5 year supply of housing sites, meaning the presumption in favour of sustainable development is engaged and permission should only be refused if the harm significantly and demonstrably outweighs the benefits.
- 6.3.8 The remainder of relevant saved policies of the Development Plan which can be afforded weight primarily relate to matters of design and technical matters. It is concluded that the findings of the reports submitted in support of the application demonstrate the proposed development would comply with those policies.
- 6.3.9 Paragraph 14 of the Framework is clear that where development accords with the development plan, applications should be approved 'without delay.'

## **6.4 Assessment of Other Material Considerations: Compliance with the National Planning Policy Framework**

- 6.4.1 Both the Act and the Framework refer to other material considerations that may be taken into account in the decision-making process. In this case, the principal material consideration is the Framework, together with other relevant documents including the emerging development plan and relevant Ministerial Statements.
- 6.4.2 In the first instance, the proposed development accords with the following relevant Core Planning Principles set out at Paragraph 17 of the Framework. The development;
- No.3 - will help to pro-actively drive and support sustainable economic development to deliver the homes, business space and thriving local places that the country needs; every effort should be made to objectively identify and then meet the housing, business, and other development needs of an area and respond positively to wider opportunities of growth;
  - No.4 - seeks to secure high quality design and a good standard of amenity for existing and future occupants;

- No.5 - takes account of the different roles and character of different areas and will support the thriving rural community in Yoxall;
- No.7 - contributes to conserving and enhancing the natural environment and creating new habitat;
- No.11 - promotes growth in a sustainable location where the fullest use of public transport, walking and cycling can be made, and;
- No.12 - takes account of and supports local strategies to improve health, social, cultural wellbeing for all and delivers community facilities to meet local needs.

### **The Presumption in Favour of Sustainable Development**

6.4.3 Paragraph 6 of the Framework makes it clear that Sustainable Development means that development proposals must be assessed against Policies 18 to 219 of the document as a whole. Such an assessment should be read in the context of the social, economic and environmental dimensions set out in Paragraph 7 and the guidance at Paragraphs 8 to 17 of the Framework. All elements of a scheme should be balanced such that even if there is a conflict with one aspect of policy, an overall development may still be sustainable.

6.4.4 Not all of the policies in the Framework will be relevant to a development proposal and in particular where elements of the Development Plan may still be afforded full weight. Those elements that are identified as being relevant to the proposed development are considered in more detail below:

### **Building a Strong and Competitive Economy**

6.4.5 Housing development is a key component of economic growth and this is fully recognised in Government policy and Ministerial guidance. The delivery of a sufficient quantum of housing of the right type, at the right time and in the right location, is fundamental and as much a part of the growth agenda as direct economic development.

6.4.6 The scale and scope of the development can make a significant contribution to the local economy and the prosperity of the Borough. Moreover, by generating substantial public revenue through new Council Tax receipts and New Homes Bonus revenue this development could provide an important source of revenue funding for the local authority and the parish in delivering public services as well as investing in, maintaining and enhancing infrastructure within the locality at a time when public sector funds are being squeezed.

- 6.4.7 The application is supported by a full Socio-Economic Statement and the following headline local economic benefits have been identified as being derived from with the provision of new homes at the Lightwood Road application site:
- Over £17.5 million construction spend;
  - 155 Full Time Equivalent (FTE) employment opportunities directly from construction;
  - a further 159 indirect / induced FTE jobs generated locally;
  - Up to 209 additional working age and economically active residents;
  - New residents could generate total gross expenditure exceeding £3.8 million per annum;
  - An additional £1.6 million of New Homes Bonus revenue to East Staffordshire Borough Council over a 6 year period.
- 6.4.8 The Rural Solutions report submitted with the application advises that the economic risks that may arise as a result of a lack of new housing in Yoxall and East Staffordshire includes affecting the economic capacity of the Borough through impeding the amount of people of working age, who may otherwise migrate to other areas with available and affordable housing stock.
- 6.4.1 On this basis, the provision of quality family housing Yoxall is central to the achievement of sustainable economic growth in East Staffordshire and is fully supported by the requirements and advice of the Framework; indeed, paragraph 19 is clear that **"significant weight"** should be placed on the need to support economic growth through the planning system.

### **Delivering a wide choice of high quality homes**

- 6.4.2 The Framework sets out the Government's key housing objective, which is; ***"to boost significantly the supply of housing"***. Paragraph 47 sets out how LPAs should achieve this boost in the supply of housing, including a requirement to:

***"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic***

***prospect of achieving the planned supply and to ensure choice and competition in the market for land”***

- 6.4.3 Paragraph 49 provides extremely clear guidance on both how this should be achieved and how applications should be considered if it is not:

***“...Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.***

- 6.4.4 The proposals entirely accord with this national policy objective in so far as the application will deliver new housing development which will assist East Staffordshire Borough Council and contribute towards the central government objective of boosting significantly the supply of housing now.

**Housing Land Supply**

- 6.4.5 East Staffordshire Borough Council acknowledges it cannot identify a supply of deliverable housing sites for the next five years and therefore the presumption in favour of sustainable development is engaged. As reported in Chapter 5 of this Statement, the Council’s 5 year Housing Land Report (2014) calculates the deliverable supply to be equivalent to 3.89 years. The Council’s poor five year housing land supply position is further compounded when taking into account the Gladman’s objectively assessed housing needs of the Borough.
- 6.4.6 Accordingly, significant weight should be attached to this proposal in its contributions to meeting housing need.

**Emerging Local Plan**

- 6.4.7 The development proposal is in accordance with the vision, objectives and spatial strategy of the emerging Plan which directs growth to the most sustainable villages in the Borough - to ensure existing facilities, services and community life are supported. The development proposal responds to the identified need for smaller greenfield sites to accommodate supply more quickly whilst larger strategic sites take time to deliver. Importantly, the development proposal is also in accordance with emerging Strategic Policy 1 which sets out the principles of sustainable development that applications will be assessed against.

- 6.4.8 The development proposal is contrary to the emerging Local Plan in respect that the site has not been allocated by a Neighbourhood Plan and lies outside of the settlement boundary. Whilst the site is not allocated within the draft Yoxall Neighbourhood Plan - the evidence base which underpins the document is highly questionable and cannot inform an intelligent policy response as required by PPG. The draft YNP still has formal rounds of consultation to pass through before adoption and is subject to considerable change. The draft YNP therefore holds very limited weight in the determination of this application.
- 6.4.9 Further, the settlement boundaries as proposed can only be afforded very limited weight until such time as the outstanding objections in relation to the housing policies of the plan and associated evidence bases are resolved. Should the Council's housing target be increased to reflect the objectively assessed needs of the Borough then the proposed settlement boundaries will need to be amended accordingly to accommodate the higher level of growth.
- 6.4.10 It has been demonstrated that the development proposal constitutes sustainable development - in order to remedy the Council's poor five year housing land supply and comply with the Framework, the application should be approved without delay.

### **Meeting the Challenge of Climate Change**

- 6.4.11 Paragraph 95 of the Framework seeks **"new development in locations and ways which reduce greenhouse gas emissions"**, and urges LPAs to adopt national standards in order to drive for the delivery of sustainable development. The application proposal meets these criteria as it will be delivered to the relevant Building Regulations or equivalent standard applicable at the time of permission.

### **Framework Summary**

- 6.4.12 The proposals achieve demonstrable accord with the overall objectives and relevant policies of the National Planning Policy Framework (the Framework).
- 6.4.13 Housing needs in the Borough have been shown to be significant and it is essential housing permissions are granted without hesitation in sustainable locations in order to remediate this position. Further, there has been substantial under provision of affordable housing in the District and this shortfall will continue to be exacerbated, unless new housing development is

granted now. Therefore, the ability of the application proposal to deliver a significant amount of affordable housing in compliance with policy without subsidy is a significant material planning benefit that should weigh heavily in favour of this proposal.

- 6.4.14 It has been demonstrated that the application proposals constitute sustainable development and in this regard the '**presumption in favour of sustainable development**' is clearly engaged in respect of this scheme. It has been demonstrated that impacts of the scheme do not significantly and demonstrably outweigh the benefits of granting permission. Therefore, the proposals should be approved 'without delay'.

## **6.5 Conclusion**

- 6.5.1 The proposals achieve accordance with the relevant saved policies and objectives of the Development Plan. There is policy conflict with the housing supply related policies of the ESBLP, however in accordance with paragraph 49 of the Framework, these policies should be considered to be out-of-date. The development proposals achieve strong accordance with the relevant aims, objectives of the national planning policies set out in the Framework.

## **7 CONCLUSIONS AND PLANNING BALANCE**

### **7.1 Introduction**

- 7.1.1 The outline planning application is made in the context of the Government's requirement to boost housing land supply and responds specifically to the pressing need identified in East Staffordshire to deliver additional housing.
- 7.1.2 It has been demonstrated that the Development Plan is out of date and that the presumption in favour of sustainable development should apply to the determination of this application. Whilst the positive determination of the application should not rely on a five year housing land supply shortfall in accordance with the Framework paragraph 14, the proposal does respond positively to the identified lack of a five-year housing land supply in East Staffordshire, as well as the identified backlog of housing requirements and ongoing need for housing in the district.
- 7.1.1 Following the concerns raised by the Inspector in his Interim Report, the Strategic Objectives, Spatial Strategy and housing policies of the emerging Local Plan can only be afforded limited weight until those objections have been found sound at examination. Consequently the settlement boundaries as proposed by the draft Yoxall Neighbourhood Plan can only be given very limited weight until such time as the outstanding objections in relation to the housing policies of the Local Plan and associated evidence bases are resolved.
- 7.1.2 This proposal would be deliverable in the short term and increase the supply and choice of housing, including affordable housing for Yoxall and the Borough. In addition, it would contribute towards economic growth and have wider social benefits to the local community.
- 7.1.3 The supporting material, assessments and reports demonstrate that there are no technical or environmental constraints that provide 'show-stoppers' in respect of the development of this site. Paragraph 14 of the Framework calls for decision takers to approve development which is consistent with the development plan without delay and to grant planning permission unless the harm of doing so would significantly and demonstrably outweigh the benefits. The Planning Statement and accompanying reports confirm there are no adverse impacts that demonstrably outweigh the benefits (as does the Planning Balance Table at Appendix 5). In this case, the application proposals comprise sustainable development in accordance with the



definition set out in the Framework and when tested against all of the relevant sections of the Framework.

## **7.2 Harm Arising from the Development**

- 7.2.1 The application is accompanied by a comprehensive suite of supporting information, which demonstrates that the application site is free from significant constraints. The site is not subject to, nor especially sensitive in terms of, any built or natural protection designations and the proposed housing development will not result in significant harm in terms of acknowledged amenity, community, heritage, landscape, traffic, environmental, technical or other acknowledged public interests.
- 7.2.2 The construction stages of the development may have some effects which are short-term, temporary in nature, and local to the site and immediate area. In any event best practice measures will be put in to mitigate any adverse temporary impacts in terms of noise, the operation of construction traffic, plant and machinery or the management of any other related disturbance or nuisance. This is likely to include controls on working hours and dust suppression measures.
- 7.2.3 Full details of these tried and tested measures to minimise construction impact can be secured through a Construction Environment Management Plan prior to the commencement of development. The requirement would be specified by planning condition, a suggestion for which is included in a list of proposed planning conditions in Appendix 1 of this statement.

## **7.3 Benefits Arising from the Development**

- 7.3.1 The benefits of the scheme include:
- **A deliverable housing site** - A valuable contribution to the 5 year housing supply to the Borough and Yoxall.
  - **Creation of a high quality residential environment which respects the character of Yoxall** – The development has been carefully designed to respond positively and sympathetically to its built and environmental context and the character and appearance of the surrounding area.
  - **Improvements in housing mix and choice** – The proposed development of up to 170 net additional dwellings will provide a balanced mix of dwellings providing a choice of type and size in response to the identified housing demand and market assessment for Yoxall.

- **Provision of new public open space** – A high quality landscape setting which will be provided in close proximity to the proposed housing, along with more informal recreation space and landscaping to meet the needs of the new residents.
- **The retention of existing trees and hedgerows on site boundaries** – The proposals are based around the existing landscape features of the site, and seek to integrate them successfully into the overall design. Where hedgerows are to be lost, significant compensatory hedgerow planting is proposed.
- **Creation of permeable site with pedestrian links** – The site will provide for pedestrian links through the site, linking it to the Yoxall village centre and the surrounding area. Further, the development proposal will retain the existing Public Right of Way and permissive footpath on site, allowing residents to walk around the west of the village without using Bondfield Lane.
- **Development in a highly sustainable location** – The development is located within walking distance to Yoxall Village centre and existing bus stops providing good transport links to the surrounding area. The centre of Yoxall, with its shops, services and community facilities, is within easy walking or cycling distance of the site.
- **Minimal traffic impact** - The anticipated level of increase associated with the development proposals would be unlikely to have any material impact upon the local highway network.
- **Population growth** - A sustainable increase in population within Yoxall to sustain and support the vitality and viability of the area and its businesses, services and facilities; and
- **Economic Benefits** - Increased Council Tax revenue and receipt of New Homes Bonus payments to further invest back into the community.

7.3.2 From the above, it can reasonably be concluded that there are no material considerations or adverse impacts which demonstrably outweigh the benefits which flow from the development. Planning permission should therefore be granted 'without delay', as instructed by the Framework.

**APPENDIX 1 – DRAFT PROPOSED PLANNING  
CONDITIONS FOR DISCUSSION**

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Gladman Developments Ltd – Planning Conditions Lightwood  
Road, Yoxall

**Schedule of conditions in respect of outline planning permission  
granted for Outline application for up to 170 Dwellings with associated  
open space and landscaping with all matters reserved**

**Time Period**

1. Application for approval of reserved matters must be made not later than the expiration of 3 years from the date of this permission and the development must be begun not later than which ever is the later of the following dates:
  - (i) the expiration of 3 years from the date of this permission,
  - (ii) the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reserved matters**

2. Details of access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**Approved Plans**

3. The development hereby permitted shall comprise no more than 170 dwellings.
4. The development hereby permitted shall be carried out in general accordance with the details shown on the submitted Development Framework Plan, drawing numbers [5448 / ASP03].

**Conditions Precedent**

**Affordable Housing**

5. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework and National Planning Practice Guidance. The scheme shall include:

- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no Registered Provider is involved) ;
- d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- e. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

### **External Materials**

6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

### **Site investigation / contaminated land**

7. No part of the development hereby permitted shall be commenced on site unless and until:
  - a. A site investigation has been designed for the site using the information obtained from the desktop investigation previously submitted in respect of contamination. This shall be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on the site; and
  - b. The site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the Local Planning Authority; and
  - c. A method statement and remediation strategy, based on the information obtained from 'b' above, including a programme of works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation strategy.

### **Tree protection measures**

8. The development hereby approved, shall be carried out in accordance with recommendations of the approved FPCR Arboricultural Report dated December 2014 submitted with the application. No development shall begin until details of the means of protecting trees and hedges within and immediately adjacent to the site of the particular phase, including root structure from injury or damage prior to or during the development works have been submitted to and approved in writing by the Local Planning Authority. Such protection measures shall be implemented before any works are carried out and retained during building operations and furthermore, no excavation, site works, trenches or channels shall be cut or laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or hedges.

### **Protected Species**

9. Before any development or other operations commence, and within one month of the planned commencement of works, an assessment of the site for evidence of badgers shall be undertaken by a licensed ecologist. A copy of the assessment report shall be submitted to the Local Planning Authority and any necessary mitigation plan shall be agreed, implemented and if necessary maintained in consultation with Natural England and confirmed in writing by the Local Planning Authority.
10. Before development commences detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and roosting bats, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.
11. Before any development or other operations commence, and within one month of the planned commencement of works, an assessment of the trees on the site for bat roosts shall be undertaken by a licensed bat ecologist. A copy of the assessment report shall be submitted to the Local Planning Authority and any necessary mitigation plan shall be agreed, implemented and if necessary maintained in consultation with Natural England and confirmed in writing by the Local Planning Authority

## **Nesting Birds**

12. No clearance of trees or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.

## **Construction / Protection Method Statement**

13. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials
  - c. storage of plant and materials used in constructing the development
  - d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - e. wheel washing facilities
  - f. measures to control the emission of dust and dirt during construction
  - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - h. a scheme to control noise during the construction phase.

## **Post Commencement / Pre-Occupation Conditions**

### **Flooding and Drainage**

14. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment prepared by Hydrock (reference R/14444/F002) dated December 2014.

No development, other than the formation of the site access, shall begin until a surface water drainage scheme, including details of a surface water regulation system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the local planning authority. If required, such details shall be submitted and approved on a phased basis. The



submission(s) shall include details of how the scheme shall be maintained and managed after completion of the development and shall subsequently be implemented in accordance with the approved details before the development is completed.

### **Foul Drainage**

15. No development, other than the formation of the site, access shall take place until a strategy outlining the system of drainage for foul and sewage waste arising from the entire site has been submitted to the Local Planning Authority and approved in writing.

Thereafter the detailed schemes for foul and sewage waste disposal for the development shall be submitted for approval in accordance with the strategy for the entire site approved under this condition. No dwellings shall be occupied until the approved foul drainage scheme has been completed in accordance with the approved details.

### **Landscaping Implementation**

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the buildings hereby approved or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

### **Travel Plan**

17. Prior to the first occupation of any dwelling, an Interim Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter and prior to the occupation of the 50<sup>th</sup> dwelling, a Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This Final Travel Plan shall include objectives, targets, mechanisms and measures to achieve targets and implementation timescales, monitoring and review provisions and provide for the appointment of a travel plan co-ordinator. The development shall thereafter be implemented in accordance with the approved Travel Plan.

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## **APPENDIX 2 – SUSTAINABILTY MATRIX**

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## Gladman Sustainability Matrix – Lightwood Road, Yoxall

Sustainability Criterion	Factor	Sustainability Outcome	Commentary	Document Reference
1 <b>Primary Check List</b>	Is the site outside Green Belt, National Park, AONB and other protected landscapes?	✓	The site is not affected by any protected landscape designations.	See Landscape and Visual Assessment and comments of the Council's Landscape Officer
	The scheme does not affect a wildlife sensitive location – SSSI, SNIC, LNR?	✓	The scheme is isolated away from any wildlife sensitive locations. There are no SSSI designations, Local Nature Reserves or SNICs within 2,000m of the development site.	See Ecological Assessment
	Will the site contribute to a shortfall in the 5-year housing land supply?	✓	Available evidence demonstrates Wiltshire's housing land supply to be as low as 3.89 years.	See Committee Report
	the site is: Available	✓	Yes	See Planning Statement
	the site is: Suitable	✓	Yes	See Planning Statement
	the site is: Achievable	✓	Yes	See Planning Statement
	Does the scheme accord with delivery of the Council's Regeneration Strategy?	✓	Yes	See Planning Statement
2 <b>Sustainable Settlement and Location</b>	Is the site adjoining or within a recognised Sustainable Settlement or Location for Growth in LPA Policy?	✓	Yoxall is identified as a Tier 2: Local Service Village in the emerging Local Plan. The proposal will deliver residential development in a sustainable location directed for growth. Yoxall currently provides a good range of facilities and services for the local community.	See Planning Statement
	<i>What makes this location sustainable?</i> Accessibility to local and neighbourhood facilities within or just beyond the 800m walking distance.- maximum acceptable walking distance (IHT)		ATM - 700m Amenity Area (Ferrers Field) - 250m Food shop – 622m Primary School – 900m Village Hall – 852m Bus Stop – 508m Garage/Mechanic – 583m The Golden Cup Pub – 750m The Crown Inn Pub – 510m Post Office – 955m Shopping hub (5+ shops) - 600m Health Centre – 826m Sports Facility (Ferrers Field) – 250m Small Park (Ferrers Field) – 250m	See Design and Access Statement and Transport Assessment
	<i>What makes this location sustainable?</i> Accessibility to district services within or just beyond the 2,000m walking distance - maximum distance commutable for walking (IHT)		Train Station (Rugeley Trent Valley) – 13.35km Pharmacy (The Co-operative Pharmacy) – 5.63km Dentist (Barton Dental Practice) – 5.31km Secondary School (The Friary, Lichfield) - 10.46km College/Higher Education (South Staffordshire College, Lichfield) 11.75km Leisure Centre (Friary Grange Leisure Centre, Lichfield) – 10.3km Library (Barton Library) – 5.6km Large Park (Darnford Park, Lichfield) – 12.55km District Centre (Lichfield District Centre) – 12.07km Supermarket (Morrisons, Lichfield) – 11.10km District Sports Facility (St George's Park, Burton Upon Trent) – 10.78km Employment Area (Lichfield District Centre) – 12.07km Bank (Halifax Bank, Rugeley) – 12.55km Nursery (Humpty Dumpty Day Nurseries and Pre-Schools) – 1.93km	See Design and Access Statement and Transport Assessment
	Development restricted to flood zone 1 / able to contain rainfall from 1:100 year rain events	✓	The site is not located in a flood zone risk area.	See FRA
	Areas of ecological and geological interest are unaffected / mitigated by the proposals	✓	There are no known ecological or geological interest on the site. Trees and hedgerows will be retained were possible.	See Ecological Report
	Additional capacity provided to ensure existing education / medical facilities will cope	✓	Discussions will take place to establish whether a contribution is required to increase the capacity of existing educational and medical facilities.	Statement of Community Involvement

<b>3</b> <b>Sustainable Transport</b>	All homes within 5km of long distance public transport services (railway station/bus service)	✓	All homes on the site will be in close proximity to the local bus service. Rugeley Trent Valley Station is 13.35km away from the development site and provides services to; Crewe, Stafford, Birmingham New Street and London Euston.	See Transport Assessment
	Development site within 800m of hourly bus service	✓	All homes will be within less than 500m away from a regular bus service.	See Transport Assessment and Travel Plan
	Simple street pattern of indicative scheme gives priority to pedestrians and cyclists linking outwards to as many local facilities, public transport and natural green spaces as possible.	✓	Street patterns will be integrated so that the development links well with the existing residential development within the settlement. The street pattern will enable pedestrians and cyclists to travel safely to Yoxall's public open space and local facilities. Existing Public Right of Way and permissive footpaths will be incorporated into the scheme.	See Design & Access Statement
	Travel Plan Co-ordinator to provide site-specific Travel Pack detailing measures to reduce car-reliance and give access to lift share	✓	A Travel Pack will be prepared for new residents.	See Transport Assessment and Travel Plan
	High quality paving materials used to control traffic speed, encourage shared-use, amenity, recreation and community	✓	Pavements and shared surfaces will be prepared to provide a pedestrian friendly environment and also to reduce traffic speeds.	See Design & Access Statement
<b>4</b> <b>Economic Benefits</b>	Does the scheme promote aims of Planning for Growth?	✓	The proposals are consistent with Planning for Growth.	See Planning Statement
	Benefits to LPA: New Homes Bonus, Council Tax revenue, CIL / S106 contributions; Job creation (f/t, p/t), Economic value of works	✓	The development will deliver increased Council Tax revenue and receipts of New Homes Bonus payments to further invest back into the community, along with other tangible economic benefits that will benefit the community of Yoxall and East Staffordshire.	See Planning Statement
	Proposal that increases the viability and reinforces the sustainability of local businesses and facilities.	✓	Pedestrian access routes tie into the existing footpath network enabling new residents to easily access local businesses and facilities.	See Planning Statement
	Existing dwellings within settlement benefiting from increased sustainability by provision of new facilities on-site	✓	Provision of new open space and recreation facilities on-site will be made readily available to both for the beneficiary to the residents of the new development and the local community.	
<b>5</b> <b>Housing</b>	Does the provision of Affordable Housing distributed throughout the site contribute to the major local shortfall of affordable housing	✓	The scheme would contribute to the provision of affordable homes in Wiltshire Council. The emerging Local Plan sets an affordable housing target of 30%.	See Affordable Housing Statement
	Diversity of housing stock: • flexibility within homes to enable home-working • Achieve Lifetime Homes standard in all social housing and other tenures	✓	The proposed housing stock will create a sustainable and attractive environment, enhancing the quality of lives for the new residents.	See Design & Access Statement
	Meet Local Housing needs, maintain land supply and reduce waiting lists by providing a range of types, sizes and tenures of market housing based on socio-economic demographics.	✓	Proposals will provide a choice of housing size and tenure in order to help create a mixed community, including 30% of affordable housing as well as making a contribution to East Staffordshire's five year supply position.	See Affordable Housing Statement
	Meets 'Secure by Design' standards	✓	The detailed proposals will incorporate 'Secure by Design' standards.	See Design & Access Statement
<b>6</b> <b>Education, Community &amp; Sports provision affecting quality of life</b>	Enable safe routes to schools	✓	The site has a good pedestrian access to the local primary school. The route is well paved from the site directly to the school.	
	Will create a balanced community by increasing affordability and introducing a younger demographic of working age population.	✓	The development will provide a range of housing including some affordable housing that should assist in diversing the demographic of Yoxall and provide an opportunity for first time buyers to buy a home.	
<b>7</b> <b>Linkages Integration Design (Intrinsic Factors)</b>	A high quality built environment with a network of connected streets with active frontages responsive to local vernacular as reference points for design	✓	The site design will respond to integrate with the existing fabric of Yoxall by referencing common building materials, layout and street hierarchy.	See Design & Access Statement
	Provide multi-functional green spaces on-site achieving Local Plan and / or NPFA standards for recreation and play space, incorporating • Local landscape features,  • Existing vegetation / native planting scheme • SUDS including swales, open water course, reed beds or ponds	✓	The proposals will respect the existing environmental assets and use them as a framework for the creation of new Green Infrastructure, which will respect the landscape and promote biodiversity.	See Design & Access Statement
<b>8</b> <b>NPPF: Para 14: "At the heart of the National</b>	"approving development proposals that accord with the development plan without delay;"	✓	The proposed development is in broad compliance with the overall objectives of the National Planning Policy Framework.	Planning Statement
	"and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:"	✓	The Local Plan for East Staffordshire was submitted to the SoS on 11 <sup>th</sup> April 2014. The Local Plan has not yet been adopted and the old local plan policies, relating to housing are now out of date.	Planning Statement

<b>Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking... For decision-taking this means (unless material considerations indicate otherwise)...</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;”		There are a number of significant benefits associated with the development, including; public open space, increased affordable housing provision for the District, New Homes Bonus.	Planning Statement
	“or specific policies in this Framework indicate development should be restricted (SSSI, Green Belt, AONB etc.)”		The site represents an acceptable and sustainable location on the edge of a large settlement, which is targeted for growth. The site is not covered by any national designations and is considered a suitable site for residential development.	Planning Statement

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## **APPENDIX 3 – UTILITIES INFORMATION**

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## **Final Utilities Appraisal – Yoxall**

### **Electricity**

The plans supplied by Western Power Distribution (WPD) indicate there is an 11kv HV overhead line running across the northern part of the site with an associated wayleave that can be terminated giving 12 months' notice. This line can be diverted underground within the new infrastructure of the site to accommodate any development; the proposed layout plan allows for this and access to where the main crosses the site boundary has been allowed for.

It is anticipated that the new development of 169 units could be supplied by the existing network; the point of connection off the existing network would need to be confirmed once the detailed design was completed, but is expected to be from the existing HV cable crossing the site. A new secondary substation will be required with associated LV mains and service connections.

### **Gas**

Plans supplied by National Grid indicate there are no mains within the site boundary. There is an existing low pressure (LP) main in Bondfield Lane to the south east of the site boundary; no diversions will be required.

It is anticipated that the new development could be supplied by the existing network; a new LP main would be laid to the site entrance and a new mains infrastructure would be laid on site with associated service connections.

### **Water**

The plans supplied by South Staffordshire Water indicate there are no existing mains within the site boundary. There is an existing main running along Bondfield Lane to the south east of the site boundary; no diversions will be required.

It is anticipated this existing water network could be extended to feed the proposed development. A new mains infrastructure would be laid on site with associated service connections to serve the new domestic properties.

### **Telecoms**

BT records indicate there is no existing overhead plant within the site boundary. There is overhead plant running along Bondfield Lane; no diversions are anticipated.

The proposed new site could be fed by extending this existing infrastructure. Broadband connections are available within this area but high speed fibre connections are yet to be installed.

### **Summary**

Initial investigations have not highlighted any concerns or engineering difficulties with servicing the proposed development with new gas, water, electric or telecommunication connections.

No engineering difficulties are anticipated for the required connection works.

New infrastructure and service connection costs are anticipated to be in line with those expected for a standard development of this scale.

It should be noted that all Utility Providers have a licence obligation to ensure that any connections to the system comply with all relevant regulations, legislation and Engineering Recommendations so therefore do not have an adverse effect to the supply and quantity of supply to existing customers.

**Appendix A – Email from Carl Saddler, OPA Wayleave Protection Control Co-ordinator**

## **APPENDIX 4 – S.106 HEADS OF TERMS**

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**Land off Lightwood Road, Yoxall  
Draft Heads of Terms for Section 106 Agreement**

**Proposed Development:** Proposed residential development of up to 170 dwellings, with associated open space and landscaping with all matters reserved.

**Application Date:** December 2014

**Local Planning Authority:** East Staffordshire Borough Council  
The Maltsters  
Wetmore Road  
Burton upon Trent  
DE14 1LS

**Obligations:**

**1. Open Space**

The Agreement will require the Developer to provide onsite informal open space and an equipped children's play area. Appropriate phasing requirements will be specified together with the requirement to agree with the Council an appropriate scheme for the long term maintenance and management of these areas including off site commuted sums as applicable.

**2. Cannock Chase SAC**

The Agreement will require the Developer to secure a contribution for the mitigation of the recreation impacts on the Cannock Chase Special Area of Conservation.

**3. Other**

Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of necessity and reasonableness, consideration will be given to their inclusion.

***N.B. – Affordable housing to be secured by appropriate planning condition.***

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## **APPENDIX 5 – PLANNING BALANCE TABLE**

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## Yoxall – Material Planning Benefits and Negative Factors

### Purpose

The purpose of this supplementary document is to encapsulate the relevant material considerations, and demonstrate in the planning balance that the benefits demonstrably outweigh the negative factors of the proposal.

Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. The document will show that the proposal strongly accords with the three dimensions of sustainable development; economic, social and environmental.

### Economic

<b>Material Consideration</b>	<b>Description</b>	<b>Positive benefit or Negative Factor (inc. document evidence and paragraph ref)</b>
<b>New Jobs</b>	<ul style="list-style-type: none"> <li>£17.5 million estimated construction spend.</li> <li>155 construction jobs.</li> </ul>	Positive benefit
<b>Labour Force/ Demography</b>	<ul style="list-style-type: none"> <li>around 408 new residents,</li> <li>contribute to local affordable housing needs</li> <li>increase demand and support for local education and health services such as GPs, dentists, nurseries, schools and colleges.</li> <li><i>Deliver housing to rebalance housing market.</i></li> </ul>	Positive benefit
<b>Resident Expenditure</b>	<ul style="list-style-type: none"> <li>Residents would generate annual household expenditure of £3.8 million per year.</li> </ul>	Positive benefit
<b>New Homes Bonus</b>	<ul style="list-style-type: none"> <li>£1.6 million in New Homes Bonus over six years.</li> </ul>	Positive benefit
<b>Vitality &amp; Viability</b>	<ul style="list-style-type: none"> <li>Increased demand and spending will maintain and enhance viability of local services and businesses.</li> </ul>	Positive benefit
<b>Household Rates</b>	<ul style="list-style-type: none"> <li><i>Council will receive Council Tax rates in perpetuity.</i></li> </ul>	Positive benefit
<b>Ageing Population</b>	<ul style="list-style-type: none"> <li>family housing will attract families and some key workers.</li> <li><i>smaller homes for older residents to down-size, thereby releasing larger family properties.</i></li> </ul>	Positive benefit
<b>Economic Recovery</b>	<ul style="list-style-type: none"> <li>Delivery of this site will assist economic recovery more quickly than SUE development.</li> </ul>	Positive benefit

## Social

Material Consideration	Description	Positive benefit or Negative Factor (inc. document evidence and paragraph ref)
<b>Building Sustainable Communities</b>	<p>The proposals will assist in building and maintaining a mixed and balanced community that will help sustain the vitality of community life in Yoxall.</p> <p>Yoxall is classed as a Category 2 Village or 'Local Service Village' in the 2014 Settlement Hierarchy Topic Paper. The development of up to 170 homes allows the settlement to play its part in delivering sustainable development in the rural area as proposed in the National Planning Policy Guidance (Reference ID: 50-001-20140306)</p>	Positive benefit
<b>Housing Need (Market &amp; Affordable)</b>	<p>The development of the proposed housing is a very efficient way of meeting existing housing need quickly. The site is easy to develop and has very few constraints, which will ensure that the site will rapidly contribute to increasing the supply of housing within the district.</p> <p>East Staffordshire Borough Council cannot demonstrate a robust five year housing land supply. The delivery of the site will therefore make a positive contribution to the supply of housing in the area.</p> <p>The proposals meet an identified housing need which will 'ensure choice and competition in the market for land' (NPPF Paragraph 47).</p> <p>New homes in Yoxall will enable people to access the housing market locally rather than being forced to move away due to lack of available housing. The proposals will assist in helping to maintain and enhance the vitality of the community (NPPF Paragraph 55)</p> <p>The mix of house types to attract the economically active and improve economic competitiveness, diversify local age structure and contribute to the 'objective of creating mixed and balanced communities' (NPPF Paragraph 50).</p>	Positive benefit
<b>Design &amp; Access (Social Dimension)</b>	The planning permission would enable delivery of a mix of housing – up to 170 new dwellings, offering 1-5 bedroom properties, comprising a range of house	Positive benefit

	<p>types from apartments to detached properties. This will add to the choice of high quality homes available in the district.</p> <p>The proposal sets a framework to enable the delivery of a high quality residential development. Existing and new residents of the settlement will benefit from the additional social infrastructure provision on-site, on land where there is currently no public access.</p> <p>Strategic areas of landscape and open space will include formal recreation, a children's play area and footpaths. The scheme will ensure a well-designed pedestrian network that links with the existing settlement.</p>	
<b>Transport Impact</b>	<p>The location of the site provides the opportunity for residents to undertake journeys on foot and by cycle, for a variety of purposes, including school, recreation, leisure, local amenity shopping and employment.</p> <p>The proposals provide funding to achieve improvements to enhance the highway network for all users in terms of ease of movement and improving safety.</p>	Positive benefit
	<p>The junction assessments have demonstrated that the study network junctions would operate within capacity and would adequately accommodate the development proposals.</p>	Neutral Factor
<b>Travel Plan</b>	<p>The Travel Plan (TP) promotes sustainable travel awareness and encourages sustainable travel choices other than single occupancy vehicle journeys. This Framework TP is prepared taking account of currently available best practice guidance (DFT 2009) and complementary residential guidance (DFT 2005)</p> <p>The TP will be managed and operated by the Travel Plan Coordinator (TPC) to be appointed by the residential developer(s), and to be in post at least three months prior to first occupation of a house at the site.</p> <p>As this is a new development, sustainable travel habits can be encouraged from the outset of occupation. The early appointment of the TPC will maximise this opportunity to influence travel choices.</p>	Positive benefit

<p><b>Archaeology and Heritage</b></p>	<p>The desk-based Archaeological Assessment concludes that development of the site would not impact any designated assets (Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Parks and Gardens or Registered Battlefields).</p> <p>It has been concluded that there is low/nil potential for the discovery of archaeological assets from prehistoric, Roman, Medieval and Post Medieval periods.</p>	<p>Neutral Factor</p>
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Environmental

<p><b>Landscape &amp; Visual Impact</b></p>	<p>The Landscape and Visual Assessment submitted with this application considers the application site to have a medium to high capacity to change with a low sensitivity in terms of landscape character. The magnitude of change is considered to be high providing a moderate / minor significance of effect upon landscape character.</p> <p>The proposals have incorporated a landscape led approach, with careful consideration given to the location of the proposed open space areas, the retention and enhancement of the existing boundary vegetation and new structure planting within the site. These features ensure that the proposals can be accommodated within this setting without detriment to the quality and character of the receiving environment.</p> <p>It is considered that the application site and receiving environment have the capacity to accommodate the proposals. The proposals will not result in significant harm to the landscape character or visual environment and, as such, it is considered that the proposed development can be successfully integrated in this location, is supportable from a landscape and visual perspective, and therefore meets the landscape requirements of both national and local planning policy.</p>	<p>Neutral Factor</p>
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<p><b>Ecological Impact</b></p>	<p>The site is within 15km of Cannock Chase SAC, designated for its heathland habitat.</p> <p>Mitigation is provided through the creation of Suitable Alternative natural Greenspace (SANG). It is also possible that mitigation could contribute to the LPA for off-site enhancements and access management. The final mitigation package will be agreed with the LPA and NE.</p> <p>The proposal aims to conserve and enhance biodiversity through:</p> <ul style="list-style-type: none"> <li>• Provision of domestic gardens which provide an opportunity to improve biodiversity over and above agricultural use.</li> <li>• Significant areas of planting to provide green infrastructure, ecology and wildlife benefits, including the protection of badger setts.</li> <li>• Habitat creation measures to ensure biodiversity is retained with enhanced hedgerows and green corridors.</li> </ul> <p>These measures will ensure a net biodiversity gain in accordance with requirements of Paragraphs 9 and 118 of the NPPF.</p>	<p>Positive benefit</p>
<p><b>Flood Risk Assessment (FRA)</b></p>	<p>The surface water drainage design will attenuate water run-off to less than the existing greenfield run-off rate and take account of future climate change in accordance with National Planning Policy Guidance. This is a material environmental benefit.</p>	<p>Positive benefit</p>
<p><b>Health and Well Being</b></p>	<p>Residents of the new housing will benefit from the new recreational leisure infrastructure available within the settlement. This will integrate with the on-site public space and will provide greater opportunities for access to existing residents.</p>	<p>Positive benefit</p>

Planning Balance

Positive benefits	Negative Impacts of the Scheme
Ecological Impact	
Flood Risk Assessment (FRA)	
Best and Most Versatile Agricultural Land	
Health and Well Being	
Building Sustainable Communities	
Housing Need (Market & Affordable)	
Design & Access (Social Dimension)	
Transport Impact	
Travel Plan	
New Jobs	
Labour Force/ demography	
Resident Expenditure	
New Homes Bonus	
Vitality & Viability	
Household Rates	
Ageing Population	
Economic Recovery	



## **APPENDIX 6 – GLADMAN SITES (PERMISSIONS & SALES)**

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SITE ADDRESS	NUMBER OF DWELLINGS	% AFFORDABLE	OUTLINE/IN PRINCIPLE PLANNING APPLICATION DETERMINATION DATE	COMMITTEE OR APPEAL DECISION (IF RELEVANT)	DATE LAND SOLD	PURCHASER	RESERVED MATTERS/MATTERS SPECIFIED BY CONDITION DETERMINATION DATE	COMMENCEMENT OF DEVELOPMENT	TIMESCALE FROM INITIAL PLANNING PERMISSION TO SITE START
North Dean Avenue, Keighley West Yorks	190	15% (28NO)	12 May 2010	Committee	May 2011	Barratt Homes	Reserved matters approved May 2011 (it was submitted in December 2010)	June 2011	13 months
Golden Nook Farm Cuddington Cheshire	150	30% (45NO)	20 Feb 2012	Committee	July 2012	Bovis Homes	Approved August 2012	September 2012 (road & demolition works)	7 months
Henthorn Road Clitheroe Lancashire	270	30% (81NO)	26 March 2012	Committee	December 2012	Barratt Homes & Taylor Wimpey	Approved March 2013	March 2013	12 months
Wigan Road Clayton le Woods Lancashire	300	30% (90NO)	21 July 2011	Committee	December 2012	David Wilson Homes/ Taylor Wimpey	Approved March 2013	May 2013	22 months
Loachbrook Farm Congleton Cheshire	200	30% (60NO)	20 March 2013 (date of High Court Challenge).	High Court Approval - 20 March 2013	Subject to planning, anticipated Nov 2013	Bovis Homes	14 June 2013	November 2013	8 months
Byefield Road Woodford Halse, Daventry	200	30% (60NO)	15 February 2013	Committee	Conditional exchange of contracts October 2013	Taylor Wimpey	July 2014	Expected Autumn 2014	21 months
Warmingham Lane Middlewich Cheshire	194	30% (58NO)	9 January 2013	Committee	June 2014	Morris Homes	March 2014	June 2014	17 months
Hannay Road Steventon Oxfordshire	50	40% (20NO)	23 April 2013	Committee	July 2013	David Wilson Homes	May 2014	May 2014	13 months
Queens Drive Nantwich Cheshire	270	30% (81NO)	1 March 2013	Committee	September 2014	Barratt Homes & Bovis Homes	July 2014	September 2014 (programmed start)	18 months
Eliburn Livingston West Lothian	87	15% (13NO)	3 March 2014	Committee	Sale agreed when s.75 signed in early 2014	Barratt Homes	Submitted March 2014, approved June 2014.	Sale concluded July 2014, site works underway in August 2014.	5 months

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**Appendix 3: Planning Statement – Land off Lightwood Road, Yoxall (ref: P/2014/01664)**



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- 1.2 Introduction
- 1.3 Design Objectives
- 1.4 Planning Policy
- 1.5 Planning Policy (*continued*)

### 2.0 Response to Context

- 2.1 Site Location & Context
- 2.2 Site Topography and Description
- 2.3 Local Facilities, Access & Movement
- 2.4 Historic Context & Development
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## Preface

Guidance relevant to planning, listed building and building control applications has introduced the concept of Design & Access Statements as a way of demonstrating that design, refurbishment and product selection decisions have, or will, address the obligations of reasonableness introduced by The Disability Discrimination Act 1995 (DDA) (amended 2005) which has since been replaced by The Equality Act (Disability Regulations) 2010.

The precise form of the Design & Access Statement and the level of detail it contains will vary according to the size, nature and complexity of the proposed development or alteration. This Design & Access Statement should therefore be seen as project specific, although some elements of the Statement will be more generic.

The Design & Access Statement process will assist in ensuring that the 'evolving duty' placed on service providers, employers and educators under the DDA can be addressed.

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## 1.0 Background

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# 1.0 Background

## 1.1 THE VISION

The overall vision for the site is to provide a distinctive and high quality development which enhances the semi rural character of Yoxall and which positively defines the settlement edge.

The development will create up to 170 dwellings with associated public open space, it will provide a choice of housing to meet the needs of the area whilst respecting and enhancing the urban edge location. The design seeks to link with and enhance the existing public right of way network and also aims to promote the use of sustainable transport.

Housing will be set within a robust green infrastructure which includes the retention of the existing established vegetation structures to the site boundaries and the centre of the site, and the Public Rights of Way that run through the site. The proposed green infrastructure aims to ensure the built elements can be successfully integrated within the landscape setting, and ensure that the proposals provide an appropriate transition between the proposed development and the wider countryside setting.

A landscape led development approach has been undertaken, with the proposals taking reference from the existing landscape character, and the wider landscape setting.

# 1.0 Background

## 1.2 INTRODUCTION

This Design and Access Statement has been prepared on behalf of Gladman Developments Ltd, and is submitted in support of an outline planning application with all matters reserved except for access.

The proposals for the site comprise the erection of up to 170 dwellings with new landscaping and extensive public open space.

A suite of plans and documents are submitted in support of the outline planning application covering amongst other matters: Landscape and Visual Impact, Flood Risk, Highways, Ecology, and Arboricultural.

This Design and Access Statement should be read in conjunction with the technical plans, drawings and supporting documents.

The document sets out an assessment of the development based the following matters:

### Use, Amount, Layout, Landscape & Access.

Prior to considering these matters, the context of the proposals is established, including a description of the characteristics of the site and the surrounding area. Relevant planning policy guidance on design at a national and local level is also considered.

This process of context analysis has informed the indicative layout, positioning and scale of the built form.



Figure 1.2 - Site Location



Figure 1.3 – View of the northern site boundary from the existing playing field to the north.



# 1.0 Background

## 1.3 DESIGN OBJECTIVES

The vision responds to the current and future needs of the settlement, with the overall aim of providing a high quality environment and sustainable development. There are a number of key principles and design objectives which have informed the proposed development and which are explained in more detail within this Design and Access Statement;

- ❑ *To deliver a high quality 'place' that is sustainable, safe and attractive.*
- ❑ *To deliver a mix of housing of up to 170 new dwellings offering 2-5 bedroom properties comprising a range of house types from apartments to detached properties.*
- ❑ *To create a considered and appropriate transition between the built edge and the wider countryside setting.*
- ❑ *To preserve and where possible enhance the character and appearance of the site and its setting.*
- ❑ *To create an appropriate development in terms of scale and urban grain which links with the existing development pattern and references local vernacular and materials.*
- ❑ *To provide extensive public open spaces incorporating play facilities, new landscaping and enhanced biodiversity which can be accessed and used by the existing adjoining residential areas as well as the new housing development.*
- ❑ *To establish a legible environment with interconnecting streets and spaces allowing access and connectivity across the site and between the adjoining areas.*
- ❑ *To promote sustainability and reduce energy consumption.*



Figure 1.4 – Examples of existing built form and architectural styles within the village.



# 1.0 Background

## 1.4 PLANNING POLICY

There is a great wealth of design documentation and guidance which provides a source of best practice design guidance for new development proposals. The National Planning Policy Framework (NPPF) and By Design are some of the key documents which have been embraced as part of the design and development process. A detailed assessment of the planning policy framework is set out in the Planning Statement which accompanies the planning application.

### National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was published on the 27th March 2012, replacing the existing system of national planning policy guidance and statements. The document sets out the Government's planning policies for England and how these are expected to be applied, and is a material consideration in planning decisions. The document places an emphasis on the promotion of sustainable growth whilst also protecting the environment, and at the heart of the NPPF is a presumption in favour of sustainable growth.

### East Staffordshire Borough Local Plan (ESLP)

The East Staffordshire Borough Local Plan (ESLP) was adopted in July 2006 to guide development until 2011. The ESLP was based on the requirement set out within the Staffordshire and Stoke-on-Trent Structure Plan, which along with the West Midlands RSS has now been revoked. The ESLP is time expired and does not include housing allocations to cover the period beyond 2011, in that sense the housing delivery policies contained within the plan are out of date.

The following 'saved' policies are considered to be of some relevance to the site and its setting: Policy NE1 – Settlement Boundaries; Policy H12 – Affordable Housing; Policy CSP5 – Infrastructure and Community Provision; Policy CSP6 – National Forest; Policy NE27 – Light Pollution; Policy BE1 – Design; Policy H6 – Housing Design and Dwelling Extensions; Policy T1 – Transport; Policy T2 – Strategic Highway Network; Policy T7 – Strategic Highway Network; Policy T7 – Parking Standards; Policy L2 – Landscape & Greenspace and Policy IMR2 – Contributions and Legal Agreements.

### Planning Practice Guidance (NPPG)

The National Planning Practice Guidance (NPPG) website was launched on 6 March 2014, following a period of beta-testing and public consultation. It replaces and consolidates 7,000 pages of planning guidance on topics including flood risk, heritage and design and it should be read in conjunction with the Framework.

As well as expanding on policy, the NPPG also provides general procedural guidance on matters such as the use of planning conditions and planning obligations and on planning appeals. It replaces cancelled guidance such as 'The Planning System: General Principles' document, providing guidance on issues of prejudice and prematurity, as well as providing detailed technical guidance for authorities and applicants on the production of planning studies, such as housing and economic land availability assessments.

Where provisions of the NPPG are relevant to the application, assessment will be provided in the relevant section of the planning appraisal in the following chapter.

### East Staffordshire Local Plan (EESLP) (Emerging Policy)

The emerging East Staffordshire Local Plan (EESLP), which will set out the spatial strategy and key planning policies for development in the Borough to 2031, was submitted to the Secretary of State for formal examination on the 11th April 2014. Initial hearings took place between 28<sup>th</sup> and 31<sup>st</sup> October 2014.

The Framework sets out at Paragraph 216 that weight may be afforded to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to policies in the Framework.

### Inspector's Interim Findings (November 2014)

The Inspector has produced his interim findings following completion of the first four hearing sessions which took place in October 2014. The Inspector has set out a list of matters which the Council have agreed to give further consideration.

The Inspector found that the Sustainability Assessment (SA) is deficient as a source of evidence in support of the EESLP both in respect of its technical adequacy and legal compliance. It therefore requires significant further work well beyond the scope of the established procedure for the SA and public consultation.

# 1.0 Background

## 1.4 PLANNING POLICY CONT.

### Yoxall Neighbourhood Development Plan 2031

On the 16<sup>th</sup> May 2013, Yoxall was granted Neighbourhood Area status by East Staffordshire Borough Council. The first draft of the Neighbourhood Plan was circulated to the local community for comments and feedback in November 2014.

### Statutory Designations

There is one Public Right of Way (PROW) which runs adjacent to the eastern boundary of the site. It is accessed from Ferrers Road to the north and ends at Bondfield Lane, to the south. There is also a permissive footpath which crosses the site from Bondfield Lane, it then runs along the southern boundary of the site and connects to a Public Right of Way located on the field west of the site.

The site itself is not the subject of any formal historic or environmental designations and it is not situated within a conservation area. The nearest heritage asset is Yoxall Conservation Area and associated listed buildings along Bonds End and Main Street, 250m to the east of the site, which are screened from view by intervening topography and residential development.

### East Staffordshire Borough Council's 5 Year Housing Supply: Sept 2014

The Council has produced a statement which sets out the Council's assessment of its supply of housing land over the five year period from August 2014 to 2019. The assessment is based on the emerging Local Plan requirement of 11,657 dwellings (613d dpa) as set out in the EESLP. Between August 2012 and August 2014, 504 houses were built in East Staffordshire, creating a shortfall of 722 dwellings against the emerging Local Plan requirement. The report states that this leaves a residual requirement of 3,678 houses to be provided over the next five years (736 dpa), which assumes the application of the Sedgefield approach (in which the backlog would be reclaimed in the next 5 years) and a 20% delivery buffer, which is applied to both the requirement and the backlog.

Against this requirement, the report identifies a deliverable supply of 3,961 units, which includes an assumed supply of 90 windfall dwellings each year. On this basis, the Statement calculates that the deliverable supply in the Borough is equivalent to **3.89 years**.

### Strategic Housing Market Assessment Update 2013

The East Staffordshire Borough Council Strategic Housing Market Assessment was published in October 2013 and updated in April 2014. The SHMA predicts a housing requirement of between 596 and 630 dwellings per annum based on four different scenarios.

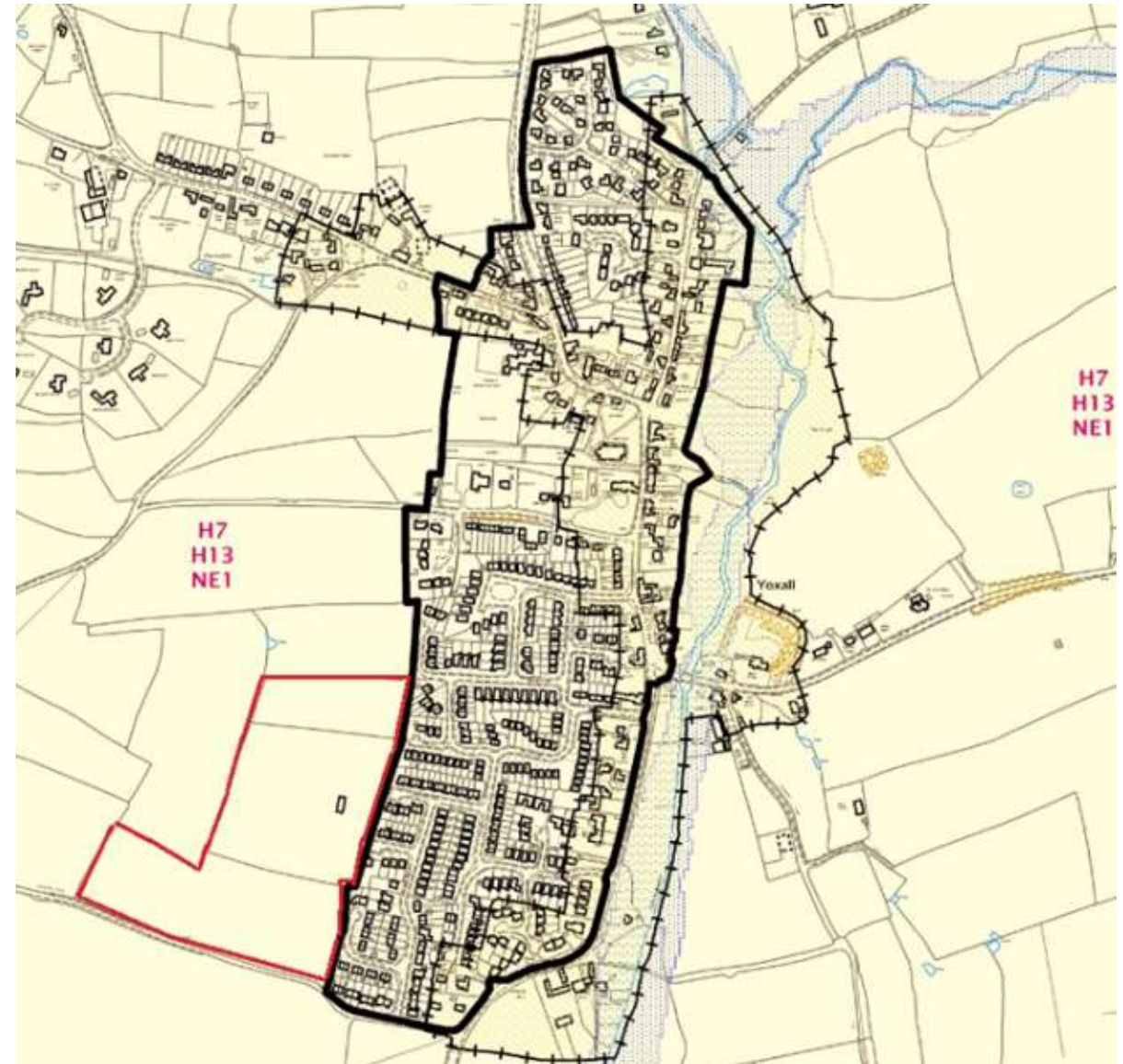


Figure 1.5 – Excerpt from the East Staffordshire Borough Local Plan Proposals Map

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## 2.0 Response to Context

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## 2.0 Response to Context



Figure 2.1 - The application site and existing context.

### 2.1 SITE LOCATION & CONTEXT

The site is located on the western edge of Yoxall, to the north of the River Trent and comprises of 7.36ha of agricultural land divided into 3 fields by well established hedgerows and mature hedgerow trees. Public footpaths (including sections of Long Distance Routes) lie adjacent to the sites northern, eastern and western boundaries. Ferrers Fields playing field adjoins the northern site boundary and is accessed from Ferrers Road. The site boundaries are defined by established hedgerows and trees which both contain and filter views towards the site. To the east, residential development associated with the wider urban area of Yoxall adjoins the site boundary forming a prominent feature within views from the west. The western site context is characterised by open countryside, and pattern of regular pastoral fields bound by an established network of hedgerows and pockets of woodland.

The site is open in character and comprises three agricultural/pastoral fields divided by established hedgerows. A Public Right of Way lines the eastern site boundary with the existing urban edge, and a permissive footpath link lines the southern site boundary. The existing urban edge forms a prominent feature within the immediate site context, influencing the character of the site. To the west, the wider agricultural setting of the site is characterised by a pattern of large fields, enclosed by established hedgerow boundaries, and areas of established woodland and plantation. A network of Public Rights of Way, narrow lanes and farm tracks traverse the wider landscape, which when combined with the irregular field pattern and associated boundary vegetation, create a compartmentalised and intimate character.



## 2.0 Response to Context

### 2.2 SITE TOPOGRAPHY

The study site is situated adjacent to the western urban extent of Yoxall and occupies three agricultural fields north of Bondfield Lane. The land is currently in use as an agricultural site. The site is divided into three fields of various sizes split by mature hedgerows. Access into the northern and central fields is currently via a gate in the north eastern corner of the site. Access into the southern field is via a metal gate in the south eastern corner of the site, off Bondfield Lane. A public footpath runs along the eastern site boundary and a permissive access route has been created along the length of the southern boundary. A drainage ditch runs along the northern field boundary of the southern field (parallel to Bondfield Lane) and falls west to east.

A site specific topographical survey has been undertaken and indicates that the site generally slopes from 75.7m AOD elevation in the northwest to 66.0m AOD in the southeast corner.



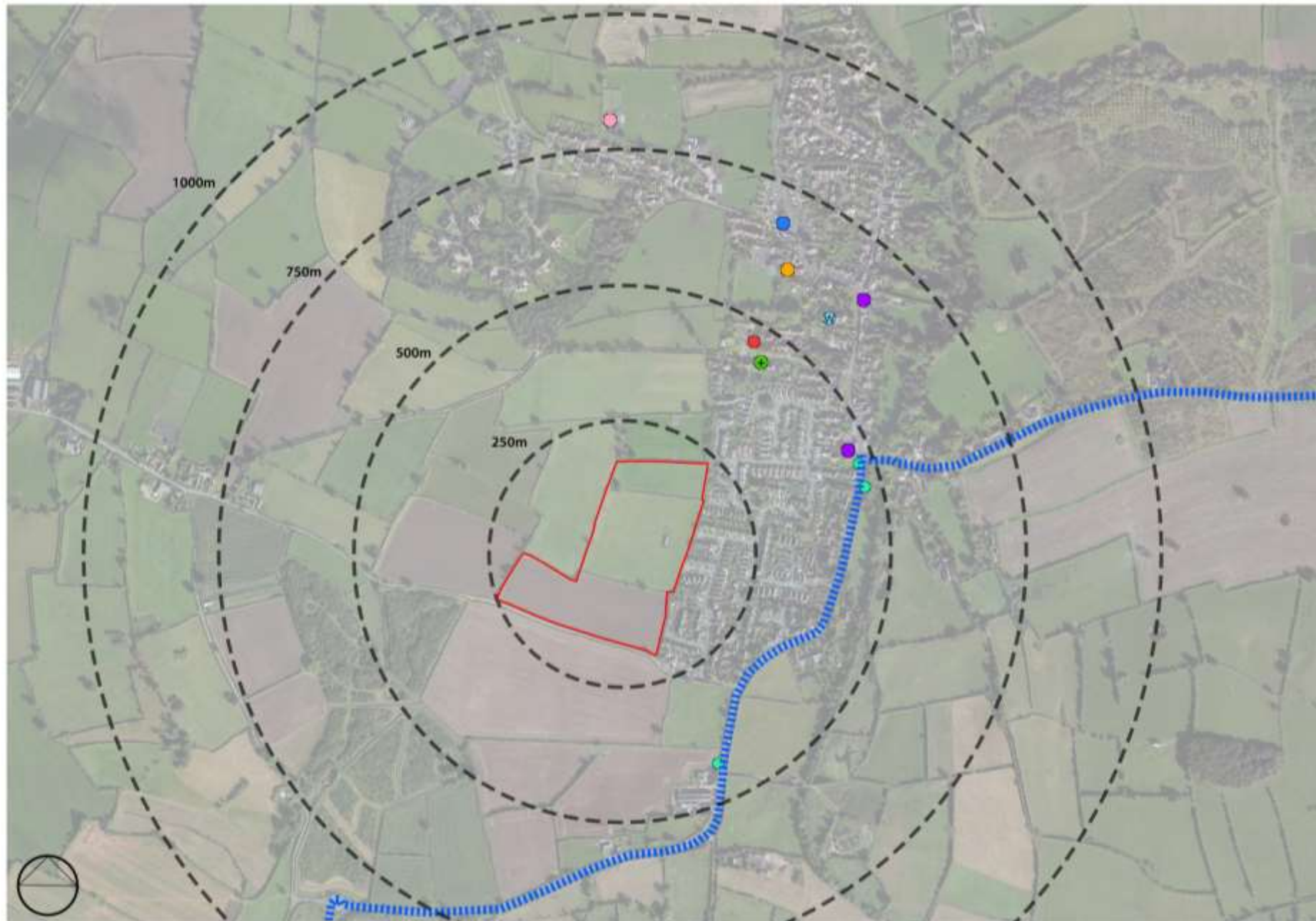
Figure 2.2 – Extract of the topographic survey illustrating the onsite falls and levels.



Figure 2.3 - Existing Topographical Survey



## 2.0 Response to Context



### 2.3 LOCAL FACILITIES, ACCESS & MOVEMENT

The village of Yoxall is considered to be sustainable in respect of its provision of local services. The village offers a number of shops and community facilities as well as a first and middle school. No further local service or community facility development is planned at the site, however the proposals will seek to enhance existing links between the site and these facilities, as well as proposing additional footpath links to the village and wider footpath network.

The development site has good access to public transport with a bus stops within 500m of the whole site. There will be enhanced pavements and footpath links to assist in providing safe access for pedestrians along Lightwood Rd. Ferrers Rd. and Hollys Rd. into the village centre or to public transport. St. Peter's C of E School lies less than 750m to the north of the site off King Street with easy access via the existing footpath network. A Post Office, florist, Medical Centre and the Golden Cup Hotel / Public House and the Crown Inn Public House are all within close walking distance. There are three local bus routes. Arriva run the No.7 & 7E which operates from Burton upon Trent to Lichfield with a bust stop opposite the Crown Inn Public House. The No.20 run by Viking tours, connects to the Robert Sutton School in Burton upon Trent during term times.

Figure 2.4 - Existing Facilities Survey



## 2.0 Response to Context

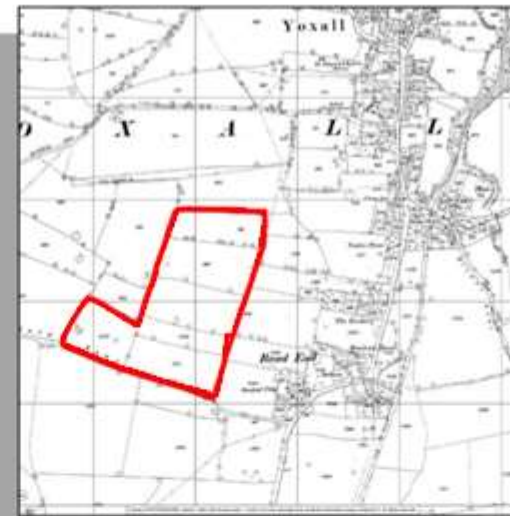
### 2.4 HISTORIC CONTEXT & DEVELOPMENT

The historical maps below illustrate the expansion and growth of Yoxall over the past 130 years. The land is largely characterised by agricultural fields, defined by established hedgerows throughout this time period, with field patterns remaining largely the same. Yoxall itself originally developed along a linear north - south axis around what is now the A515.

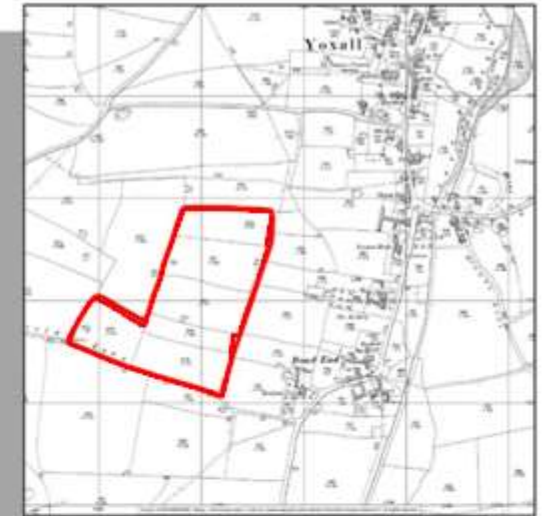
During the mid 1900's Yoxall remained fragmented and low density, until the 1970's when considerable infill and development to the settlements edges, expanding to the west of the existing conservation area have formed one coherent built form expanding Yoxall to the south. The principal road network was already in place by the late 19th Century, with St. Peter's Church also in existence. The Crown Inn, St. Peter's Primary School and the Village Hall are evident a little later by the early 20th Century.

The present day map shows the extent of the village to have remained largely unchanged since the expansion of the urban area in the 1970's, with little further development taking place since this time.

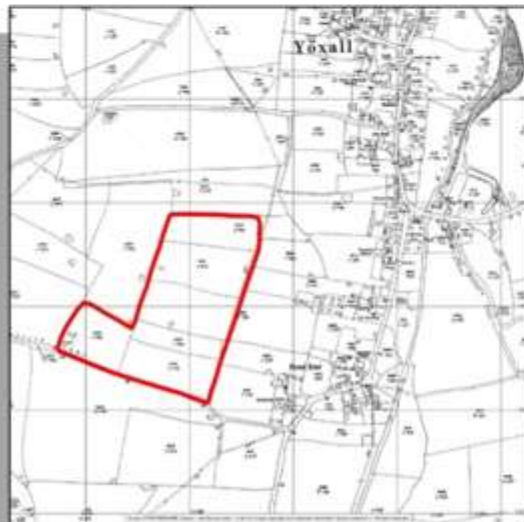
Figure 2.5 – Historic Map Data



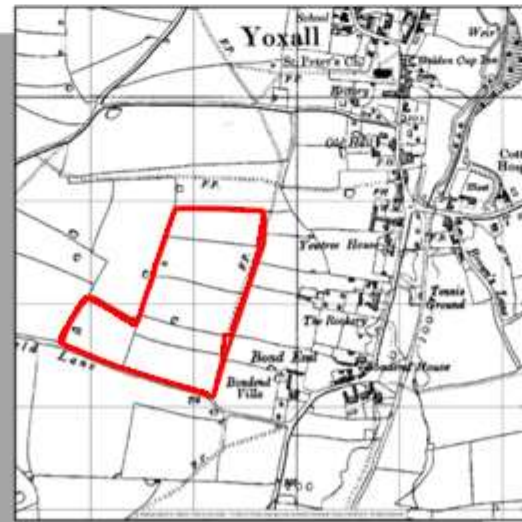
C1884



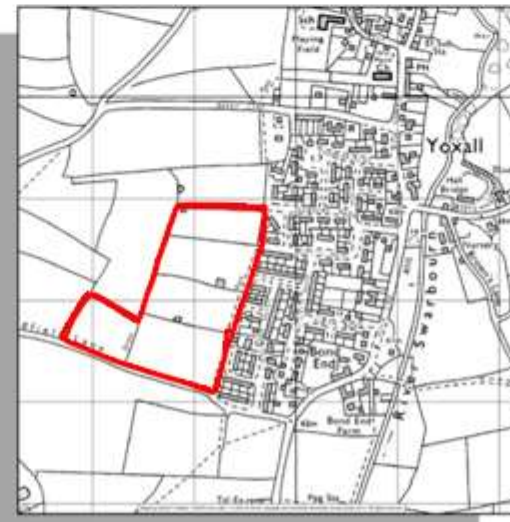
C1902



C1923



C1955



C1978



Current

## 2.0 Response to Context

### 2.5 LANDSCAPE CHARACTER & SENSITIVITY

The full detail of the landscape character is detailed within the Landscape and Visual Impact Assessment (LVIA) however as an overview Forest of Dean District Council's Landscape Character Assessment identifies the site as being located within character type 6b 'Unwooded Vale – The Severn Vale'.

- Soft rolling landscape formed from the districts youngest rocks and thick deposits of drift geology.*
  
- Extensive areas of wet meadow and floodplain.*
  
- Well maintained, and often ancient hedgerows forming an extensive network throughout the vale.*
  
- Numerous mature field and hedgerow oaks and small copses and shelter belts.*
  
- Quiet winding lanes linking numerous isolated farms and hamlets.*
  
- Remnants of medieval moated sites, ridge and furrow and water meadows.*
  
- Distinctive timber clad and half timbered barns associated with many farmsteads.*
  
- Timber and brick are the prevalent building materials used throughout the vale.*



## 2.0 Response to Context

### 2.6 TOWNSCAPE CHARACTER

There are no Listed heritage assets within the immediate site context, although the historic centre of the village is characterised by numerous examples of Listed buildings.

Within the village the local vernacular is defined by a mixture of architectural styles using traditional building materials including, brickwork, white rendered facades, slate and clay tiled roofs. This is particularly true of the village centre, however within the wider village setting more recent development is characterised by modern brick dwellings of a style more typical of late 20th Century development. Whilst this is typical of the wider village a number of examples of older, more traditional dwellings remain pepper potted in the area.

The development proposals will reference the varying architectural styles that characterise the local area, ensuring that the proposals respect and enhance the local character.



Figure 2.8 - Views of existing built form and residential styles within the village.



## 2.0 Response to Context

### 2.7 LANDSCAPE & VISUAL CONTEXT

The site is open in character and comprises three agricultural/pastoral fields divided by established hedgerows. A public right of way lines the eastern site boundary with the existing urban edge, and a permissive footpath link lines the southern site boundary. The existing urban edge forms a prominent feature within the immediate site context, influencing the character of the site. To the west, the wider agricultural setting of the site is characterised by a pattern of large fields, enclosed by established hedgerow boundaries, and areas of established woodland and plantation. A network of Public Rights of Way, narrow lanes and farm tracks traverse the wider landscape, which when combined with the irregular field pattern and associated boundary vegetation, create a compartmentalised and intimate character.

The application site has established vegetation structures associated with the site boundaries which affords a degree of containment to the site. The topography of the western site context allows for more wider ranging views into the site, however, for the most part these views are seen within the context of the wider urban area to the east of the site, which forms a prominent feature within the surrounding visual environment. The presence of the urban edge promotes an urban fringe character, such that the proposals would be seen as a logical extension to the existing settlement. In more sensitive views from the wider footpath network to the north, and in particular the 'Way for the Millennium' Long Distance Route the site is seen in the context of Yoxall, and as such a sensitively designed and located development will be in keeping with the existing character of the landscape setting.

A full Landscape and Visual Impact Assessment has been undertaken and forms a standalone document which supports this application. For the most part the site is well enclosed and visually contained and as such there will not be any significant effects upon the wider landscape setting. The development will be set within a robust green infrastructure that includes the reinforcement of the application site's boundaries.



Figure 2.9 – View from the public footpath to the west of the site looking east towards the existing urban edge. The view illustrates the open nature of the wider landscape with the existing urban edge forming a prominent feature within the view.



Figure 2.10 - View from the permissive footpath link which lines the southern site boundary, looking east across the site towards the existing urban edge.



Figure 2.11 - View from Ferrers Field to the north of the site. The view illustrates the extent of the existing vegetation associated with the northern site boundary and the visibility of the existing urban edge.



Figure 2.12 - View from the public footpath to the north west of the site. The view illustrates the topography of the immediate site context, the extent of the existing vegetation structure associated with the western site boundary and the visibility of the existing urban edge.

## 2.0 Response to Context

### 2.8 ARBORICULTURE

The tree survey and assessment of existing trees has been carried out in accordance with British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' (hereafter referred to as BS5837). The guidelines give recommendations on the relationship between trees and design, demolition and construction processes to achieve a harmonious and sustainable relationship between trees and structures.

The full details of the tree survey are contained within the separate arboricultural report which supports this application.

The tree cover on the site was not extensive and was all confined to the hedgerows which formed both the site boundaries and the field parcels. The dominant tree species present was English oak *Quercus robur* examples of which, by virtue of their open grown forms and physical proportions, formed key features of the local landscape. Further species present consisted of smaller numbers of ash *Fraxinus excelsior*, holly *Ilex aquifolium*, field maple *Acer campestre*, hawthorn *Crataegus monogyna* and purple plum *Prunus cerasifera Pissardii*.

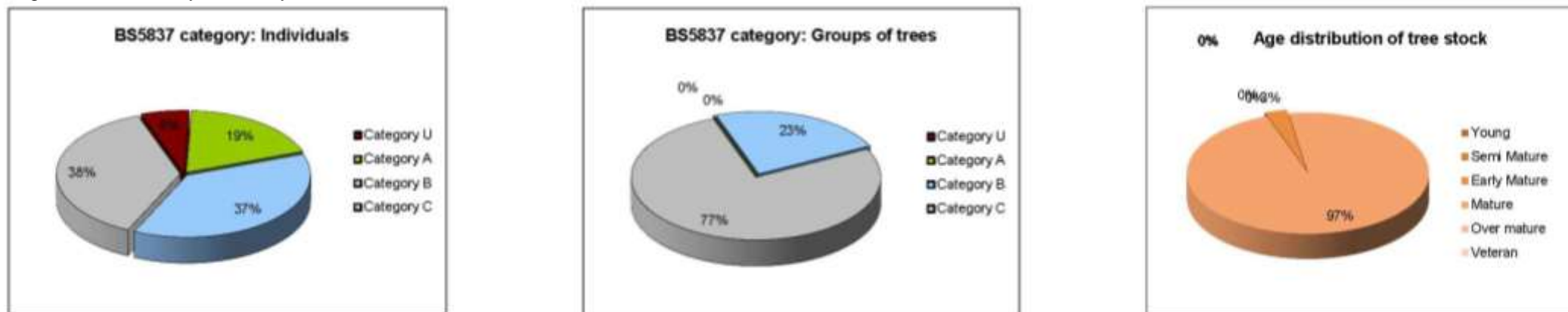
The hedgerows mostly comprised of hawthorn and elder *Sambucus nigra* and have generally been maintained.

Figure 2.13 illustrates the extent of the existing tree cover within the site, and the pie charts below illustrate the distribution of individual trees, age class and tree groups throughout the site.

Figure 2.13 -Tree Constraints Plan



Figure 2.14 – Survey Summary





## 2.0 Response to Context

### 2.9 ARCHAEOLOGY

An archaeological desk based assessment has been undertaken by CGMS Consulting Ltd to inform development proposals for the site of Lightwood Road, Yoxall, Staffordshire. This assessment is made within the context and requirements of relevant national and local planning policy and guidance. In accordance with government policy (National Planning Policy Framework), this assessment draws together the available archaeological, historic, topographic and land-use information in order to clarify the heritage significance and archaeological potential of the site.

The available HER evidence does not record any assets within the site boundary and there is limited prehistoric, Medieval and Post-Medieval archaeological evidence in its surroundings. Therefore, the potential for as yet to be discovered archaeological assets is considered to be low/nil.

Yoxall Conservation Area, two Grade II\* and forty-six Grade II Listed Buildings are located within the surroundings of the site, but are all in an urban or semi-urban context with views into and from it either blocked by modern development or situated at sufficient distance from the site so that no impact upon their settings or significance is expected.

The assessment has also considered the potential for as yet to be discovered archaeological assets and concludes that there is low/nil potential for evidence from the prehistoric, Roman, Medieval and Post-Medieval periods.

Despite the low/nil archaeological potential of the site, it is possible that the archaeological advisor to the local Planning Authority may request some further archaeological work. Should this be the case, it is suggested that any such work can be secured by an appropriately worded planning condition.



Figure 2.15 - View of the southern site area taken from the permissive footpath that lines the southern site boundary.

### 2.10 AIR QUALITY ASSESSMENT

An Air Quality Assessment has been undertaken by Wardell Armstrong. The assessment has been undertaken to determine the risk and significance of dust effects from earthworks, construction activities and track out from the proposed development. The assessment has been undertaken in accordance with the guidance on assessing the impacts of construction phase dust published by the Institute of Air Quality Management.

As the proposals are for up to 170 dwellings it is not anticipated that the proposed development will have a significant impact with regard to additional road traffic. Furthermore, the background pollutant concentration are considered to be 'well below' the annual mean air quality objective, as such any slight increase in pollutant concentrations due to additional traffic will not cause any quality objectives to be approached or exceeded at existing or proposed receptor locations.

Having also considered the proposed land use it is considered that there will be no issue with pollutant emissions from the development affecting existing or proposed receptor locations. It is therefore, not considered necessary to undertake a full air quality assessment at outline planning application stage.

### 2.11 NOISE ASSESSMENT

A Noise Screening Report has been undertaken by Wardell Armstrong which considers the various potential noise issues associated with the proposed development, both from existing sources and from sources associated with the development on existing and future residents. Due to the development's location on the edge of Yoxall, the potential noise impact from existing road traffic is unlikely to be significant. Therefore the required external and internal noise limits, applicable to road noise, should be achieved across the development, however the detailed design stage may conclude that mitigation measures are required.

#### Proposed Sensitive Receptors and Noise

It is considered that the net increase in local road traffic due to the proposed development may result in a small increase in noise at the existing residential properties. However, this is not likely to be a perceptible change in noise level, therefore this should not be a determining factor at outline planning stage. It is therefore considered that a full noise assessment is not required at outline planning stage.

Further details of the noise assessment are included within the standalone report prepared by Wardell Armstrong and which accompanies this application.

## 2.0 Response to Context

### 2.12 ECOLOGICAL ASSESSMENT

An ecological assessment has been prepared by FPCR Environment and Design Ltd and which forms a separate document which has been submitted to support this application. The report assesses the ecological interest of the site as a whole. The importance of the habitats and species present is evaluated. Where necessary, mitigation measures are recommended so as to safeguard any significant existing ecological interest within the site and where appropriate, opportunities for ecological enhancement are proposed with reference to national and local Biodiversity Action Plans (BAPs).

#### Habitats

The site was surveyed on the 5th May 2014 following the Extended Phase I survey technique as recommended by Natural England<sup>1</sup>. This involved a systematic walk over of the site by an experienced ecologist to classify the broad habitat types and to identify any habitats of principal importance for the conservation of biodiversity as listed within Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act 2006.

Habitats within the application boundary comprised species poor semi-improved grassland, arable crops, mature trees, scattered scrub and hedgerows. The grassland was considered to be of negligible value, consisting of common and widespread plant species with no rare or notable specimens recorded. Loss of this habitat would not be expected to adversely affect the nature conservation value of the local area and is not a constraint to the development of the site. Through good design and appropriate landscaping and habitat creation it is considered that biodiversity could be easily enhanced in association with the proposals.

Hedgerow H2 is considered 'Important' under the wildlife and landscape criteria of the Hedgerow Regulations 1997 therefore permission will be needed from the local planning authority for removal of any part of this hedgerow.

All mature trees present within boundary hedgerows provide potential habitats for invertebrates, nesting birds and other local wildlife in addition to providing structural diversity and continuity of habitat and should be retained wherever possible. Where it is not possible to retain mature trees safely within the proposals, suitable replacement planting should be undertaken.



Figure 2.16 –Phase 1 Habitat Survey



## 2.0 Response to Context

### 2.13 ECOLOGICAL ASSESSMENT *cont*

#### Bats

A single tree, a pedunculate oak on hedgerow H1, is noted as having the potential to house roosting bats. Proposals should seek to avoid disturbance to of this tree. If removal is required further survey would be needed to assess the presence/absence of a roost.

#### Birds

All birds are protected whilst on the nest. Any vegetation should therefore be removed outside of the bird breeding season (March to Aug/Sept) if this is not possible, vegetation (including any areas which may provide habitat for ground nesting birds) would be checked prior to any vegetation removal being undertaken by an experienced ecologist. If active nests are found vegetation would be left untouched and suitable buffered until all birds have fledged.

#### Reptiles

No records of reptiles were provided by the consultation data within the search area. The land surrounding the site is predominantly agricultural with open grasslands, arable crops and hedgerows or residential dwellings and is therefore not considered suitable for common reptile species. The site is dominated by intensively managed species poor-semi improved grassland which is of limited value for reptile species due to the lack of vegetative structure and sward height. Reptile surveys are not recommended due the lack of records and the very limited suitability of onsite habitats.

#### Amphibians

The pond on-site no longer exists and the nearest pond (approx. 0.03 km north of the site within the Ferrers green open space) was also dry with no evidence of holding water in recent years. A record was provided from 2011 of GCN located within a pond within a woodland plantation approximately 0.3 km south.

Given the distance from site, the presence of suitable terrestrial habitat around the pond, the unsuitability of the habitats within the proposed site and the presence of a road between the record and the site, it is considered reasonably unlikely that GCN will travel to the site from this pond where more suitable habitat is available nearby and this species does not pose a constraint to proposals.



Figure 2.17 – View of the internal site area.



## 2.0 Response to Context

### 2.14 FLOOD RISK ASSESSMENT

A Flood Risk Assessment has been undertaken by Hydrock Ltd which considers the flood risk posed to the proposal site from a variety of flood risk sources, as defined by the National Planning Policy Framework (NPPF) and the Local Strategic Flood Risk Assessment (SFRA).

The report has found the site to be at low risk from all types of flooding. There is no residual flood risk from the development site to the surrounding area as drainage proposals will restrict storm water flow rates to the existing surface water sewer situated within Lightwood Road, therefore the development does not increase the risk of surface water flooding to other adjacent properties in line with current greenfield runoff rates. Out of chamber or gully flooding for the extreme 100 year plus climate change event may potentially occur within the development site and is classed as exceedance flows. Flood water from such events will be contained within the site but away from the residential units have been considered in the compilation of this report.

Further details of the Flood Risk Assessment are included within the standalone report prepared by Hydrock Ltd and which accompanies this application.

#### Drainage Strategy

The surface water drainage strategy is to control the surface water discharge from the development, to mimic the pre-development greenfield runoff rates, prior to discharge into a drainage ditch, located adjacent to the north western site boundary. In turn, this will generate significant attenuation volumes which will be retained in a detention pond(s).

Sustainable Drainage Systems (SuDS) in the form of Prevention, Source Control and Site Control methods will be incorporated. A surface water drainage strategy and drainage strategy plan forms part of this report.



Figure 2.18 – Proposed Drainage Strategy

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## 3.0 Evaluation and Evolution

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## 3.0 Evaluation and Evolution



Figure 3.1 – Aerial Overview of the Site.



Figure 3.2 – View from the southern site boundary illustrating the relationship between the site and the existing urban edge.

### 3.1 CONSTRAINTS & OPPORTUNITIES

In appraising the site and setting a number of factors have been considered; namely the site in relation to its wider context, the topographical and landscape character, visual amenity and local architectural context. This is detailed on the following plans and has informed the development of the layout.

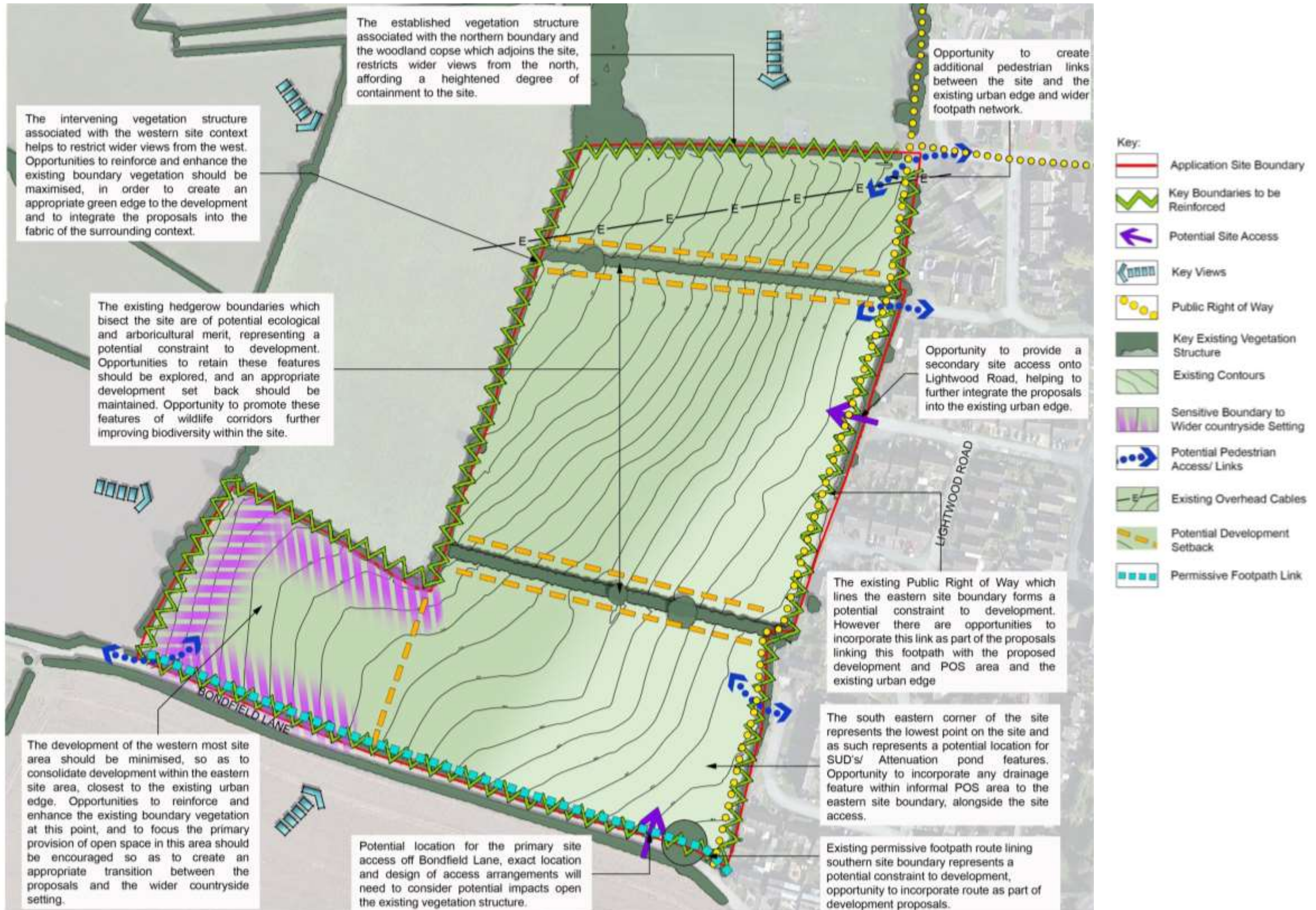
#### Key Opportunities and Constraints

- ❑ *To deliver a high quality, sustainable residential layout which can be integrated into the existing urban edge;*
- ❑ *To deliver a mix of housing for up to 170 new dwellings offering 2 - 5 bedroom properties comprising a range of housing types and an appropriate provision of affordable housing;*
- ❑ *To provide an integrated network of public open spaces incorporating play facilities, extensive landscape, sustainable drainage areas and ecological zones;*
- ❑ *Provision of safe pedestrian movement between the development and the village, ensuring good connectivity with the community and facilities;*
- ❑ *Development should respect the visual amenities of the wider landscape setting and the importance of minimising the visual impact of the proposals with the retention and enhancement of the existing vegetation structure associated with the site boundaries;*
- ❑ *The retention and enhancement of the existing vegetation structures associated with the centre of the site, the site boundaries and other environmental assets;*
- ❑ *The scale, layout and urban grain of the development should be appropriate to its setting;*
- ❑ *The need to respect and respond to the topographical and landscape features inherent to the site as a whole;*
- ❑ *Development should respect the visual amenities of the wider landscape setting;*
- ❑ *Scheme should be visually attractive, respecting the context, form and typology of existing built form and neighbouring local vernacular;*
- ❑ *Opportunities for extensive new landscaping to retain and further add to the existing green infrastructure.*
- ❑ *The creation of a robust and appropriate development edge which provides a sensitive transition between the proposed development and the wider countryside setting;*
- ❑ *The retention of the existing Public & Permissive Rights of Way that run through the site.*



# 3.0 Evaluation and Evolution

## 3.2 SITE ANALYSIS





# 3.0 Evaluation and Evolution

## 3.3 DEVELOPMENT FRAMEWORK





## 3.0 Evaluation and Evolution

### 3.4 DESIGN EVOLUTION

The proposals have been developed to ensure that a carefully considered and sensitive development approach is achieved. From the outset the proposals have sought to respond to and where possible enhance the existing features which characterise the site and its immediate setting.

Key design principles include:

- ❑ The retention and enhancement of the existing vegetation structure associated with the site boundaries and other environmental assets;
- ❑ To deliver a high quality, sustainable development which reflects the scale, layout and pattern of the village and is appropriate to its setting;
- ❑ Development should respect the visual amenities of the wider landscape setting;
- ❑ Scheme should be visually attractive, respecting the context, form and type of existing built form and building styles evident within the local area;
- ❑ To deliver a mix of housing of approximately 170 new dwellings, including an element of affordable housing and a range of property sizes and types;
- ❑ The creation of a robust and appropriate development edge which provides a sensitive transition between the proposed development and the wider countryside setting;
- ❑ Provision of an integrated network of public open spaces forming part of a strong green infrastructure. Incorporating opportunities for extensive new landscaping to retain and further add to the existing green infrastructure;
- ❑ The retention of the existing Public & Permissive Rights of Way that run through the site.



Opportunities and Constraints Plan



Development Framework



Illustrative Development Masterplan



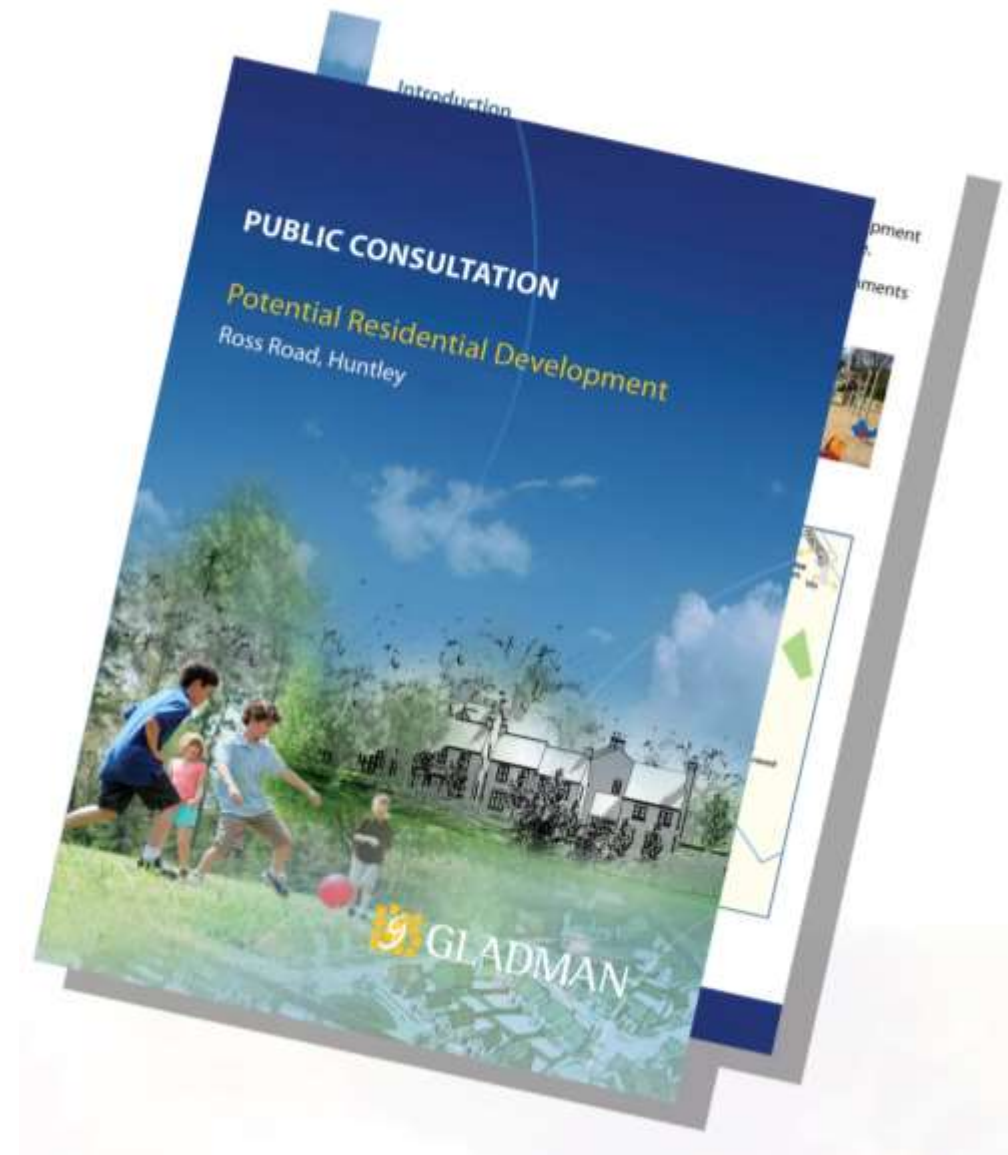
## 3.0 Evaluation and Evolution

### 3.5 CONSULTATION

Gladman Developments Ltd have undertaken a process of public consultation in advance of submitting this application, including a leaflet drop and public consultation. Full details of the community engagement are set out in the Statement of Community Involvement submitted alongside this application.

In summary, an online public consultation process was undertaken with members of the public invited to review the application proposals online and to offer comments and feedback on the application. A series of information boards were made available providing background to the proposals and identifying the factors which have influenced the design and development of the layout.

The application website remains in operation allowing the progress of the scheme and application to be followed.



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## 4.0 Proposed Development and Design

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## 4.0 Proposed Development and Design

### 4.1 THE PROPOSALS

The illustrative layout of the proposals along with the supporting text and illustrations within this section of the Design and Access Statement set out a way in which the site development principles within the Development Framework Plan could be translated into a detailed design, layout and urban grain including plot arrangement and green infrastructure. It remains entirely illustrative at this stage as the final layout would be subject to the submission of Reserved Matters and the following pages set out the urban design principles that the development seeks to adopt.

The proposals briefly comprise:

- Approximately 170 new homes, including affordable properties;
- Two proposed new access's off Bondfield Lane and Lightwood Road;
- Provision of extensive Public Open Space, including a children's play area;
- Retention of existing Public Right of Way within green corridor;
- New landscaping to enhance the site and boundaries;
- Improved of footpath links to Yoxall.

Figure 4.2 – Extract of the Illustrative Masterplan.





# 4.0 Proposed Development and Design

## 4.2 ILLUSTRATIVE MASTERPLAN



- Key:
-  Application Site Boundary
  -  Proposed Trees
  -  Proposed Shrub
  -  Balancing / Attenuation Pond
  -  Key Existing Vegetation Structure



## 4.0 Proposed Development and Design



### 4.3 USE AND AMOUNT

The outline planning application covers a total area of 7.36 hectares. In summary the amount and various uses of development proposed within the site are as follows:

#### Residential Development:

The net developable area is around 5.76 hectares for residential development providing up to 60 dwellings which includes 30% affordable and 70% Market. The development density across the site has been carefully considered to achieve density of circa. 29.5 dwellings per hectare. The development will provide a mix of dwellings and house types ranging from 2 - 5 bedroom properties, offering a mix of market housing from first time homes to larger family homes in line with the current guidance.

#### Public Open Space:

The formal public open space provision has been focused in the centre of the site and consists of a total of approximately 1.6ha which incorporates formal footpaths, areas of amenity grassland to provide areas for informal recreational activities and to enhance biodiversity. Opportunities for equipped areas for play are also to be promoted, providing opportunities for children and youth recreation.

The areas of open space include strategic landscaped zones incorporating native tree and shrub planting to the boundaries and perimeters of the open spaces to reinforce the existing site boundaries and further contribute to the localised landscape. Amenity green space will also provide opportunities for informal recreation and the provision of naturalised areas is to be promoted to offer habitat opportunities for wildlife, in keeping with the findings of the Ecology Assessment, and will be included within the new native planting areas and adjacent to the retained vegetation to the site boundaries.

#### Recreation/Play Space:

The public open space area will include informal recreation space, set within a landscaped context.

#### Attenuation Ponds:

An attenuation pond is proposed on the northern site boundary forming part of the sustainable urban drainage system SUD's for the site.

Figure 4.3 – Extract of the Illustrative Masterplan.



## 4.0 Proposed Development and Design

### 4.4 LAYOUT

The layout of the proposals seek to follow a number of key principles;

- ❑ To deliver a high quality, sustainable residential layout which can be integrated into the existing urban edge;
- ❑ The retention and enhancement of the existing vegetation structures associated with the centre of the site, the site boundaries and other environmental assets;
- ❑ Development should respect the visual amenities of the wider landscape setting;
- ❑ Scheme should be visually attractive, respecting the context, form and type of existing built form and building styles evident within the local area;
- ❑ To deliver a mix of housing up to 170 new dwellings, including an element of affordable housing and a range of property sizes and types;
- ❑ The creation of a robust and appropriate development edge which provides a sensitive transition between the proposed development and the wider countryside setting;
- ❑ Provision of an integrated network of public open spaces forming part of a strong green infrastructure. Incorporating opportunities for extensive new landscaping to retain and further add to the existing green infrastructure;
- ❑ Provision of safe pedestrian movement between the development and the village, ensuring good connectivity with the community and facilities;
- ❑ The scale, layout and urban grain of the development should be appropriate to its setting;
- ❑ The retention of the existing Public & Permissive Rights of Way that run through the site.

To maintain good legibility the layout has been developed around a main distributor road, accessed from Newent Lane. The distributory road provides access throughout the site, with a number of shared driveways and semi private cul-de-sacs allowing access to the internal site area.

The development area has been carefully considered so as to ensure that the established vegetation structures which bound the site are retained. Careful consideration has also been given to the existing Public Rights of Way that run through the site.

The housing layout has been developed around the proposed green spaces with dwellings along the semi private and shared drives fronting onto the open spaces ensuring they are overlooked whilst also achieving a positive green aspect as part of the layout. Internally, incidental green spaces and tree planting within proposed street scenes will add a further green element to the proposals, creating a sense of place and an attractive settlement for residents. Full details of the proposed landscape strategy included within the standalone Landscape & Visual Impact Assessment prepared by Aspect Landscape Planning Ltd, and which accompanies the application.

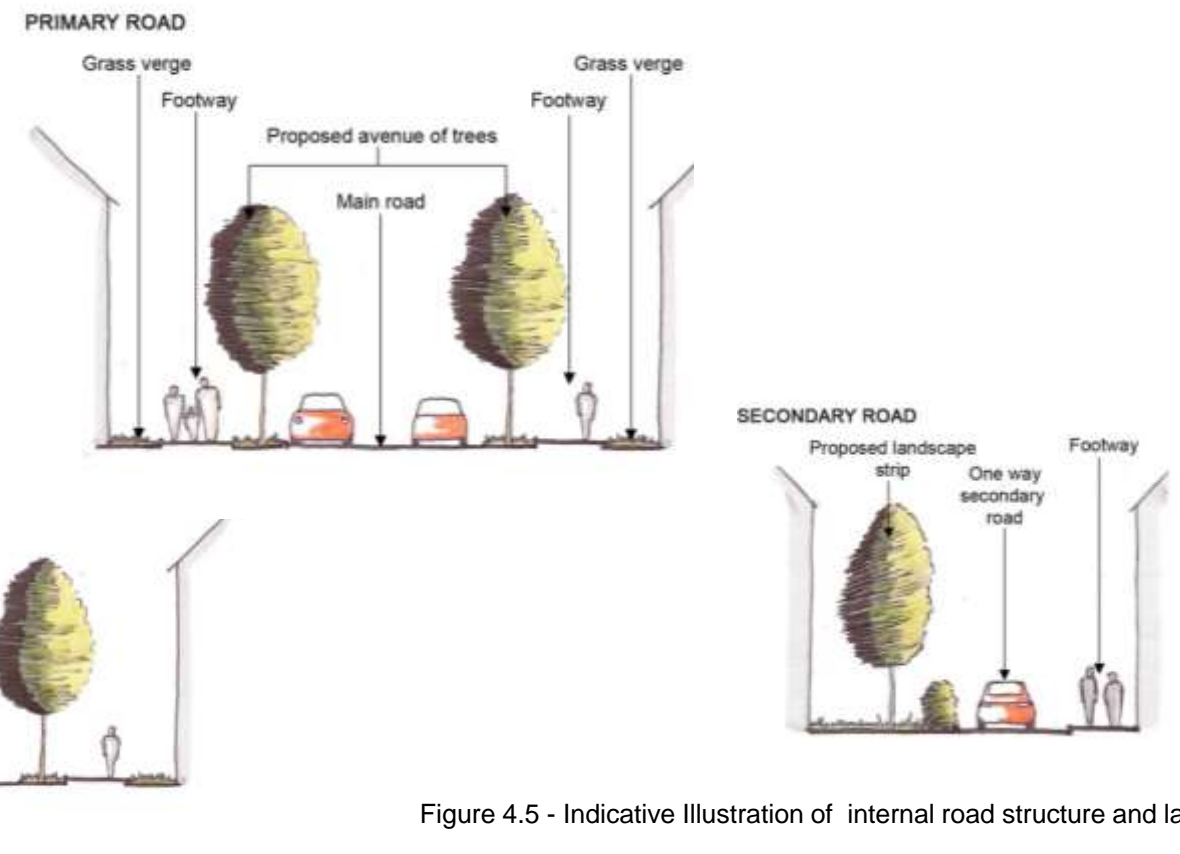


Figure 4.5 - Indicative Illustration of internal road structure and layout.

Figure 4.4 - Indicative Illustration of Public Open Space Areas



## 4.0 Proposed Development and Design

### 4.5 SCALE

The proposed layout comprises a mix of linked terraces, semi-detached and detached properties and has been developed to reflect the character and existing urban grain of the adjoining urban areas. The proposed buildings will be 2 – 2.5 storeys in height (approximately 7.5 to 8.5m high) and reflect similar footprints, style and vernacular of the existing properties within Yoxall to ensure that the bulk and scale of the built form is appropriate within the urban fringe setting.

Variations in rooflines, ridges and eaves will be incorporated to ensure the proposals create a degree of change. Similarly plot sizes, widths, depths and scale will be varied to provide definition in character which complements the existing scale and urban development of the adjoining areas.

### 4.6 APPEARANCE

In terms of appearance, it is intended that the proposals will incorporate high quality materials to ensure appropriate elevational treatments are achieved and the proposals can be accommodated in this location. The proposals also make best use of existing vegetation structure, retaining the key trees and proposing additional boundary treatment around the perimeter of the site to ensure that a sensitive and appropriate level of development is achieved.

Although much of the localised context to the east of the site has been developed during the latter half of the twentieth century, the traditional heart of the town, which is focused to the east, and the earlier buildings associated with it are distinctive. The growth of the historic, linear, settlement centre is varied and the proposed development seeks to create some form of connection with the local character although it does not advocate the same historic design or elements.

Traditional building materials and vernacular will reference the localised context and assist in ensuring that the proposals relate well to the character of the neighbouring urban context and wider Yoxall Parish, creating a modern interpretation that will be explored further at the detailed design stage.

The proposed landscape strategy is designed to reinforce and enhance the site boundaries, and aims to maintain and enhance the degree of physical and visual containment afforded to the application site, whilst ensuring the improved longevity of the landscaped setting and visual containment between the site and wider countryside.



Figure 4.6 - Examples of residential development incorporating high quality landscape & play space.



Figure 4.7 – Illustrative perspectives showing how the development could look.

## 4.0 Proposed Development and Design

### 4.7 SUSTAINABILITY

The sustainable construction methods and energy efficiency of the built elements will be incorporated in the detailed design stages. This aims to promote a high standard of construction and buildings associated with the development.

The development proposals will follow the aspirations set out within the Code for Sustainable Homes documentation in order to achieve a high quality and sustainable residential environment. The nine design elements including; energy, water, materials, surface water runoff and waste, pollution, health and well-being, and ecology will be evaluated throughout the detailed design stages. The current illustrative layout and outline design principles seek to ensure that these elements can be incorporated as the development is detailed further.

Best practice sustainability will be embraced, which will fully explore issues such as sustainable drainage techniques and homes which seek to be energy efficient. The current illustrative layout allows for an attenuation pond on the northern site boundary which forms part of the sustainable urban drainage system SUD's for the site.

The design is expected to explore the following key points in order to promote sustainability and reduce carbon emissions;

- ❑ *Homes should be designed to ensure they can be adapted internally in order to suit the various need of differing occupiers.*
- ❑ *Locally sourced and recycled building materials, aggregates and methods including porous / permeable surfaces, should be utilised along with a preference over sustainable materials and products.*
- ❑ *Low carbon and energy efficient lighting to be incorporated where feasible.*
- ❑ *Inclusion of double and triple glazed windows and a high level of roof insulation .*
- ❑ *Layout and plot design to allow for suitable waste and recycling storage facilities.*

- ❑ *Retention, conservation and enhancement of the site's natural resources such as existing hedgerows and treescape.*
- ❑ *Inclusion of urban greening elements incorporating rear and front gardens, street trees and ornamental planting.*
- ❑ *Public open spaces should include locally native species to encourage wildlife and offer biodiversity enhancements.*



Figure 4.8 - Examples of residential development incorporating high quality landscape.



## 4.0 Proposed Development and Design

### 4.8 GREEN INFRASTRUCTURE & LANDSCAPE

The proposed landscape structure seeks to complement and enhance the site boundaries, reinforcing the existing vegetation that is to be retained to form a robust green edge to the application site. Native tree, shrub and hedge planting will be incorporated to the site boundaries maintaining the degree of containment afforded to the site.

The Landscape & Visual Impact Assessment prepared by Aspect Landscape Planning Ltd identifies a number key landscape principles which have been promoted as part of the development proposals, these include:

- ❑ Retention of tree cover around the site with margins of open space to maintain an ecological connectivity around the site;
- ❑ Creation of an appropriate green infrastructure, in order to create an attractive and appropriate development setting;
- ❑ Provision of Public Open Space areas within the western site area;
- ❑ Reinforcement of the landscape structures on boundaries that abut existing built form to the east and south through native tree and hedge planting, helping to create an appropriate green edge to the development and to filter views from existing residential properties;
- ❑ Retention of all vegetation to the site boundaries and carefully considered tree and hedge planting to create an appropriate edge to the development, particularly where housing will front on to the road corridor and wider countryside setting;
- ❑ Creation of ecologically valuable corridors to existing and proposed field boundaries through creation of species rich margins and woodland edge, where appropriate;
- ❑ Tree planting within the residential area to break up the appearance of urban development, and within areas of proposed open space to increase level of tree cover generally within the site;
- ❑ Retention of existing Public Rights of Way that run through the application site, with enhanced links to the wider footpath network.



Figure 4.9 – Examples of parkland settings and typical plant species which could be utilised as part of the proposed development



Figure 4.10 – Extract of the Illustrative Masterplan showing the proposed Open Space Area.



# 4.0 Proposed Development and Design

## 4.9 ARBORICULTURE

A BS5837:2012 survey and assessment has been prepared to inform the retention of important trees and their contribution to amenity.

By design, the framework seeks to accommodate all of the tree cover considered to be important to the amenity of the site and in facilitating the proposals integration within the wider setting. This is considered practicable subject to temporary protection during construction.

In order to accommodate the proposals a small section of H12 would need to be removed to provide a primary access route into the site. It is considered from an arboricultural perspective that the removal of this short section of hedgerow would have a low level of impact on the sites overall value as the vast majority of trees and hedgerows are being retained.

In this location is T16, a mature oak close to the existing field gate entrance. The tree would not need to be removed to facilitate this access point however if at the detailed design stage the primary access remains in its current indicative position it is recommended that T16 is subject to a remedial tree manage in the form of crown lifting to reduce risk of damage to the lower crown.

The proposed secondary access point positioned along the eastern boundary shall seek to link the existing adjacent residential areas to the site. In order to achieve this access point a small section of H6 and the removal of T10 would be required.

Full details of the arboricultural assessment and recommendations are included within the standalone documentation prepared by Aspect Arboriculture Ltd and which accompanies the application.

A robust regime of landscape mitigation measures is proposed, an overview of which is included within section 4.8 of the Design & Access Statement and full details are included within the Landscape & Visual Impact Assessment prepared by Aspect Landscape Planning

All new proposed tree planting will utilise species appropriate to its siting and specific intended uses. Native species of long term potential and ecological value will be incorporated along the site's boundaries, around the public open spaces and to create the primary green infrastructure. Street trees and ornamental plantings with narrow compact form and medium height which are more suitable for urban locations will be incorporated within front gardens and along the streetscenes.

Figure 4.12 - Tree Protection Plan



## 4.0 Proposed Development and Design

### 4.10 ECOLOGY & NATURE CONSERVATION

The National Planning Policy Framework (NPPF) requires developments to maximise the opportunities for biodiversity by building in enhancement measures. The proposals present the opportunity to deliver ecological enhancements for the benefit of local biodiversity, thereby making a positive contribution towards the broad objectives of the national and local Biodiversity Action Plan (BAP).

#### Biodiversity Enhancements

Given the types of habitats and ecological features within and adjacent to the site, the following enhancements would be appropriate in the local context:

Where possible, planting within the site should seek to provide additional habitat for urban and suburban wildlife. While native species are often of value to biodiversity generally it is now clear that many cultivated varieties and exotic plants are also good for wildlife provided that their flowers are not too complex or that hybrid varieties, which may produce little or no pollen or nectar and so are not of interest to bees, butterflies or other pollinating insects, are not used.

Mitigation is provided within the site through creation of areas of Suitable Alternative Natural Greenspace. However, it is also possible that mitigation could take the form of a contribution to the LPA for off-site enhancements and access management. The final mitigation package will be agreed with the LPA and NE.

The existing hedgerows are habitats of principal importance under the Natural Environment and Rural Communities Act 2006 and their retention is recommended. Where loss is unavoidable mitigation should be provided in the form of new native planting. The hedgerow that forms the western boundary is considered an 'Important' hedgerow under the wildlife and landscape criteria of the Hedgerow Regulations 1997 and any removal will require permission from the local planning authority. All trees and hedgerows being retained should be protected from damage and from soil compaction during works by maintaining fenced Root Protection Areas

It is recommended that the landscaping scheme incorporates berry bearing shrubs and areas of grassland connected to hedgerows to provide new foraging areas for badgers.

Although reptile species are currently absent from the application area the Landscape Framework of the proposed development will be designed so as not to preclude their future presence. Areas of new and retained habitats will be managed with the aim of providing a degree of cover with open areas for reptile species. In particular, habitats will be managed to ensure a structurally diverse range of vegetation is maintained providing suitable potential habitat for reptiles.

Figure 4.13 – Examples of Native Flora and Fauna





## 4.0 Proposed Development and Design

### 4.11 ACCESS

Two new access arrangements are proposed off Bondfield Lane and Lightwood Road. These comprises of a single priority junction off Bondfield Lane and a direct access off Lightwood Road. The new access junction of Bondfield Lane will form the main access however, both accesses have been reviewed and assessed within the submitted Transport Assessment.

The proposed access arrangements have been carefully considered so as to minimise the impact upon the existing vegetation that defines the site boundary at this point. Full details of the arboricultural implications of the proposed access/egress arrangements are included within the standalone Arboricultural Impact Assessment which accompanies the application.

The key features of both proposed priority controlled accesses include:

- ❑ 4.8 - 5.5m carriageway;
- ❑ 6.0m corner radii;
- ❑ 1.8 to 2.0m footway on both sides of each access road.

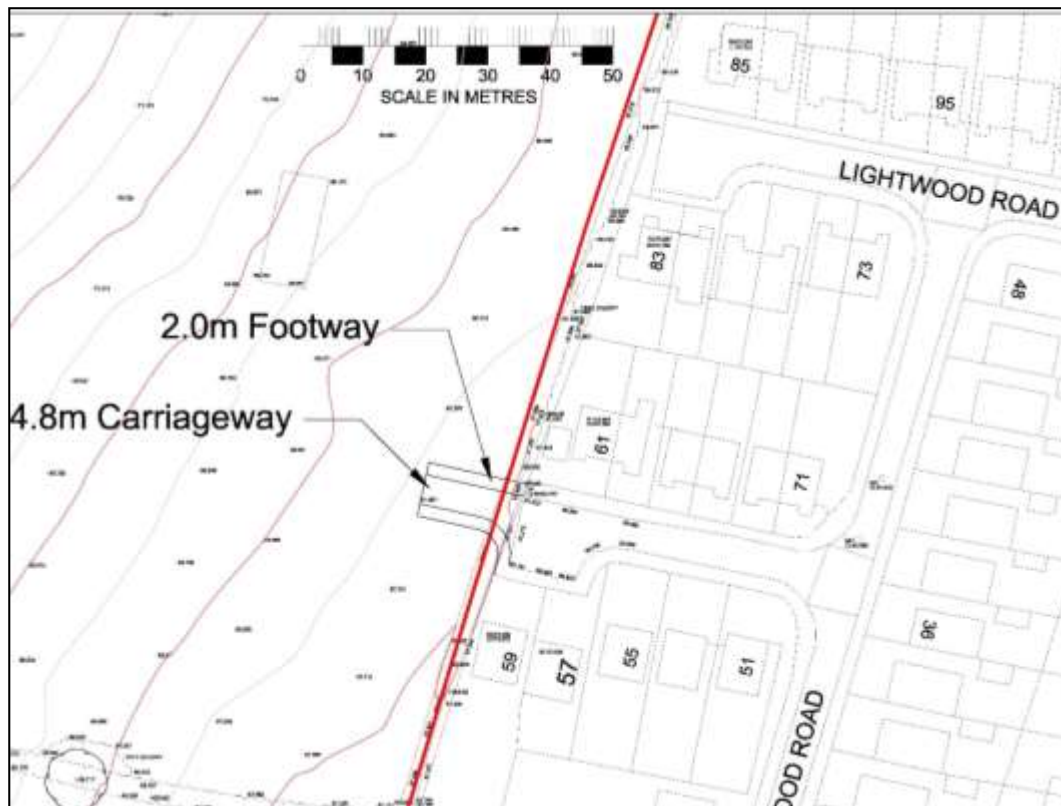


Figure 4.14 – Lightwood Road Proposed Access Arrangements

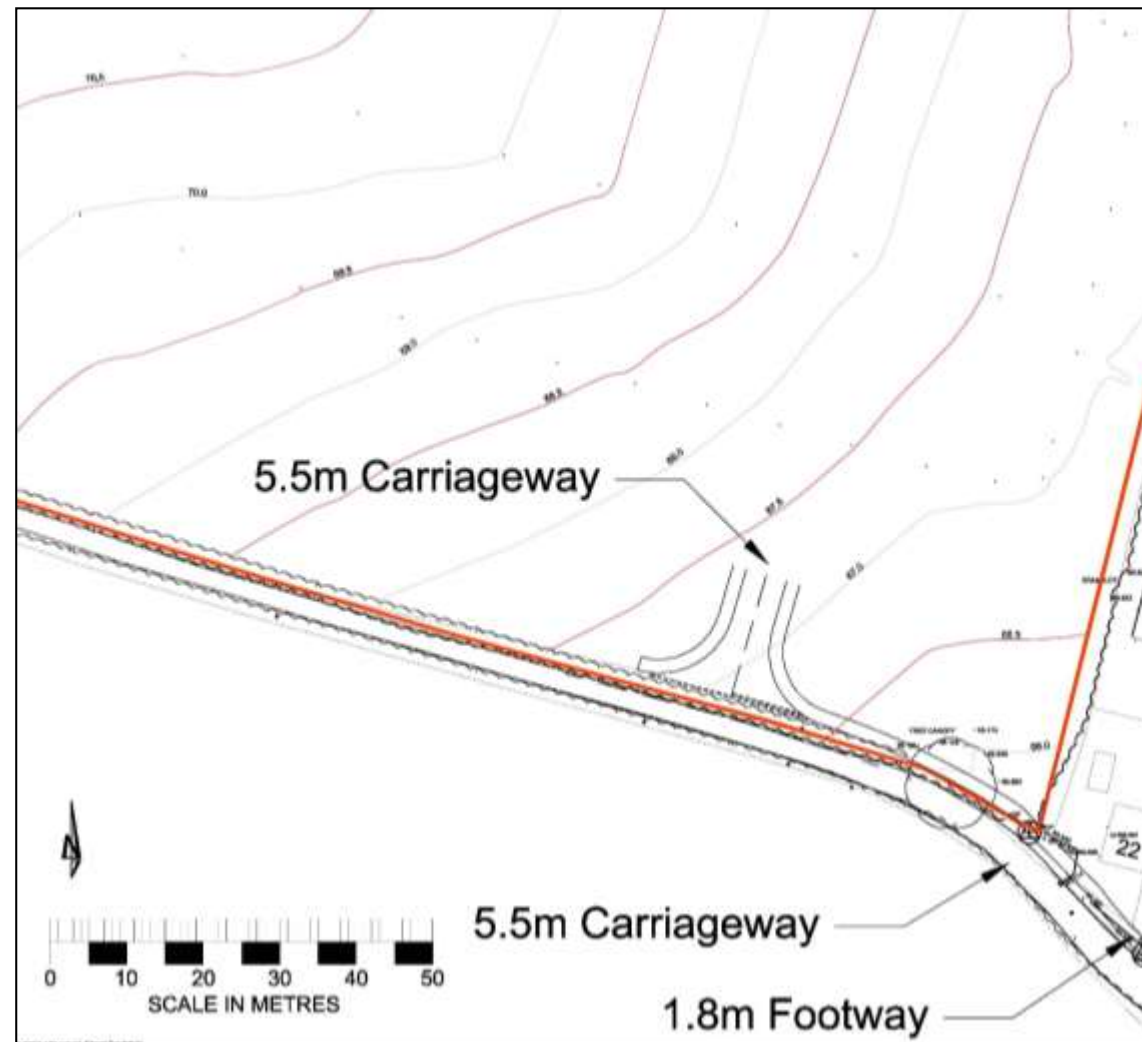


Figure 4.15 – Bondfield Lane Proposed Access Arrangements

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aspect

Aspect Landscape Planning Ltd  
West Court  
Hardwick Business Park  
Noral Way  
Banbury  
Oxfordshire OX16 2AF

T: 01295 276066  
F: 01295 265072  
E: [info@aspect-landscape.com](mailto:info@aspect-landscape.com)  
W: [www.aspect-landscape.com](http://www.aspect-landscape.com)



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**Appendix 4: Design and Access Statement - Land off  
Lightwood Road, Yoxall (ref: P/2014/01664)**