

Delegated Report

This report has been checked on behalf of Legal Services by Sherrie Grant

Application Number	P/2022/00355	
Planning Officer	James Mattley	
Site Address	The Former Robin Hood, Leigh Lane, Bramshall, ST14 5BH	
Proposal	Outline application for the erection of a replacement dwelling with all matters reserved	
Expiry Dates	Weekly List	18/07/2022
	Neighbours	14/07/2022
	Consultations	14/07/2022
	Site Notice	22/07/2022
	Newspaper Advert	30/07/2022
Application not Determined within Statutory Time Period - Reason	<p>The application has been called in to Planning Committee by Councillor Colin Whittaker due for the following reason '<i>There is a lot of local support within the village and Parish Council who feel that a regeneration of the site with the obvious restrictions and conditions would be beneficial for the community</i>'.</p> <p>The agent has agreed a time extension on the application to allow the proposals to be reported to the Planning Committee</p>	
Recommendation	<p>Refusal on the basis of the following reasons.</p> <p>Ground 1 - The submission fails to demonstrate the need for housing in this out of settlement boundary location. The site is situated in an unsustainable location with no immediate local facilities which would necessitate the use of private motor vehicles as the prominent mode of transport and the absence of a footpath, street lighting and the narrowness of the road is likely to lead to an increase in highway safety implications.</p> <p>Ground 2 - The proposed development would result in additional built form which would be prominent in this out of settlement location. Consequently the proposed dwelling would constitute an intrusive, unnecessary and unsustainable form of development in the countryside contrary to Policies SP1, SP8, SP16, SP18, SP24, SP25 and DP1 of the East Staffordshire Local Plan and the National Planning Policy Framework. There are no material considerations that outweigh the harm to the planning policies identified above.</p>	
Environmental Assessment	Screening opinion undertaken	N/A
	Schedule 1 or 2	N/A
	EIA Required	N/A
Relevant Planning Policies/Guidance	Government Documents	The National Planning Policy Framework The National Planning Practice Guidance
	Local Plan Policies	Principle 1 – Presumption in Favour of Sustainable Development SP1 – East Staffordshire Approach to Sustainable

		<p>Development</p> <p>SP2 – Settlement Hierarchy</p> <p>SP8 – Development Outside Settlement Boundaries</p> <p>SP16 – Meeting Housing Needs</p> <p>SP18 – Residential Development on Exception Sites</p> <p>SP22 – Supporting Communities Locally</p> <p>SP24 – High Quality Design</p> <p>SP25 – Historic Environment</p> <p>SP35 – Accessibility and Sustainable Transport</p> <p>DP1 – Design of New Development</p> <p>DP3 – Design of New Residential Development, Extensions and Curtilage Buildings</p> <p>DP4 - Replacement Dwellings in the Countryside</p> <p>DP5 – Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology</p>
	<p>Supplementary Planning Documents</p>	<p>East Staffordshire Design Guide</p> <p>Parking Standards SPD</p> <p>Housing Choice SPD</p> <p>Open Space SPD</p>
	<p>Other Policies/Guidance</p>	<p>N/A</p>
<p>Relevant History</p>		<p>PA07137/007 – Erection of a two storey extension to public house to form restaurant with living accommodation over – Approved 30/09/1999</p> <p>P/2016/01777 – Retention of single storey extension to house pizza oven and associated flue – Withdrawn 18/01/2017</p> <p>P/2018/01338 – Change of use of Public House to form 3 no. dwellinghouses (to include repair and reinstatement of building following fire) – Refused 21/03/2019 – The reason for refusal is as follows:</p> <p>No evidence for any need for housing on the site has been demonstrated and none of the criteria have been met for housing outside of settlement boundaries set out in Local Plan Policies SP8, SP16 and SP18. The proposed new dwellings to be provided would also occupy a site where the absence of any immediate local facilities would necessitate use of private motor vehicles as the predominant mode of transport. The absence of a footpath, street lighting and the comparatively narrow road would lead to an increase in the likelihood of danger to highway users. Consequently, the proposed dwellings would constitute an unnecessary and unsustainable form of development in the countryside contrary to Policies SP1, SP8, SP16 and SP18 of the East Staffordshire Local Plan and the National Planning Policy Framework</p> <p>P/2021/00713 - Outline application for the erection of two dwellings with all matters reserved - Refused - Delegated 21-07-2021 for the following reason:</p> <p>The submission fails to demonstrate the need for housing in this out of settlement boundary location. The site is situated in an unsustainable location with no immediate local facilities which would necessitate the use of private motor vehicles as the prominent mode of transport and the absence of a footpath, street lighting and the narrowness of the road is likely to lead to an increase in highway safety implications. The proposed development would result in additional built form which would be prominent in this out of settlement location. Consequently, the proposed dwellings would constitute an intrusive, unnecessary and unsustainable form of development in the countryside contrary to Policies SP1, SP8, SP16, SP18, SP24 and DP1 of the East Staffordshire Local Plan and the National Planning</p>

	<p>Policy Framework.</p> <p>P/2022/00037 - Outline application for the erection of a dwelling with all matters reserved – Refused – Delegated 16/02/2022 for the following reason:</p> <p>The submission fails to demonstrate the need for housing in this out of settlement boundary location. The site is situated in an unsustainable location with no immediate local facilities which would necessitate the use of private motor vehicles as the prominent mode of transport and the absence of a footpath, street lighting and the narrowness of the road is likely to lead to an increase in highway safety implications. The proposed development would result in additional built form which would be prominent in this out of settlement location. Consequently the proposed dwelling would constitute an intrusive, unnecessary and unsustainable form of development in the countryside contrary to Policies SP1, SP8, SP16, SP18, SP24, SP25 and DP1 of the East Staffordshire Local Plan and the National Planning Policy Framework.</p>
<p>Consultation Responses</p>	<p><u>SCC Rights of Way</u> – no objection subject to notes to the applicant.</p> <p><u>Peak and Northern Footpaths Society</u> – no objection providing that use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place.</p> <p><u>Severn Trent</u> - No response received at the time of writing this report.</p> <p><u>ESBC Conservation Officer</u> - No response received at the time of writing this report.</p> <p><u>SCC Highways Authority</u> – No response received at the time of writing this report.</p> <p><u>ESBC Environmental Health</u> – No objection subject to planning conditions in respect of noise mitigation and mechanical ventilation.</p>
<p>Parish Council</p>	<p><u>Uttoxeter Rural Parish Council</u> – supports the application as it would represent betterment of the area. The Parish Council would ask for a restriction to a single dwelling only.</p>
<p>Neighbour Responses</p>	<p>Three neighbour responses have been received raising the following issues which have been summarised below:</p> <ul style="list-style-type: none"> - Application is largely similar to that previously refused; - The changes submitted as part of this application would not be sufficient to overcome the previous reasons for refusal; - The references to anti-social behaviour in the planning statement are exaggerated; - Queries regarding licensing; - The site is outside of the settlement boundary; - Concerns regarding the impact on the footpath; - The site is not located in a sustainable area; - The accommodation above the public house was not a separate dwellinghouse and was linked to the public house; - Concerns regarding foul and surface water drainage issues; - Overlooking and loss of privacy; - Trees and hedges on the boundary should not be removed; - One house would not result in significant economic benefits; - Concerns regarding the proximity of the proposed dwelling to the adjacent working farm; - No need for further housing; - The public house should be re-built.

<p>Human Rights Act Considerations</p>	<p>There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.</p>
<p>Crime and Disorder Implications</p>	<p>It is considered that the proposal does not raise any crime and disorder implications.</p>
<p>Equalities Act 2010</p>	<p>Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.</p>
<p>Planning Officer's Assessment</p>	<p><u>Site and Surroundings</u></p> <p>The application site comprises an open area of land consisting mainly of hardstanding, on which the Robin Hood Public House formerly stood. The public house was fire damaged in 2016 and the building has since been demolished.</p> <p>To the north of the site is situated a Grade II listed dwellinghouse known as 'The Oaklands'. This is a two storey, timber framed dwelling, and sits at a slightly lower land level to the application site. The Oaklands benefits from several mature trees situated beyond an existing close boarded fence along the boundary with the application site. There are also trees to the rear boundary and some along the boundary with Hurst Farm to the south of the site. An agricultural building belonging to Hurst Farm is located close to the southern boundary with a low fence adjacent to this building and hedging forming the boundary.</p> <p>There is intermittent ribbon development running along Leigh Lane southwards into Bramshall village, otherwise the area is predominantly rural in character, with open fields situated to the east of the application site.</p> <p>The site is situated approximately 1200m west of the nearest settlement boundary of Uttoxeter, as defined in the adopted Local Plan.</p> <p>Public Footpath No. 8 runs along the northern boundary of the application site.</p> <p><u>Proposals</u></p> <p>This application seeks consent for outline permission for the erection of one dwelling with all matters reserved, therefore only the principle of residential development to provide a single dwelling at the site is for consideration at this time.</p> <p>The application is supported by a Planning and Heritage Statement, a covering letter and a Indicative Site Plan. The covering letter outlines the changes between the previous proposal and the current proposal which includes that the applicant is committed to creating an energy efficient home and one that utilises energy efficient technologies in the build. The scheme owing to the size of the site available can provide for significant biodiversity enhancement.</p> <p>The application has been called into the planning committee by Councillor Whittaker.</p> <p><u>Assessment</u></p> <p>The main considerations are the principle of the development, the impacts on visual amenities, the impacts on heritage assets, the effect on residential amenities and the highway safety implications.</p> <p><u>Principle of the Development</u></p> <p>The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 11 states that for decision-taking this means:</p>

- approving development proposals that accord with an up-to-date development plan without delay; and
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 213 of the NPPF states that 'existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

5 Year Land Supply

The most recent calculation uses figures as at 31st March 2022 and concludes there is 8.83 years of supply. Therefore the policies in the plan can be considered up to date.

Local Plan

The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

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

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

- would result in the removal of contamination and other environmental problems associated with the site.

Policy SP2 states that Bramshall is within Tier 3 of the Settlement Hierarchy, which includes small villages and other settlements. This policy goes on to say that new development should be concentrated within the settlement boundary of the Main Towns, Strategic Villages, Local Service Villages and Rural Industrial Estates; and Tier 3 Small Villages and other settlements without boundaries are treated as open countryside. The site falls approximately 1200 metres outside of the nearest settlement boundary of Uttoxeter (with Bramshall having no settlement boundary) and therefore Policy SP8 is applicable.

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

- essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
- in accordance with a 'made' Neighbourhood Plan; or
- development under the Rural Exception Sites policy; or
- appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
- Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
- provision for renewable energy generation, of a scale and design appropriate to its location; or
- otherwise appropriate in the countryside.

Policy SP16 of the Local Plan relates to housing need and states that residential development outside of main towns and strategic villages shall provide a dwelling or a mix of dwellings to best meet local need according to a local housing needs survey or where applicable the Council's evidence base.

Policy SP18 of the Local Plan provides criteria for residential development on exception sites:

- evidence of need is provided in accordance with the Housing Choice SPD
- the development will specifically meet the assessed need
- the site is within or on the edge of a settlement
- the site is within easy reach of local services and facilities
- the scale of development is appropriate given the size of the existing settlement
- the majority of units (dwellings and pitches) provided on the site will be affordable housing or Traveller pitches to meet the need. A minority of the units provided may deliver a mix of market housing that is appropriate to meet local need based firstly on a housing needs survey and secondly on other evidence of need in that part of the Borough
- permission will be subject to agreement of cascade arrangements to provide priority in perpetuity for local people
- occupation of Traveller pitches will be restricted to Gypsies, Travellers and Travelling Showpeople
- affordable housing will remain affordable in perpetuity
- the development plan complies with other relevant policies in this Plan.

Policy SP22 of the Local Plan seeks to ensure that local communities have sufficient provision of community facilities.

Having regard to the above policy background, it is concluded that no evidence of any need for housing on the site has been demonstrated as part of the proposal and none of the criteria have been met for housing outside settlement boundaries. Furthermore, no evidence for affordable housing need has been supplied.

The agent states in the Planning Statement at paragraph 5.4 that *'Built form has been prevalent on this site for well over 100 years in the form of a public house and residential accommodation'*. The Planning Statement then goes on to assess the acceptability of the

proposal in relation to Policy D4 of the Local Plan. This policy states the following:

Planning permission for replacement dwellings in the countryside will only be granted where:

- (i) The proposed new dwelling is not significantly larger than that which it replaces;
- (ii) The proposed new dwelling is not more intrusive in the landscape than that which it replaces;
- (iii) Residential use has not been abandoned.
- (iv) The replacement would not result in the loss of a building which displays the special qualities of a traditional rural building.
- (v) The replacement dwelling is more energy efficient than the original dwelling and where possible reuses building materials

Whilst a public house (and associated residential use) was present on this site, it no longer stands there and therefore the agent's argument regarding Policy D4 are not considered to apply directly to this proposal.

In relation to other potential material considerations the Council's 5 year land supply should be considered. Whilst the agent has not referred to the Council's 5 year land, there is no identified shortfall presently in the five year housing supply that would warrant a departure from the present Development Policies. Furthermore, the location is not identified as a location for housing development in the Local Plan. The proposed new dwelling would also occupy a site where the absence of any immediate local facilities would necessitate the use of private motor vehicles as the predominant mode of transport. The current application is supported by a covering letter indicating that the applicant is committed to creating an energy efficient home with energy efficient technologies and one which can provide for significant biodiversity enhancement. However, no precise details have been provided in respect of these sustainability measures and biodiversity enhancements. Although the provision of an energy efficient dwelling and potential to provide biodiversity enhancements count in favour of the scheme they do not outweigh the conflict identified with the development plan as detailed above.

In conclusion, having regard to the above policy background, no evidence for any need for housing on the site has been demonstrated as part of the proposal and none of the criteria have been met for housing outside settlement boundaries. Therefore the proposed scheme would constitute an unnecessary and unsustainable form of development in the countryside contrary to Policies SP1 and SP8 of the East Staffordshire Local Plan and the National Planning Policy Framework. Any other materials benefits in relation to tidying up the site, providing construction jobs, biodiversity enhancements or sustainability measures would not outweigh the harm identified above.

Impacts on Visual Amenities and Heritage Assets

Policy SP24 of the Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identity through local distinctiveness. Policy DP1 expands upon this aim with specific reference to the design of new development.

Policy SP25 states that development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Policy DP5 expands upon this and states that development proposals will be expected to make a positive contribution to the fabric and integrity of existing buildings.

In terms of heritage assets the ESBC Conservation Officer previously concluded that *'the proposal appears capable of being detailed in a way as to avoid unacceptable harmful impact to the special significance of the neighbouring listed building via its setting as is a desirable objective detailed within Section 66 of the Planning (Listed Buildings and Conservation Areas) act 1990'*. Given that the current proposal is for one dwelling rather than two, it is still considered that there would be no significant impact to the significance of the setting of the listed building.

The application is in outline with all matters reserved, therefore there are no details of the appearance of the dwelling. The Planning Statement indicates that one detached dwelling is proposed and that *'the proposal would reinstate an historic building in the village and retain the continuity of built form on the site that stretches back well over 100 years'*. The

	<p>indicative site plan shows a detached dwelling with detached garaging.</p> <p>Whilst it is appreciated that the proposal has the potential to 'tidy-up' this derelict area of land; it is considered that it would result in additional built form in the open countryside which would not be in accordance with Policy SP24 of the Local Plan.</p> <p><u>Impacts on Residential Amenities</u></p> <p>Policy DP3 of the Local Plan requires householder extensions to have no materially adverse effects on neighbouring properties through issues including overlooking, loss of light to principal windows or private amenity space or create an overbearing impact.</p> <p>The Local Plan policies are supplemented by the East Staffordshire Design Guide and the NPPF which indicates that development should have due regard to the future amenities of residents.</p> <p>The proposal would be situated between an existing residential property and a working farm. Whilst the siting of the dwelling is reserved for future consideration, an indicative site plan has been submitted. It is considered that the site is of a sufficient size such that the proposal could achieve the necessary separation distances as detailed in the Separation Distance and Amenity SPD.</p> <p>Neighbours have raised concerns in relation to the proposal being in close proximity to a working farm. However, the Council's Environmental Health have been previously consulted on applications on the site and have raised no concerns in relation to noise or odour. They confirm as part of the current application that the scheme would be acceptable subject to the imposition of planning conditions.</p> <p>It is therefore considered that the proposals are compliant with Local Plan Policies DP1 and DP3 and the NPPF in terms of residential amenity.</p> <p><u>Highway Safety/Services Implications</u></p> <p>Local Plan Policy SP35 states that proposals which would prejudice the safe and efficient use of the highway network will be resisted. The car parking SPD sets out requirements for off road car parking for new development.</p> <p>The NPPF sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.</p> <p>The application is in outline only and therefore at this stage there are no details of access included within the application and this would need to be considered in detail at the appropriate reserved matters stage. However, the Highway Authority has previously objected to the proposal on the grounds of it being an unsustainable development and the impact on highway safety.</p> <p>There is no footpath serving the application site and it is likely that residents would be unduly reliant on the private motor car for transport. There is no access to public transport and no facilities within a reasonable walking distances. The Highway Authority have previously confirmed that <i>'the lack of safe provision, forward visibility and street lighting will lead to a decrease in highway safety'</i>.</p> <p>The proposed residential development of the site is therefore considered to be an unsustainable form of development resulting in increased highways danger to all types of road users, contrary to Policy SP25 of the Local Plan and the National Planning Policy Framework.</p>
<p>Planning Officer's response to Parish Council</p>	<p>In response to the Parish Council and neighbour comments submitted it is considered that the above Officer Assessment responds to the concerns raised.</p>

<p>Conclusion</p> <p>(including Signature & date)</p>	<p>Accordingly, having regard to the above it is concluded that the proposed development is unacceptable and fails to accord with the policies of the adopted Local Plan and relevant guidance set out in the NPPF.</p> <p><i>James Mattley</i></p> <p>September 2022</p>
<p>Engagement</p>	<p>The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.</p>
<p>Recommended reasons for refusal</p>	<ol style="list-style-type: none"> 1. The submission fails to demonstrate the need for housing in this out of settlement boundary location. The site is situated in an unsustainable location with no immediate local facilities which would necessitate the use of private motor vehicles as the prominent mode of transport and the absence of a footpath, street lighting and the narrowness of the road is likely to lead to an increase in highway safety implications. 2. The proposed development would result in additional built form which would be prominent in this out of settlement location. Consequently the proposed dwelling would constitute an intrusive, unnecessary and unsustainable form of development in the countryside contrary to Policies SP1, SP8, SP16, SP18, SP24, SP25 and DP1 of the East Staffordshire Local Plan and the National Planning Policy Framework. There are no material considerations that outweigh the harm to the planning policies identified above.
<p>Recommended informative(s)</p>	<p>003c: Engagement (Refusal)</p> <p>The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.</p>
<p>Case Officer</p>	<p>James Mattley</p>