

19/00017/OUT

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PENKRIDGE

Cllr Josephine Chapman

Land On North West Side Stafford Road Penkridge

Outline application for up to 24 dwellings, with all matters, including access, layout, design, scale, appearance and landscaping, reserved.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Background

1.1.1 Members will recall that this application for the erection of up to seventeen dwellings on the site was approved by the planning committee at the 16 July 2019 meeting, subject to the completion of a Section 106 legal agreement (S106) and Unilateral Undertaking (UU). A copy of this committee report is attached at Appendix B.

1.1.2 Following the committee's resolution, and having reappraised the scheme, the applicant requested that this outline application be amended, initially increasing the maximum number of units to be built on site to 29. As the S106 had yet to be completed, officers agreed to this request. After further reappraisal of the scheme, the applicant decided to reduce the maximum number of dwellings to be built on site to 24. The description of development has been amended to reflect this revision and Indicative plans showing up to 24 dwellings have been submitted. All consultees and interested parties have been re-consulted on this amendment. Members are therefore requested to re-consider this outline application which increases the density of development proposed on the site.

1.2 Site Description

1.2.1 The site measures approximately 0.94 hectares in area and immediately adjoins the village of Penkridge on its southern boundary. It is located in close proximity to existing residential development in Grocott Close and Nursery Drive, with houses in Stafford Road immediately to the south-west. To the north lies the site of a former residential property previously known as 'Rowan House', beyond which is open agricultural land.

1.2.2 The site itself comprises of a vacant field, with a combination of trees and hedgerows defining its boundaries. Planning permission has recently been granted on appeal for up to 200 houses on land directly to the north and west of the site (17/01022/OUT; Appeal Ref: APP/C3430/W/18/3213147). The implications of this decision and its relevance to the current application are discussed in detail in the main body of the report.

1.3 Site History

1.3.1 18/00248/FUL - Erection of Retirement Living Accommodation (43 apartments and 11 bungalows) together with communal facilities, landscaping and car parking on same site - Application withdrawn.

1.4 Pre-application discussions

1.4.1 None.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The application seeks outline planning permission for the residential development of up to 24 dwellings on land to the west of Stafford Road, Penkridge. All matters, including access, layout, design, scale, appearance and landscaping are reserved for subsequent approval.

2.1.2 The amended scheme is seeking to increase the density of development on site to around 25 dwellings per hectare, slightly lower than the density of 37 dwellings per hectare approved on the adjacent Bloor Homes site. An amended Preliminary Ecological Appraisal, Drainage Strategy and SUDS Assessment, together with a Phase 1 Site Appraisal have also been submitted with this revised proposal.

2.1.3 Although all matters are reserved, the indicative layout plan shows a mix of 'low rise' detached and semi-detached properties arranged in a linear pattern on either side of a central access road. It is proposed that the development will comprise up to 40% affordable dwellings, in accordance with the requirements of Policy H2 in the adopted Core Strategy. The affordable housing will comprise 50% affordable for rent and 50% shared ownership also in compliance with Policy H2.

2.1.4 Comments have been received from local residents expressing their concerns that the supporting reports and plans did not all refer to the revised proposal for up to 24 units (i.e. make reference to the previous proposals for 17 and 29 units respectively). Revised reports and supporting documents have since been provided correcting any inaccuracies in the supporting information.

2.2 Agents Submissions:

Planning Statement and cover letter for amended scheme
Archaeological Desk Based Assessment
Tree constraints Plan
Phase 1 Site Appraisal - ground conditions
Preliminary Ecological Appraisal
Precautionary Method of Works: Amphibians, Reptiles and Nesting Birds
Drainage Strategy and SUDS Assessment
Engineering Strategy
Tank and pipe report

Draft Unilateral Undertaking securing contributions towards the Cannock Chase Special Area of Conservation to be submitted

3. POLICY CONTEXT

3.1 The application site is situated in the Open Countryside immediately adjacent to the Main Service Village of Penkridge.

Core Strategy Development Plan Document, adopted 11 December 2012:

National Policy 1 - The Presumption in Favour of Sustainable Development
Core Policy 1 - The Spatial Strategy for South Staffordshire
Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
Core Policy 3 - Sustainable Development and Climate Change
Core Policy 5 - Infrastructure Delivery
Core Policy 6 - Housing Delivery

OC1 - Development in the Open Countryside Beyond the West Midlands Green Belt
EQ1 - Protecting, Enhancing and Expanding Natural Assets
EQ2 - Cannock Chase Special Area of Conservation
EQ3 - Conservation, Preservation and Protection of Heritage Assets
EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape
EQ5 - Sustainable Resources and Energy Efficiency
EQ7 - Water Quality
EQ8 - Waste
EQ9 - Protecting Residential Amenity
EQ11 - Wider Design Considerations
EQ12 - Landscaping
EQ13 - Development Contributions
H1 - Achieving a Balanced Housing Market
H2 - Provision of Affordable Housing
H4 - Delivering Affordable Housing
EV11 - Sustainable Travel
EV12 - Parking Provision

Site Allocations Document, adopted September 2018

SAD7 - Open Space Standards
SAD9 - Key Development Requirements

Staffordshire & Stoke on Trent Joint Waste Local Plan (2010-2026)

Minerals Local Plan for Staffordshire (2015-30)
Housing Market Assessment (2017) - Longer Term Balancing Market Housing Report

South Staffordshire Design Guide Supplementary Planning Document (SPD) and the Sustainable Development SPD adopted by Council on 26 June 2018.

National Planning Policy Framework 2019 (the Framework)

Chapter 2 [Para 7-14]: Achieving Sustainable Development
Chapter 3 [Para 15-37]: Plan-making
Chapter 4 [Para 38-58]: Decision-making
Chapter 5 [Para 59-79]: Delivering a sufficient supply of homes
Chapter 13 [Para 133-147]: Protecting Green Belt land
Chapter 15 [Para 170-183]: Conserving and enhancing the natural environment Annex 1
[Para 212-217]: Implementation

National Planning Practice Guidance (NPPG), 2018

4. CONSULTATION RESPONSES

No Councillor comments - expired 27.07.2020

Penkridge Parish Council - No amended comments received.

Previous comments (18.05.2020) - Councillors strongly object on the grounds of clarity. The information being submitted to support the application is the same details as for the McCarthy Stone application and the two applications are very different. Also concerned with regard to adequacy of parking, highway safety, excess noise, density and nature conservation.

Staffordshire County Council Ecologist (14.07.2020) - *The Precautionary Method of Works: Amphibians, Reptiles and Nesting Birds (RammSanderson, June2020) expands on the detail previously included in the Preliminary Ecological Appraisal (Ramm Sanderson, Updated version, March 2019) and now allows for the contingency of encountering individual Great Crested Newts, with further actions to be taken if further newts are found. The methods to be used follow current best practice. Conditions recommended.*

Regeneration and Housing Strategy Officer (29.07.2020) - *The outstanding issues relating to affordable housing integration and housing mix have now been addressed.*

Environment Agency - *No amended comments received, previously raised no objections.*

Staffordshire County Council Flood Risk Management Team (15.09.2020) - *We are satisfied with the proposals outlined. The proposals demonstrate that it would be feasible to achieve an acceptable SUDS design with the proposed development. Condition recommended regarding the submission of a detailed surface water design.*

Staffordshire County Council School Organisation Team (27.07.2020) - *Requests an education contribution, funding 4 first school and 3 middle school places that are likely to be generated by the proposed development.*

Natural England (15.05.2020) - *Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.*

Environmental Health Officer (17.06.2020) - *Recommends conditions regarding hours of construction, operation of equipment and deliveries, together with measures to prevent debris being deposited on the highway and erection of screening during construction, in order to safeguard the amenities of nearby residents.*

Ramblers Association (22.05.2020) - *Footpath No 31 of Penkridge Parish passes down the south side of the development site. This footpath must be respected by the developer and not obstructed by development.*

Staffs County Highways (19.05.2020) - *No objections.*

Highways England (05.05.2020) - *No objections.*

Staffordshire County Council Historic Environment Officer Archaeology (22.05.2020) - *To appropriately assess the unknown archaeological potential, particularly relating to*

prehistoric activity, it is advised that further archaeological investigation is undertaken. This work can be secured via condition.

Conservation Officer No comments received. *Previous response: 'No objections, the design, appearance and materials of the dwellings will need to be considered at reserved matters stage'.*

Severn Trent Water (15.05.2020) - *No objections, subject to conditions regarding foul and surface water flows.*

Staffordshire County Council Planning (06.05.2020) - *No comments.*

The following consultees were re-consulted on the amended application but have made no further comments:

- o Landscape Officer;
- o Arboricultural Officer;
- o Badger Conservation Group;
- o Conservation Consultant;
- o CPRE;
- o Staffordshire Fire and Rescue Service;
- o Local Plans;
- o Cadent Gas Limited (formerly National Grid);
- o Open Spaces Society;
- o Crime Prevention Design Advisor;
- o Staffordshire Wildlife Trust;
- o Development and Waste Management Unit.

Any previous responses received from these consultees on the 17-dwelling scheme can be viewed in the original committee report (Appendix 1). As the revised details only seek to amend the indicative site layout, with all matters reserved for subsequent approval, the absence of these consultation responses is not fundamental to the determination of the application.

Site notice expired 19.08.2020

Advert expired 26.02.2019

Public Comments

In addition to the comments received in relation to the original proposal for up to 17 dwellings (Appendix 1), three further representations have been received from members of the public, all objecting to the proposal. These responses are set out in full in public access and include the following concerns:

- o *The proposed layout does not reflect the pattern, layout and scale of surrounding properties;*
- o *The more densely developed housing away from existing properties;*
- o *Potential impact of the development on great crested newts*
- o *The applicant should not be allowed to seek further revisions to the scheme;*
- o *It is unclear from the submitted documents and plans what is being proposed;*
- o *Inaccuracies in submitted information;*
- o *Requests details of housing need for the development;*
- o *What infrastructure requirements are needed for the development;*

- o *How would the development accord with the Local Transport Note 1/20 regarding cycle infrastructure design.*

5. APPRAISAL

5.1 This application is being referred to the Planning Committee as the proposal is a departure from the development plan - being contrary to Policy OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt) of the adopted Core Strategy.

5.2 Key Issues

- o Principle of development and 5 Year Housing Land Supply;
- o Impact upon landscape character;
- o Cannock Chase Special Area of Conservation;
- o Ecological value;
- o Historical Environment and Archaeological Value;
- o Best and most versatile agricultural land;
- o Recreational Value;
- o Housing mix;
- o Sustainability of development;
- o Highways/transport;
- o Flood risk and drainage;
- o Air Quality & Noise;
- o Residential amenity and design;
- o Housing Market Area (HMA) - Unmet Housing Needs;
- o Local Financial Considerations;
- o Representations;
- o Planning Obligations [Section 106];
- o Unilateral Undertaking (UU) for Cannock Chase SAC o Planning Balance and Conclusion.

5.3 Principle of development and 5 Year Housing Land Supply

5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA) states that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.3.2 Core Strategy Policy 1 (The Spatial Strategy for South Staffordshire) sets out the strategic approach to the delivery of new homes in the district over the plan period. Core Policy 1 defines the main service villages for the main focus for housing growth, employment development and service provision.

5.3.3 The site lies within the Open Countryside, immediately adjacent to the settlement boundary of the Main Service Village of Penkrudge. Policy OC1 of the Core Strategy (CS) seeks to protect the open countryside for its own sake, but, through a series of criteria, sets out specific types of development which may be acceptable. The proposal does not fall under any of these criteria and therefore conflicts with Policy OC1 of the CS. However, when assessing the weight which can be attached to Policy OC1 of the CS, it is necessary to consider whether it is consistent with more up to date policy in the National Planning Policy Framework (the Framework) which is clearly also an important material consideration in the assessment of this case.

5.3.4 The Framework promotes a presumption in favour of sustainable development (para 11).

However, where a proposal would conflict with an up-to-date development plan the Framework states that permission should not usually be granted (para 12). When deciding if relevant development plan policies should be considered up to date the Framework identifies a number of key considerations, including whether there is a five year housing land supply.

5.3.5 Government policy seeks to promote a significant boost in the supply of housing (Framework Paragraph 59) and is looking to local planning authorities to identify a sufficient and varied supply of land to meet this objective. When determining the minimum level of housing need the Framework requests that a local housing need assessment is undertaken using the Standard Method (SM) as set out in national planning guidance. The Framework also requires that strategic policies take account of any unmet housing needs arising from neighbouring areas when determining the amount of housing to be planned for (para 60).

5.3.6 The Framework seeks to address the supply and delivery of sites for housing by requiring local planning authorities to identify and update annually a supply of deliverable sites sufficient to provide a minimum of five years supply of housing (para 73). This is measured against the housing requirement in adopted strategic policies or the local housing need as identified using the SM where strategic policies are more than five years old. Where a five year supply of housing land cannot be demonstrated then development plan policies which are relevant for the determination of residential planning proposals are to be considered to be out of date (paragraph 11(d)).

5.3.7 The relationship of the development plan to the Framework is also a significant consideration when determining what weight should be applied to development plan policies. Where a development plan pre-dates the Framework, paragraph 213 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework. This matter was considered in detail in the recent appeal decision on the adjoining land by Bloor Homes (Ref: APP/C3430/W/18/3213147). In the appeal case, the Inspector concluded that although Policy OC1 did have some consistency with the Framework objective to recognise the intrinsic character and beauty of the countryside, there is also inconsistency created by the policy requirement to protect the countryside for its own sake. This factor combined with the role of settlement boundaries in housing allocations and the reliance of the CS on an outdated housing requirement, together with the Council's lack of a five year housing land supply, meant that the Inspector only gave 'limited weight' to the conflict with Policy OC1 when allowing the appeal. The relevant paragraphs of this decision are set out below:

Policy OC1 concerns development in the open countryside beyond the West Midlands Green Belt. The Policy seeks to protect the open countryside for its own sake but, through a series of criteria, outlines specific types of development which may be acceptable.

There is agreement between the parties that Policy OC1 is not fully consistent with the Framework. For the Council, the inconsistency arises from the apparent restrictive nature of Policy OC1 in protecting the totality of the countryside for its own sake, rather than recognising, different levels of protection for landscapes, and the countryside's intrinsic character and beauty in line with paragraph 170 a and b of the Framework, as recognised within the Courts.

The appellant further asserts that as the development plan is based on an out of date OAN and the Council is unable to demonstrate a five year housing land supply, then the settlement boundaries which determine site allocation and the extent of the open countryside to be protected are also out of date. Moreover, as the Council is unable to demonstrate a five year housing land supply then, in accordance with footnote 7 of paragraph 11 of the Framework, the Policy must be out of date.

The fact that Policy OC1 allows some development, albeit limited, displays that the Policy does not impose a blanket ban on new development within the open countryside. The Framework seeks to protect and enhance valued landscapes and distinguish between the hierarchy of international, national and locally designated sites, allocating land with the least environmental or amenity value where consistent with other policies in the Framework. While Policy OC1 does not seek to differentiate between different landscapes within the countryside, the Framework also recognises the intrinsic character and beauty of the countryside. Therefore, the underlying objective of the Policy has some consistency with the Framework. Consequently, any conflict with it still attracts some weight in this respect.

Although the Council stated that settlement boundaries are not defined by housing requirements, paragraph 6.14 of the CS states that detailed boundaries of the Green Belt and villages will be reviewed as necessary in the SAD. Paragraph 10.3 of the SAD refers to changing settlement boundaries to reflect planning permissions that have been approved by the Council on Safeguarded Land in the 1996 Local Plan. Furthermore, paragraph 10.4 states that "Given the commitment in the SAD to identify land to meet development and growth needs, the following areas will be removed from Green Belt or Open Countryside, or alterations made to settlement boundaries". Policy SAD6 of the SAD then goes on to set out details of the locations of where the Green Belt, Open Countryside, or Development Boundaries will be amended to accommodate new development. It seems to me therefore, that settlement boundaries exist not only to protect the open countryside, but also to assist with housing allocations.

It is agreed between the parties within the SOCG that housing supply and allocation policies within the CS and the SAD are out of date for reasons I have already covered. Therefore, as the settlement boundaries reflect an out of date housing requirement, and the Council is unable to demonstrate a five year housing land supply, then the weight to be given to protecting the countryside outside those settlement boundaries should be reduced, a concept supported in the Supreme Court.

The Council suggested that Policy OC1 is not an environmental policy such as those referred to in the judgement, and also pointed out that the judgement relates to the previous 2012 Framework. I appreciate the importance of Policy OC1 to the Council, it lies at the heart of its development plan, seeking to protect the limited amount of countryside that is not afforded Green Belt designation. However, in my view, given its status as a countryside protection policy then it can reasonably be viewed as an environmental policy. Furthermore, although the judgement predates the latest iteration of the Framework, the objective of the Framework to boost significantly the supply of housing, and the general principle to which the judgement relates remain.

Therefore, I accept that Policy OC1 has some consistency with the Framework's requirement to recognise the intrinsic beauty and character of the countryside. However, there is inconsistency created with the Policy requirement to protect the countryside for its own sake. This, together with the role of settlement boundaries I have identified in housing allocations, given the reliance of the Plan on an outdated housing requirement, together with the

Council's lack of five year housing land supply, which it is agreed is significant, means I give the agreed conflict with Policy OC1 limited weight.

The parties disagree as to whether Policy OC1 is out of date by virtue of footnote 7 to paragraph

11 of the Framework. Whatever my finding on this matter, as pointed out by the Council the Suffolk Coastal judgement and others make it clear that even if a Policy is out of date, weight can still be given to conflict with that Policy by the decision maker. Irrespective of my finding on this matter therefore, I have already determined that the agreed conflict with Policy OC1 should attract limited weight.

As it has already been established that paragraph 11(dii) of the Framework is engaged due to the Council being unable to demonstrate a five year housing land supply, my findings as to whether Policy OC1 is out of date are also not critical in this respect."

5.3.8 As a consequence of COVID19, the Council is still in the process of publishing an updated Housing Monitoring and Five Year Housing Land Supply report (HM5YHLSR) covering the period 2019-2020. It is anticipated that the HM5YHLSR will be published in Autumn 2020. Therefore, the current HM5YHLSR relates to the period 2018-19 and was published in May 2019. Using the Standard Method as advocated by the Framework indicates an annual local housing need figure for South Staffordshire of 254 dwellings. This translates into a five year housing supply requirement including a 5% buffer of 1334 dwellings. An examination of sources of deliverable supply indicates a figure for total net commitments as at 1 April 2019 of 1535 dwellings. Relating the annual need figure to this supply (including the 5% buffer) indicates that a housing land supply figure of 5.75 years can be demonstrated. Relevant policies for determining residential planning proposals should therefore not be considered out-of-date in terms of paragraph 11(d) of the Framework owing to a lack of an adequate housing supply.

5.3.9 Notwithstanding that the Council can now demonstrate a five year housing land supply, taking account of the Inspectors conclusions above, in my view Policy OC1 is not entirely consistent with the Framework and the weight that can be apportioned to it is reduced. Consequently, the presumption in favour of sustainable development (due to the lack of a five year housing supply) as outlined in paragraph 11(d) of the Framework is not engaged. Although I accept that the weight that can be attached to the conflict with Policy OC1 is reduced, the proposal would still conflict with this development plan policy. Therefore, as set out in S38(6) of the PCPA it is necessary to establish if permission should be granted for development that is not in accordance with the development plan.

5.3.10 The revised scheme would increase the overall density of development from around 18 dwellings per hectare to 25. Although this would be slightly lower than the density approved on the adjacent Bloor Homes site, by increasing the maximum number of dwellings, the revised scheme would accord with the Framework's objective to make efficient use of land. This further weighs in support of the scheme.

5.4 Impact upon Landscape Character

5.4.1 The application site lies within Natural England's Character Area (NCA): 61 "Shropshire, Cheshire and Staffordshire Plain and 67 'Cannock Chase and Cank Wood'. It also falls under the 'Staffordshire Plain' and 'Cannock Chase and Cank Wood' regional character areas as defined in the Planning for Landscape Change: Supplementary Planning Guidance 2001 (SPG). The SPG defines the landscape character type of the site and its immediate

surroundings as 'Ancient Clay Farmland'. The afore mentioned landscape character assessments identify the key characteristics of the landscape in these areas to include, gently undulating, large scale rolling landscape, well defined irregular field boundaries with mature hedgerows and some trees, dispersed settlement patterns, low lying built form, with the exception of churches, and mixed arable and pastoral farmland.

5.4.2 The site itself is a small field of rough grassland which is enclosed on all sides by established hedgerow and tree planting. Therefore, it is not reflective of the pattern of larger scale piecemeal enclosure characteristic of the agricultural landscape to the north of the site, and only makes a limited contribution to the character and appearance of the wider landscape referred to above. The site is also viewed alongside existing residential development immediately to the south, with the recent planning permission, if implemented, for 200 dwellings on land to the north and west (Ref: APP/C3430/W/18/3213147) effectively enclosing the current application site on all sides (i.e. it would read as part of the built form of the village).

5.4.3 It is acknowledged that the proposal is likely to require the removal of part of the hedgerow along the main Stafford Road (A449) to provide for the necessary visibility splays. However, providing appropriate replacement planting is introduced at reserved matters stage, this over time would retain the verdant character of the site frontage. Moreover, as set out in the submitted tree constraints plan, it would be possible to either retain, cut down and allow to regrow or introduce new trees and hawthorn hedging along the remaining boundaries on the site, preserving these important landscape features.

5.4.4 Overall, although the revised proposal would extend out into the open countryside and increase the level of built form on the site, the structure of the wider rural landscape would remain largely intact, limiting any wider adverse effects of the development. Thus, over time, and particularly if the adjacent development is implemented, the proposal would have a neutral impact on landscape character.

5.4.5 In respect of the visual impacts of the proposal, the scheme's visual envelope is limited by the intervening transport infrastructure (A449 and railway line) and existing vegetation which acts to filter and block views to the site from surrounding public viewpoints. The development would also not be prominent in views from along the Teddesley Road and would be seen in the context of existing residential properties along the Stafford Road. The increase in the density of the proposed development would not materially alter this impact. Furthermore, any views from this river corridor setting would be filtered through existing and proposed tree planting.

5.4.6 The development would not appear prominent in any views to the site from the public right of way (PRoW) 1km to the north, as the roofscape of the proposal will blend into that of the surrounding village from this distance. The PRoW which runs immediately to the north of the site will experience views of the development, although these will be localised to a short extent of the footpath, past which the West Coast Mainline acts to screen the majority of the development in views to the proposed site. The development would be largely screened from road users of the A449 as they enter the village due to the existing intervening planting. For these receptors, the proposed development would only become prominent upon the immediate approach to the village and in any event road users are generally less sensitive visual receptors than, for example, users of recreational spaces or footpaths. Furthermore, by respecting the existing building line and density of development in the adjacent streetscene, there would be no significant adverse effects on the character of the adjacent residential area along Stafford Road.

5.4.7 I am mindful that a reserved matters application is likely to require the removal of a section of hedgerow to allow for the appropriate visibility splays. However, given the modest width of the plot, the potential for replacement planting along the site frontage, and the fact that public views would only be available from the A449 directly opposite the site, this element would not have an adverse long-term visual impact on the landscape.

5.4.8 The Inspector's conclusions on character and appearance for the 200 houses on the adjoining land are also of relevance to the current application. It is important to note that the appeal scheme occupied a significantly larger site and, unlike the current scheme, displayed many of the characteristics of the surrounding landscape. It was also physically 'detached' from the settlement limits of the village (the current proposal would directly abut properties in Stafford Road, Grocott Close and Nursery Drive. Consequently, there are clear differences between the two proposals. That said, even when accounting for the aforementioned considerations, the Inspector only attracted limited negative weight to the harm the appeal scheme would cause to the character and appearance of the area. Clearly, the current scheme, due to the size, position and nature of the development would have a significantly reduced impact on the character of the landscape when compared with the appeal proposal.

5.4.9 Turning to the proposed indicative layout, the linear pattern of the development shown on the illustrative plans has not altered significantly from the 17 dwelling scheme, with the revised proposal altering the house types, introducing more semi-detached and terraced properties along the southern boundary and increasing the density of development on the northern part of the site. Given that the site is flanked by existing/approved development to the south and north, the amended layout would not have a materially greater impact on the character and appearance of the area than the scheme previously considered by committee. The indicative layout also includes landscaping between parking spaces and to the front of the properties, with sufficient space along the site frontage to introduce new landscaping. Furthermore, a footpath is indicated at the north-west end of the site, potentially linking the proposed development through to the Bloor Homes site, increasing connectivity and legibility between this development and the centre of Penkridge. Thus, whilst these plans are for illustrative purposes only and do not form part of the assessment of this outline application, there is no significant issues with the indicative layout.

5.4.10 In conclusion, I acknowledge that the development would extend the built form of the settlement out into the open countryside and therefore conflict with Policy OC1. However, for the reasons set out above, the proposal would not have a harmful impact on the landscape character of the area. Indeed, if the permission for 200 houses on the adjoining land is implemented, the current application site would read as part of the built-up envelope of Penkridge rather than a small enclosed field within the open countryside. In this regard it would accord with Policies EQ4 and EQ11 of the CS and the Framework, which, amongst other things, seek to ensure that development recognises the intrinsic character and beauty of the countryside.

5.5 Cannock Chase Special Area of Conservation

5.5.1 The application site is situated about 6 km from the Cannock Chase Special Area of Conservation (SAC) and therefore lies within the 15 km zone of influence identified around the SAC. This zone is estimated to encompass the area from which 75% of visits to the SAC

are generated. Core Policy EQ2 (Cannock Chase Special Area of Conservation) relates to the Cannock Chase SAC.

5.5.2 The Habitat Regulations place restrictions on the ability of a 'competent authority' to agree to a plan or project where it will adversely affect the integrity of the European site (such as the Cannock Chase SAC). The site lies within the Zone of Influence for the Cannock Chase SAC where evidence, supported by Natural England, clearly demonstrates that any net increase in housing will have an adverse effect on the SAC. However, the Council has an agreed approach to mitigation with Natural England, which indicates that such impacts can usually be satisfactorily mitigated and avoided through the provision of a commuted sum of £232 per unit towards an agreed set of mitigation projects. This sum has been agreed and will be secured through a Unilateral Undertaking (UU) - see Section 5.18 below. This ensures that there are no adverse impacts on the Cannock Chase SAC arising from the development, meaning that, with the secured commuted sum, the Council has the legal authority to decide this planning application without acting outside of the scope of the Habitat Regulations.

5.6 Ecological Value

5.6.1 The Framework seeks to minimise impacts and provide net gains in biodiversity. This is echoed within Policy EQ1 (Protecting, Enhancing and Expanding Natural Assets) which states that permission will be granted for development that does not cause significant harm to sites or habitats of nature conservation. As part of this amended application, and after reports of great crested newts nearby, an Updated Preliminary Ecological Appraisal (PEA) and Precautionary Method of Works: Amphibians, Reptiles and Nesting Birds (PMOW) report have been submitted. This is an outline application and so there is scope within the details (and through imposition of conditions) to establish a coherent ecological network through the development of this site in accordance with the policy set out in the Framework.

5.6.2 The County Ecologist has concluded that, providing the recommendations of the PMOW are followed, allowing for contingency of encountering individual great crested newts, with further actions to be taken if further newts are found, and all site works, including vegetation clearance comply with the methods outlined in the PMOW, then the development would not adversely impact on great crested newts.

5.6.3 in addition, the County Ecologist has requested further conditions requiring the provision of bat/bird boxes to be installed within the development, submission of a lighting strategy, introduction of appropriate tree and hedgerow protection measures, and to ensure that all site works comply with the methods outlined in the Precautionary Method of Works. Furthermore, the County Ecologist has requested that an updated ecological survey is submitted for approval if the development, including any site clearance works or reserved matters approval, has not commenced by 28 February 2021. This is to ensure that any movement by species on or around the site in the spring is accounted for (i.e. the existing surveys identify the position on the ground at present and during winter when many species will be in hibernation).

5.6.4 Overall, subject to the above conditions and detailed design elements to be submitted at reserved matters stage (i.e. gaps in boundary walls/fences to provide access for hedgehogs etc), the development would protect and introduce modest biodiversity enhancements on site and accord with the aims of Policy EQ1 of the CS and the Framework.

5.7 Historic Environment & Archaeological Value

5.7.1 The site lies on the edge of Penkridge and would not therefore directly impact on the setting of any designated heritage assets (i.e. the Penkridge Conservation Area or listed buildings).

5.7.2 Turning to the potential impact of the development on archaeology, an Archaeological Desk-Based Assessment (ADBA) has been submitted with the application which has assessed the known and potential archaeological resource utilising information held by the Staffordshire Historic Environment Record (HER) and other appropriate documents. The County Archaeologist agrees with the conclusions of the ADBA that there is a low potential for significant archaeological remains to be present within the development site. However, in order to appropriately assess the unknown archaeological potential of the site, particularly relating to prehistoric activity which is currently poorly understood within the wider landscape, it is advised that further archaeological investigation is undertaken. This, as suggested in the ADBA can be secured by an appropriately worded condition.

5.7.3 Subject to the afore mentioned condition, the proposal would preserve the historic environment. It would therefore accord with Policy EQ3 of the CS and paragraphs 188 and 199 of the Framework which, amongst other things require developers to describe the significance of heritage assets, the potential impact of development on them and record and advance understanding of the significance of heritage assets.

5.8 Agricultural Value

5.8.1 Paragraph 170 of the Framework requires local planning authorities to take into account the economic and other benefits of best and most versatile agricultural land (BMV) and that areas of poorer quality should be used in preference to areas of higher quality. Policy OC1 of the CS refers to protecting the countryside for its own sake particularly for, amongst other things, its agriculture. The best and most versatile agricultural land is defined in the Framework as land in Grades 1, 2 and 3a of the Agricultural Land Classification.

5.8.2 On first inspection it would appear that the Agricultural Land Classification for the site is Grade 3. However, evidence presented in the appeal for the adjacent development suggests that the current application site is to be regarded as Grade 3a agricultural land. I will assess this application on this basis.

5.8.3 It is also important to note the Inspectors conclusions in respect of best and most versatile agricultural land when allowing the appeal on the adjoining land. In this case, which included Grade 2, 3a and 3b land, with Grade 2 land being in shorter supply than Grade 3a land in the surrounding area the Inspector concluded that:

'I appreciate that there is no definition of significant, in this context, within the Framework. However, given the amount of land classified as Grade 2 on the appeal site then the harm caused by its loss would be limited. This is reinforced by the likelihood that a significant proportion would be reused within the landscaped areas, open space and gardens within the development, resulting in the soil profile retaining the same functions as prior to the development....

While therefore, there is some conflict with Policy OC1 and the Framework with regard to the loss of BMV, there would be limited resultant harm.'

5.8.4 Taking into account of the above considerations, the significantly smaller scale of the current application site and the potential for a large proportion of the land to be re-used as

informal landscaped areas and gardens within the development therefore retaining the same function as prior to the development, the resultant policy conflict with OC1 of the CS and the Framework and harm to BMV land would be limited.

5.9 Recreational Value

5.9.1 The site is private grassland and therefore cannot be considered to be of recreational value. Local residents have raised concerns that there is insufficient recreational space in the vicinity of the site to service the needs of the development. SAD7 requires sites of 10-24 dwellings to provide an off-site sum towards the provision of Public Open Space which is addressed in more detail later in the report.

5.10 Housing Mix

5.10.1 Policy H1 of the CS seeks to achieve a balanced housing market, with Policy H2 setting out the expected provision for Affordable Housing. The amended scheme continues to comply with the requirements of Policy H2, requiring 40% affordable housing split 50:50 between social rent and shared ownership. The amended indicative layout plan illustrates an improvement in integration of the affordable housing, looking specifically at parking layouts etc., with reduced front of property parking and therefore less clear distinction between market and affordable homes. This appears to demonstrate that a layout can be achieved with suitable integration of affordable homes on the site, subject to detail at reserved matters stage. The housing mix can be secured through planning condition. The delivery of affordable housing, in accordance with Policy H4 (Delivering Affordable Housing), can be secured through Section 106. The housing mixes are as follows:

Market housing

35% 2 bedroom properties
45% 3 bedroom properties
20% 4 bedroom properties

A minimum of 10% of market housing to be provided as bungalows

Affordable housing

Social rented housing:
50% 2 bedroom properties
50% 3 bedroom properties

Shared ownership housing:

60% 2 bedroom properties
40% 3 bedroom properties

A minimum of 10% of affordable housing to be provided as bungalows

5.11 Sustainability of Development

5.11.1 Core Policy 1 of the CS seeks to distribute growth in the most accessible and sustainable locations in accordance with the Settlement Hierarchy, with the Council working with partners to deliver the infrastructure, facilities and services required to support this growth. Whilst the site lies in the open countryside, it is located immediately adjacent to the settlement boundary of the Main Service Village of Penkridge, within a reasonable walking distance of a varied range of services and facilities available in the village.

5.11.2 A number of regular bus services (54, 75, 76 and 878) run via Penkridge on its route between Stafford, Cannock and Wolverhampton; Mondays - Saturdays. Additionally, a rail service between Penkridge and Birmingham New Street operates every 30minutes. In addition, Stafford Town can be accessed from Penkridge by train with a frequency of approximately one hour. I am mindful that the recently published Local Transport Note 1/20 'Cycle Infrastructure Design' (LTN) aims to increase opportunities for cycling. Given the proximity of the site to the centre of Penkridge and the potential for cyclists to shared side roads/footways with other road users/pedestrians, I consider that the existing infrastructure would provide a reasonably attractive option for potential future occupiers to access the range of services and facilities in the village, and accord with the overall aims of the LTN.

5.11.3 It can therefore be said that the application site is well served by public transport and is in a sustainable location. Public comments of objection have referred to the doctor's surgery being at full capacity and having to wait too long for an appointment. However, it is understood that the medical practice is failing to attract sufficient number of GPs hence the waiting time problem. This issue could not be justified as a planning reason to refuse this application.

5.11.4 Public comments of objection have also referred to increased pressure on school places.

County Education have commented that this development falls within the catchment areas of Marshbrook First School, Penkridge Middle School and Wolgarston High School. The development is scheduled to provide up to 24 dwellings, potentially adding 4 First School aged pupils, 3 Middle School aged pupils, 2 High School aged pupils and 1 sixth form pupil.

5.11.5 Marshbrook First School and Penkridge Middle School are projected to have insufficient space to accommodate the likely demand from pupils generated by the development and the following education contribution is therefore requested towards First School and Middle School provision:

- o 4 First School places (4 x £13,165 = £52,660) and 3 Middle School places (3 x £15,140 = £45,420). This gives a total request of £98,080 for up to 24 houses.

5.11.7 Wolgarston High School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards High School provision. Overall, although the development will put additional pressure on school places, current pupil demographics indicate that the schools should be able to accommodate the likely demand from pupils generated by the development.

5.11.8 Economically, the construction and fitting out of the dwellings and creation of new road infrastructure would create employment and generate demand for services as well as for various plant and material. The increase in the population of Penkridge will potentially boost the spending power of the local economy to some extent. I attribute moderate weight in favour of the development (in the 'planning balance') because of these economic benefits.

5.11.9 Socially, the proposed development would provide additional housing required to meet the needs of present and future generations with accessible local services that reflect the communities' needs and supports its health, social and cultural well-being. The proposed development would deliver 40% affordable housing, a mix of market and affordable homes and would provide a further choice of new homes in a sustainable location. This would boost South Staffordshire's existing housing supply in accordance with paragraph 59 of the

Framework and Policy H1 of the CS. I attribute significant weight (in the 'planning balance') in favour of the proposed development because of the delivery of market and affordable housing.

5.11.10 Environmentally, whilst the development would involve the development of an existing field within the open countryside, it would preserve the landscape character of the area. If the extant permission for up to 200 houses on the adjoining land is implemented, this would have the effect of enclosing the site within the built-up envelope of Penkridge, further limiting the schemes impact.

5.11.11 Overall, there would be a net gain in terms of achieving sustainable development as a result of this application and this is compliant with the objectives of the Framework as set out in Chapter 2 (Achieving Sustainable Development) [Paragraphs 7 to 14]. In addition, for the reasons set out, it could also be argued that the development is in an accessible and sustainable location and therefore accords with the overall aims of Core Policy 1.

5.12 Highways/Transport

5.12.1 A significant number of the representations received from members of the public relate to concerns about vehicular access, highway safety and the impact on residential amenity of neighbouring residents from increased traffic generation. It is clear that these issues require careful consideration when assessing the principle of residential development on the site despite access being a reserved matter. The latter relates to the impact of the development on the residential amenity of nearby residents and is therefore discussed in section 5.15 of this report.

5.12.2 The indicative layout plan shows a new vehicular access in a roughly central location on the site. Subject to the remove of the existing hedgerow along the site frontage to allow for the appropriate visibility splays and given the linear alignment of Stafford Road, clear and unrestricted visibility is likely to be available in both directions for vehicles emerging from the site access. Similarly, due to the relatively modest number of vehicular movements which would be associated with the use and occupation of up to 24 dwellings, drivers waiting in the highway in order to access the development is unlikely to cause significant obstruction to users of Stafford Road. In any case, such matters, including the specifications of the road layout and vehicle crossing will be considered in detail at reserved matters stage. Therefore, based on the information before me, the principle of residential development on the application site is unlikely to have an unacceptable impact on highway safety and therefore accord with paragraphs 108 and 109 of the Framework.

5.12.3 Turning to on-site parking provision, the indicative layout plan appears to provide appropriate levels of off-street parking which is in line with guidance contained in the Council's parking standards.

5.13 Flood risk and drainage

5.13.1 The site lies within Flood Zone 1 and is less than 1 hectare in size. It is therefore considered to be at low risk of flooding and of causing flooding to adjacent lands. Following comments from the Local Lead Flood Engineer (LLFE), requesting additional information regarding details of the proposed drainage system, the applicant has submitted a revised Drainage Strategy and SUDS Assessment (DSSA). The LLFA are now satisfied with the details outlined in the revised DSSA, with the proposals demonstrating that it would be feasible to achieve an acceptable SUDS design within the proposed development. The detailed drainage

design to be submitted with any reserved matters approval should be in accordance with the drainage strategy taking into account the constraints identified. Therefore, subject to a condition requiring the submission of a detailed surface water drainage design, it is considered that the proposed development would be resilient to climate change and flooding in accordance with the Framework and Policy CP3 of the CS.

5.14 Air Quality & Noise

5.14.1 The application site is situated off the main Stafford Road, the main arterial route between Wolverhampton and Stafford. Despite this, there is potential for the proposed dwellings to be set back from the main road frontage roughly in line with existing residential development on Stafford Road. The provision of additional landscaping in this area would further reduce this impact. Thus, subject to the detailed design and layout of the development there is potential for up to 24 dwellings to be accommodated on site without potential future occupiers experiencing air quality or noise related issues.

5.15 Residential Amenity and Design

5.15.1 The application is in outline with all matters reserved at this stage. The layout, appearance, landscaping and scale of the development are to be considered at reserved matters stage. The illustrative layout plan submitted with the application does demonstrate that suitable separation distances could be achieved, however condition 4 makes it clear that no indicative drawings are agreed at this stage.

5.15.2 The indicative layout plan shows a central vehicular access. In such circumstances, any noise associated with vehicle movements into and out of the site would be largely obscured from residential properties to the east by the proposed dwellings which would be positioned between the access and the adjacent properties. In any case, as layout and access are reserved matters, the detailed design of the scheme would be considered in full at reserved matters stage. To ensure the amenities of nearby residents are protected, in accordance with Policy EQ9 (Protecting Residential Amenity), a construction management plan will be conditioned (condition no. 7).

5.16 Housing Market Area (HMA) - Unmet Housing Needs

5.16.1 Planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions (Paragraphs 2 & 47). The achievement of sustainable development is the golden thread that runs through the Framework (Paragraph 11). 'Significantly boosting the supply of homes' is a principal policy driver in the Framework (Paragraph 59).

5.16.2 In March 2018 the Government consulted on the revised Framework. The introduction to the draft revised Framework stated: -

'The country does not have enough homes. For decades the number of new homes has not kept pace with rising demand. That has created a market that fails to work for far too many families, resulting in soaring prices and rising rents. The Government is clear that the country needs radical, lasting reform that will allow more homes to be built.'

Government published the (revised) Framework on Tuesday 24 July 2018.

For these reasons, I consider that unmet housing needs within the Housing Market Area (HMA) is another material consideration that should be afforded significant weight in the 'planning balance' in considering the merits of this proposed development.

5.16.3 The Localism Act 2011 introduced local financial considerations as another material consideration in planning decisions. It is for the decision-taker to decide how much weight should be attributed in each specific case.

5.16.4 Accordingly, I shall assess the significance of these other material considerations under 2 headings: -

A) Greater Birmingham Housing Market Area (GBHMA) - Housing Shortfall B) Local financial considerations

A) Greater Birmingham Housing Market Area (GBHMA) - Housing Shortfall

5.16.5 The Birmingham Development Plan 2011-2031 (BDP) was adopted in January 2017 and commits Birmingham City Council to work with the 13 other local planning authorities within the GBHMA in order to address the housing shortfall within emerging local plans. Birmingham's objectively assessed housing needs (OAN) were evidenced in the plan as 89,000 dwellings. There is a shortfall of 37,900 dwellings to be delivered from the BDP. More recently the Greater Birmingham Housing Market Area Growth Study published in 2018 (GBHMAGS) was jointly commissioned by the Housing Market Authorities to further consider strategic development options to meet housing need across the housing market area.

5.16.6 Whilst the unmet housing need from other authorities is a material consideration, the GBHMAGS is not a policy document and the appropriate place to consider the allocation of unmet housing need is through individual local plan examinations, and therefore attracts very limited weight in the assessment of this case. Moreover, the council does recognise the presence of a significant housing shortfall arising from within the wider GBHMA and has been actively engaged with neighbouring authorities in seeking an appropriate response to this issue. These discussions have not yet concluded and therefore a statement of common ground establishing the extent of the contribution towards the neighbouring housing shortfall has not been agreed.

B) Local financial considerations

5.16.7 The Localism Act 2011 brought about changes to primary planning legislation which means that local financial considerations are capable of being material considerations in the outcome of planning decisions. How much weight should be attached is for the decision-taker to decide based on the circumstances of the individual case. In this case it is considered that local financial considerations should carry moderate weight in favour of the proposed development. The local financial considerations are the generation of increased council tax payments, potential payment of New Homes Bonus, the construction and fitting out of the dwellings would financially be of benefit locally, together with employment creation, generating demand for materials and the increase in the population of Penkridge will contribute to the spending power of the local economy to some extent.

5.17 Representations

5.17.1 There have been 10 public comments of objection to this application. These are set out in Section 4 Consultation Responses (Public Comments). I have sought to address these concerns throughout the report.

5.17.2 The Ramblers Association have commented that the proposal should not obscure or block public footpath number 31 of Penkridge Parish. There is a field separating this footpath from the application site. Therefore, the development or any construction work associated with it is unlikely to obstruct this public right of way.

5.18 Planning Contributions

5.18.1 Core Strategy Policy EQ13 (Development Contributions) states that contributions will be sought from developers where necessary to achieve sustainable development. Paragraph 56 of the Framework requires that planning obligations must only be sought when they are; necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Although the application is in outline form with all details reserved, it is common practice to try and get the particulars that would require entering into a Section 106 Agreement secured at this (the outline) stage.

5.18.2 Core Strategy Policy H2 (Provision of Affordable Housing) seeks 40% affordable housing on greenfield land for 10 or more dwellings. Policy H4 states that affordable housing should be secured in perpetuity and set 50% social rental and 50% intermediate tenures. The applicant has agreed that 40% of the dwellings constructed will be affordable and comprise 50% social rented units and 50% intermediate housing units. This is considered to be acceptable for when the final S106 is finalised, complying with policies EQ13, H1 (Housing Delivery), H2 (Provision of Affordable Housing) and H4 (Delivery of Affordable Housing).

5.18.3 The draft heads of terms for the S106 state that an educational contribution is to be paid. Staffordshire County Council have confirmed that there are less than five legal agreements for each education project for which a contribution is sought (see paragraph 5.18.5 below). As such, the draft S106 Agreement is not affected by the pooling limit restrictions in respect of CIL Regulation 123(3).

5.18.4 Policy SAD7 of the SAD requires that off-site contributions equivalent to 0.01ha of community open space per dwelling to be provided on-site on schemes of 10-24 dwellings. Typically, this will take the form of a contribution to cover both provision and maintenance of offsite greenspace provision, or the improvement an existing nearby open space. As such, the Council will require the payment of £993 per dwelling on schemes of 10-24 dwellings. The applicant has agreed to provide the afore mentioned contribution

5.18.5 The Heads of Terms (which will include financial contributions) to be agreed are as follows:

Affordable Housing - In terms of quantum of houses 40% affordable housing for residential dwellings.

Educational contribution - The education contribution for a development of this size is;

4 First School places (4 x £13,165 = £52,660) and 3 Middle School places (3 x £15,140 = £45,420). This gives a total request of £98,080 for up to 24 houses.

Off-site open space contribution = 24 x £993

5.19 SAC Unilateral Undertaking (UU)

5.19.1 The site lies within the Zone of Influence for the Cannock Chase SAC where evidence, supported by Natural England and set out in Policy EQ2 of the Core Strategy clearly demonstrates that any net increase in housing will have an adverse effect on the SAC. To assist in mitigating this impact a developer contribution of £232 per unit has been agreed and is considered acceptable provided this is secured through Unilateral Undertaking (UU).

5.19.2 In April 2018 the European Court of Justice (ECJ) issued what appears to be a landmark judgment [People over Wind and Sweetman Collite Teoranta] from the Irish Republic on habitats regulation assessment (HRA). Under the European Union (EU) habitats directive, local planning authorities are required to carry out these assessments to make sure plans or projects affecting sites in and around EU designated special areas of conservation (SACs) or special protection areas (SPAs) have no harmful effect on them. An Appropriate Assessment (AA) has been carried out for this proposed development and it is considered that the UU, which is supported by Natural England (NE), will provide satisfactory mitigation for the effect of granting planning permission for up to 24 new homes adjacent to Penkridge. Natural England has confirmed that it has no objections to the proposed development, subject to the UU payment of £232 x 24 = £5,568.

5.19 Conditions

5.19.1 Having regard to advice in paragraphs 54 and 55 of the Framework and the National Planning Practice Guidance (PPG), in addition to the standard conditions relating to outline permissions and the submission of reserved matters, a condition regarding landscaping is needed to clarify the measures to be within the scheme and its implementation. A condition requiring measures to be submitted to protect the existing trees and hedgerows on site prior to the commencement of works is necessary to preserve the character and appearance of the area, and to avoid damage to the existing landscaping.

5.19.2 A Construction Management Plan is required prior to work commencing on site to protect the residential amenities of existing residents and existing hedgerows/trees. It is necessary to require the provision of bat and bird boxes, together with details of lighting prior to work commencing on site to ensure that habitats of birds and bats are protected. Further conditions are also needed, requiring that all site works comply with the methods outlined in the Precautionary Method of Works and if the development, including any reserved matters approval has not commenced in 2020, an updated ecological survey will be needed to protect biodiversity.

5.19.3 A condition regarding the design of a surface water drainage scheme is necessary to reduce risk of surface water flooding to the development and properties downstream for the lifetime of the development, and secure appropriate disposal of foul water. In addition, a condition regarding levels is necessary to protect the character and appearance of the area. The details of ground levels need to be submitted prior to commencement of development of construction to ensure accurate details of existing conditions are recorded.

5.19.4 A pre-commencement condition regarding archaeology is needed to protect and record heritage assets. A condition securing the housing mix for the scheme is necessary to

ensure that the scheme complies with Policy H1 of the CS and provide for an identified housing need in the SHMA.

6. Planning Balance and Conclusion

6.1.1 The application site is not an allocated site for residential development within the Council's SAD. It also lies outside the defined Penkridge settlement boundary and does not fall within any of the categories of development which may be permitted by Policy OC1 of the CS. As such, it conflicts with the development plan (Policy OC1) which S38(6) of the PCPA demands applications should be determined in accordance with unless material considerations indicate otherwise. That said, this conflict with the development plan is tempered given that it is not entirely consistent with the Framework and should therefore be given reduced weight in the assessment of this application. In addition to the aforementioned policy conflict, I have also found that the loss of BMV agricultural land would cause limited harm to which limited weight should be attached in the planning balance.

6.1.2 Turning to the benefits of the scheme, there would be some environmental benefits in terms of improved surface water management and biodiversity enhancements. These constitute moderate environmental improvements associated with the scheme.

6.1.3 The Council can now demonstrate a five year housing land supply. However, the Framework seeks to significantly boost the supply of housing. Although the scheme is only for up to 24 dwellings, it would still make an important, albeit modest contribution to boosting the supply of housing in a sustainable location to which significant positive weight should be attached. Furthermore, the scheme would make a more efficient use of land than the earlier proposal for up to 17 dwellings in accordance with the aims of paragraph 117 of the Framework, provide a mix of market housing that would meet the requirements of Policy H1 of the CS and the housing need identified in the Strategic Housing Market Assessment. In addition, 10% of the dwellings would be delivered as bungalows, which is supported by the requirements of Policy H1, for new housing developments to make a contribution to meeting the need of the district's rapidly ageing population. This mix can be secured by condition.

6.1.4 The scheme would deliver 40% of the housing as affordable units. Given that there is still an undersupply of affordable housing that has been delivered in the District, the provision of up to 10 affordable units in an accessible location is a considerable benefit which should attract some positive weight. There would be some economic benefits associated with the construction and subsequent occupation of the dwellings to local businesses and services in Penkridge to which I attach moderate positive weight. In addition, limited positive weight should also be attached to increased council tax payments and potential payment of New Homes Bonus associated with the development

6.1.5 Overall, I find that that despite the conflict with Policy OC1 and limited harm caused by the loss of BMV agricultural land, the other material considerations listed in paragraphs 6.1.26.1.4 indicate that that planning permission should be granted for development that is not in accordance with the development plan. On this basis it is recommended that planning permission should be GRANTED, subject to the following conditions.

7. RECOMMENDATION - **Delegate APPROVAL** to the Team Manager to issue the decision on completion of a satisfactory Section 106 agreement and Unilateral Undertaking. If by 16 February 2021, the Section 106 Agreement has not been fully executed by all the parties, the

Chairman is to have delegated authority to agree a further short extension to allow for final execution and completion of the Agreement.

Subject to the following condition(s):

1. Details of the site 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.
2. An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. This permission does not grant or imply consent for the indicative layout shown on Drawing No D31 Rev E, nor does it grant or imply consent for any other indicative layout sketches/drawings included within the documentation submitted as part of this application.
5. The landscaping scheme submitted under Condition 1 shall include a timetable for implementation, planting to compensate for any hedgerow/ tree loss and details of planting associated with the Sustainable Urban Drainage works, and long-term management arrangements.
6. Before the development commences, details of a site specific tree and hedgerow protection method statement and plan shall be submitted to and agreed in writing by the local planning authority. The development shall be implemented in strict accordance with the tree and hedgerow protection method statement and plan.
7. Prior to the commencement of any construction, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGVs, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. It shall also include a method of clearance and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme. Development shall be carried out in accordance with the approved details.
8. No development shall commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall seek to reduce the amount of light projecting on to hedgerows and trees that are identified as important habitats for bats and nesting birds. The agreed lighting scheme shall be implemented in full concurrently with the approved development.

9. All site works, including vegetation clearance, must comply with the methods outlined in the Precautionary Method of Works: Amphibians, Reptiles and Nesting Bird (RammSanderson, June 2020) should be accepted as an approved document.
10. If the development hereby permitted including any reserved matters approval has not commenced by 28th February 2021, no site clearance, excavation or construction works shall take place on site until an updated ecology survey has been submitted to and approved in writing by the local planning authority. The development, including any site clearance works shall be undertaken in accordance with the updated ecological survey.
11. No development shall commence until details of the type and location of biodiversity enhancement measures (all of wood-concrete composite type and installed on buildings, not trees) including at least 15 x bird nesting and 5 x bat roosting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.
12. No development shall begin until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and key design parameters set out in the Drainage Strategy & SUDS Assessment report (Patrick Parsons, Revision 6, dated 26-08-20). The design must demonstrate:
 - o Surface water drainage system(s) designed in accordance with national and local standards, including the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015);
 - o Both existing ponds must be maintained;
 - o SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.;
 - o Limiting the discharge rate generated by all rainfall events to a level in accordance with the principles outlined in the Drainage Strategy & Page 3 SUDS Assessment report (Patrick Parsons, Revision 6, dated 26-08- 20);
 - o Evidence of permission to discharge surface water flows from the site to a receiving watercourse or sewer. This should include the rate and exact location. If applicable, evidence of the capacity of the receiving watercourse or sewer should also be provided;
 - o Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
 - o Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance;
 - o Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and the contact details for the organisation responsible for carrying out

these duties. Development shall be carried out in accordance with the approved details.

13. Before development commences details of the existing and proposed ground levels of the site (and finished floor levels of the buildings) shall be submitted to and approved in writing by the Local Planning Authority. All finished floor levels must be set no lower than 83.830m AOD, which is 150mm above the crest level for the existing road. The development shall be carried out to the approved levels.
14. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved details.
15. The details pursuant to this outline planning permission shall comprise the following housing mix unless otherwise approved in writing by the local planning authority:

Market housing

35% 2 bedroom properties

45% 3 bedroom properties

20% 4 bedroom properties

A minimum of 10% of market housing to be provided as bungalows

Affordable housing

Social rented housing:

50% 2 bedroom properties

50% 3 bedroom properties

Shared ownership housing:

60% 2 bedroom properties

40% 3 bedroom properties

A minimum of 10% of affordable housing to be provided as bungalows

Reasons

1. To define the permission.
2. In order to define the permission, to avoid doubt and to safeguard the amenity of the area.
3. To define the permission.
4. To define the permission.
5. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

6. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
7. To safeguard the amenities of nearby residents in accordance with policy EQ9 of the adopted Core Strategy
8. To safeguard the amenity of the area and protect important habitats for bats and nesting birds in accordance with policies EQ1 and EQ11 of the adopted Core Strategy.
9. To ensure the development does not have a detrimental impact on protected species, including great crested newts, in accordance with policies EQ1 and EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
10. To safeguard the amenity of the area and protect important habitats for biodiversity in accordance with policies EQ1 and EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
11. To safeguard the amenity of the area and protect important habitats for bats and nesting birds in accordance with policies EQ1 and EQ11 of the adopted Core Strategy.
12. To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with policies EQ7 and EQ11 of the adopted Core Strategy.
13. To safeguard the amenity of the area in accordance with Policies EQ4, EQ7 and EQ11 of the adopted Core Strategy.
14. In order to preserve and record any items of archaeological interest in accordance with policy EQ3 of the adopted Core Strategy.
15. To comply with Policy H1 of the adopted Core Strategy
16. Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.
17. **INFORMATIVES**

Severn Trent

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Crime Prevention

In order to prevent crime and reduce the fear of crime I recommend that this development attains Police Secured by Design (SBD) accreditation. There is no charge for my advice or for the Secured by Design award, and once awarded the Police SBD logo can be used on advertising material.



Land On North West Side, Stafford Road, Penkridge

APPENDIX B

19/00017/OUT

Stafford Road Limited

**PENKRIDGE
Councillor J Chapman**

MAJOR

Land on North West Side, Stafford Road, Penkridge

Outline application for up to seventeen dwellings.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The site measures approximately 0.94 hectares in area and immediately adjoins the village of Penkridge on its southern boundary. It is located in close proximity to existing residential development in Grocott Close and Nursery Drive, with houses in Stafford Road immediately to the south-west. To the north lies the site of a former residential property previously known as 'Rowan House', beyond which is open agricultural land.

1.1.2 The site itself comprises of a vacant field, with a combination of trees and hedgerows defining its boundaries. Planning permission has recently been granted on appeal to Bloor Homes for up to 200 houses on land directly to the north and west of the site (17/01022/OUT; Appeal Ref: APP/C3430/W/18/3213147). The implications of this decision and its relevance to the current application are discussed in detail in the main body of the report.

1.2 Site History

1.2.1 18/00248/FUL - Erection of Retirement Living Accommodation (43 apartments and 11 bungalows) together with communal facilities, landscaping and car parking on same site – Pending consideration.

1.3 Pre-application discussions

1.3.1 None.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The application seeks outline planning permission for the residential development of up to 17 dwellings on land to the west of Stafford Road, Penkridge. All matters, including access, layout, design, scale, appearance and landscaping are reserved for subsequent approval.

2.1.2 It is proposed that the development will comprise up to 40% affordable dwellings, in accordance with the requirements of Policy H2 in the adopted Core Strategy. The affordable housing will comprise 50% affordable for rent and 50% shared ownership also in compliance with Policy H2.

2.1.3 Although all matters are reserved, the indicative layout plan shows a mix of ‘low rise’ detached and semi-detached properties arranged in a linear pattern on either side of a central access road.

2.2 Agents Submissions:

Planning Statement

Archaeological Desk Based Assessment

Tree constraints Plan

Phase 1 Site Appraisal - ground conditions

Draft Unilateral Undertaking securing contributions towards the Cannock Chase Special Area of Conservation

3. POLICY CONTEXT

3.1 The application site is situated in the Open Countryside immediately adjacent to the Main Service Village of Penkridge.

The local and national planning policies relevant to the determination of this application are as follows:

Core Strategy Development Plan Document, adopted 11 December 2012:

National Policy 1 - The Presumption in Favour of Sustainable Development

Core Policy 1 - The Spatial Strategy for South Staffordshire

Core Policy 2 – Protecting and Enhancing the Natural and Historic Environment

Core Policy 3 – Sustainable Development and Climate Change

Core Policy 5 – Infrastructure Delivery

Core Policy 6 - Housing Delivery

OC1 – Development in the Open Countryside Beyond the West Midlands Green Belt

EQ1 - Protecting, Enhancing and Expanding Natural Assets

EQ2 - Cannock Chase Special Area of Conservation

EQ3 – Conservation, Preservation and Protection of Heritage Assets

EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape

EQ5 - Sustainable Resources and Energy Efficiency

EQ7 - Water Quality

EQ8 - Waste

EQ9 - Protecting Residential Amenity

EQ11 - Wider Design Considerations

EQ12 - Landscaping

EQ13 - Development Contributions

H1 - Achieving a Balanced Housing Market

H2 - Provision of Affordable Housing

H4 - Delivering Affordable Housing

EV11 - Sustainable Travel

EV12 - Parking Provision

Site Allocations Document, adopted September 2018

SAD7 – Open Space Standards

SAD9 – Key Development Requirements

Staffordshire & Stoke on Trent Joint Waste Local Plan (2010-2026)

Minerals Local Plan for Staffordshire (2015-30)

Housing Market Assessment (2017) - Longer Term Balancing Market Housing Report

South Staffordshire Design Guide Supplementary Planning Document (SPD) and the Sustainable Development SPD adopted by Council on 26 June 2018.

National Planning Policy Framework 2019 (the Framework)

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Paragraphs 2 & 47 of the Framework).

The Framework is a material consideration in planning decisions (Paragraph 2 of the Framework) and sets out the national overarching aims for planning with a presumption in favour of sustainable development. Development that is sustainable should be favoured, without delay, and should be seen as a golden thread running through both plan-making and decision-taking (revised Paragraph 11).

Chapter 2 [Para 7-14]: Achieving Sustainable Development

Chapter 3 [Para 15-37]: Plan-making

Chapter 4 [Para 38-58]: Decision-making

Chapter 5 [Para 59-79]: Delivering a sufficient supply of homes

Chapter 13 [Para 133-147]: Protecting Green Belt land

Chapter 15 [Para 170-183]: Conserving and enhancing the natural environment

Annex 1 [Para 212-217]: Implementation

National Planning Practice Guidance (NPPG), 2018

4. CONSULTATION RESPONSES

No **Councillor** comments - expired 20.02.2019

Penkridge Parish Council (28.02.2019) – *Councillors strongly object to the Planning Application. There was currently a Planning Application for this piece of land (Ref: 18/00248/FUL), it was in Open Countryside, not contained within the current SSC Plan, there was protected wildlife on the land the entrance/exit was onto a very busy road.*

Natural England (22.05.2019) - *No objections, following the completion of a Habitat Regulations Assessment.*

Ramblers Association (05.03.2019) - *The proposal will have no adverse effect of Public Right of Way No 31 of Penkridge Parish.*

Highways England (19.02.2019) – *No objections.*

Staffs County Highways (08.02.2019) – *No objections.*

Campaign to Protect Rural England: Staffordshire (CPRE)(13.02.2019): *A 33 page response has been submitted by the CPRE effectively repeating their comments made in relation to the recent appeal on the adjoining land. Their comments are summarised as follows:*

- *The proposal should be assessed against the Core Strategy, Site Allocations Document and the National Planning Policy Framework;*
- *No further greenfield sites need to be identified or released prior to the Local Plan Review;*
- *The proposal conflicts with the development plan;*
- *The development plan is not absent, silent or out of date in relation to the Framework's policies.*

Badger Conservation Group (07.02.2019) – *No comments*

Gordon Scott – Staffordshire Police Crime Prevention Design Advisor (01.02.2019) –*Secured by Design advice is attached as an informative.*

Severn Trent Water (05.02.2019) *No objections, subject to conditions*

Environment Agency (04.02.2019) – *No comments.*

Staffordshire County Council Flood Risk Management Team (20.06.2019) – *We would therefore recommend that a condition is imposed requiring the submission and approval of a detailed surface water drainage scheme for the development.*

Staffordshire County Council Planning (11.02.2019) – *No objections.*

Staffordshire County Council Historic Environment Officer Archaeology (19.02.2019)
However, in order to appropriately assess the unknown archaeological potential, particularly relating to prehistoric activity which is currently poorly understood within the wider landscape, it is advised that further archaeological investigation is undertaken. This work would most appropriately be secured via a condition attached to any planning permission.

Conservation Consultant (19.02.2019) The location is not within the setting of any designated heritage assets (conservation area or listed buildings).

There are no objections to the proposed layout of the site, with the denser development being placed closer to the existing settlement edge. The construction of just four dwellings on the open boundary of the plot helps to reduce the impact of this side of the development. The properties which face onto Stafford Road have been set back and follow the existing building line, which is acceptable. As well as the design, the scale of the properties will be important in this location.

Staffordshire County Council Ecologist (22.03.2019) – Appendix 3 of the Preliminary Ecological Appraisal (PEA) now contains details of measures to avoid harm to species. This should now be accepted as an approved document. Appendix 4 of the PEA has not been reinstated, so the suggested condition for bird and bat boxes remains.

The (Updated) Preliminary Ecological Appraisal (Ramm Sanderson, March 2019) refers to bat-friendly lighting strategy. This is welcomed; details should be submitted for approval. Conditions are recommended.

Staffordshire County Council School Organisation Team (27.02.2019) - This development falls within the catchments of Marshbrook First School, Penkridge Middle School and Wolgarston High School. The development could add 3 First School aged pupils, 2 Middle School aged pupils and 3 High School aged pupils. Marshbrook First School and Penkridge Middle School are projected to have insufficient space to accommodate the likely demand from pupils generated by the development and we will therefore be requesting towards First School and Middle School provision.

Wolgarston High School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards High School provision.

Local Plans (20.06.2019) – Comments detailed below:

The National Planning Policy Framework

The NPPF is an important material consideration which together with the adopted development plan has to be taken into account when determining planning applications. The NPPF promotes a presumption in favour of sustainable development (para 11) however, where a proposal would conflict with an up-to-date development plan the NPPF states that permission should not usually be granted (para 12). When deciding if relevant development plan policies should be considered up to date the NPPF identifies a number of key considerations, including whether there is a five year housing land supply.

Government policy seeks to promote a significant boost in the supply of housing (NPPF Paragraph 59) and is looking to local planning authorities to identify a sufficient and varied supply of land to meet this objective. When determining the minimum level of housing need the NPPF requests that a local housing need assessment is undertaken using the Standard Method (SM) as set out in national planning guidance. The NPPF also requires that strategic policies take account of any unmet housing needs arising from neighbouring areas when determining the amount of housing to be planned for (para 60).

The NPPF seeks to address the supply and delivery of sites for housing by requiring local planning authorities to identify and update annually a supply of deliverable sites sufficient to provide a minimum of five years supply of housing (para 73). This is measured against the housing requirement in adopted strategic policies or the local housing need as identified using the SM where strategic policies are more than five years old. Where a five year supply of housing land cannot be demonstrated then development plan policies which are relevant for the determination of residential planning proposals are to be considered to be out of date (paragraph 11(d)).

The relationship of the development plan to the NPPF is also a significant consideration when determining what weight should be applied to development plan policies. Where a development plan pre-dates the NPPF paragraph 213 of the NPPF states that due weight should be given to existing policies according to their degree of consistency with the Framework.

The Five Year Housing Land Supply Situation

*In May 2019 the Council published an updated Housing Monitoring and Five Year Housing Land Supply report covering the period 2018-2019. Using the Standard Method as advocated by the NPPF indicates an annual local housing need figure for South Staffordshire of 254 dwellings. This translates into a five year housing supply requirement including a 5% buffer of 1334 dwellings. An examination of sources of deliverable supply indicates a figure for total net commitments as at 1 April 2019 of 1535 dwellings. Relating the annual need figure to this supply (including the 5% buffer) indicates that a housing land supply figure of **5.75 years** can*

be demonstrated. Relevant policies for determining residential planning proposals should therefore not be considered out-of-date in terms of NPPF paragraph 11(d) owing to a lack of an adequate housing supply.

Development Plan Policies

This section will consider the most relevant aspects of the adopted development plan in relation to determination of the current proposal and indicate the relationship between these adopted development plan policies and the NPPF2019.

The Spatial Strategy for South Staffordshire (Policy CP1)

Policy CP1 of the adopted core strategy establishes the overarching policy approach when seeking to guide new development to meet the needs of the district. Development is steered towards those settlements considered to be the most sustainable owing to their access to local services, community facilities and sustainable transport opportunities. The approach of guiding development to such locations is considered to be consistent with the NPPF. The NPPF states that “significant development should be focussed on locations which are or can be made sustainable” (Paragraph 103) and that planning policies should take into account “the availability and capacity of infrastructure and services – both existing and proposed – as well as the potential for further improvements and the scope to promote sustainable travel modes that limit future car use” (Paragraph 122). It is considered therefore that weight can continue to be attributed to the approach outlined in CP1 when determining development proposals, as this local policy reflects these NPPF provisions at a local level.

The site is adjacent to the settlement boundary of Penkridge, which is identified as one of the Main Service Villages in the adopted Core Strategy and development will therefore benefit from ready access to a range of services and facilities and travel by a choice of means of transport. The area to the south of the site is characterised by residential development and the open countryside to the north and west has recently been the subject of a planning appeal decision which granted outline approval for 200 dwellings. The site is however outside of the development boundary as identified in the adopted Local Plan and is therefore in an area classified as open countryside.

Development in the Open Countryside (Policy OC1)

Policy OC1 seeks to ‘protect the open countryside for its own sake’. The 2019 NPPF also requires development to ‘recognise the intrinsic character and beauty of the countryside’ (Paragraph 170.b). It is considered that elements of Policy OC1 still accord with the requirement at NPPF paragraph 170 to recognise “the intrinsic character and beauty of the countryside”, specifically as the policy seeks to protect the Open Countryside for its landscapes. Therefore, the complementary role that Policy OC1 plays alongside Policies EQ4 and EQ11 of the Core Strategy in protecting the landscape character of the Open Countryside means that the policy still attracts some weight from its consistency with NPPF paragraph 170.

Landscape Character (Policies EQ4, EQ11 (c))

The landscape character protection policies in the Core Strategy seek to protect and enhance the intrinsic rural character and local distinctiveness of the South Staffordshire landscape. This is an approach with clear parallels in paragraph 170 of the NPPF and the impact of this proposal on the landscape character is evidently a matter requiring careful consideration.

The landscape comments are directed at the scheme’s impact on the character of the area and its degree of compliance with Policy EQ11(e) and EQ4. Specific impacts of the development on trees in and around the site should be picked up by comments offered by the

Council's Senior Arboricultural Officer. With regards to the landscape character, the primary effect of the scheme would be the loss of an undeveloped area of grassland enclosed by a mixture of tree and hedge planting on the northern edge of Penkridge. However, the site itself is not reflective of the pattern of larger scale piecemeal enclosure characteristic of the agricultural landscape to the north of the site, and is largely screened from the landscape to the north by a well-established hedgeline. Therefore, the structure of the wider rural landscape would remain largely intact, limiting any wider adverse effects.

With regard to visual effects, the scheme's visual envelope is limited by the intervening transport infrastructure and vegetation which acts to filter and block views to the site from surrounding public viewpoints. The development would not be prominent in views from along the Teddesley Road and would be seen in the context of existing residential properties along the Stafford Road. Furthermore, any views from this river corridor setting would be filtered through existing and proposed tree planting. The development would not appear prominent in any views to the site from the PRoW 1km to the north, as the roofscape of the proposal will blend into that of the surrounding village from this distance. The PRoW which runs immediately to the north of the site will experience views to the development, although these will be localised to a short extent of the footpath, past which the West Coast Mainline acts to screen the majority of the development in views to the proposed site. The development would be largely screened from road users of the A449 as they enter the village due to the existing intervening planting. For these receptors, the proposed development would only become prominent upon the immediate approach to the village and in any event road users are generally less sensitive visual receptors than, for example, users of recreational spaces or footpaths. Furthermore, by respecting the existing building line and density of development in the adjacent streetscene, there would be no significant adverse effects on the character of the adjacent residential area along Stafford Road.

Having regard to the above, the scheme is considered compliant with the relevant provisions of Policy EQ4 and EQ11 of the Core Strategy. A detailed landscape plan, with associated maintenance proposals, should be submitted as part of any future reserved matters scheme.

Affordable housing

The NPPF recognises the role of planning policies in establishing a requirement for affordable housing to address the housing needs of the local area (paragraphs 62 and 64). Policy H2 confirms that developments of 10 units or more in Penkridge, a main service village, are required to make an affordable housing contribution. On greenfield land, the requirement is 40% of the development. In accordance with the Affordable Housing and Housing Mix SPD, where the percentage does not equal a whole number, the figure will always be rounded up. Policy H2 also confirms that the affordable housing should then be split 50:50 between social rent and intermediate tenure i.e. shared ownership. In cases where an odd number of affordable units are provided, the split will be in favour of social rent. These requirements will be secured via a S106 agreement.

Housing Mix

Policy H1 requires that proposals for new housing development provide a wide mix of housing sizes, types and tenures to contribute to creating mixed and sustainable communities. This approach is supportive of the strategy outlined in the NPPF paragraph 61. Policy H1 particularly encourages the provision of more 2 and 3 bedroom properties across all areas of the district in order to better balance the local housing market. Mix should also be informed by local need as identified in the Strategic Housing Market Assessment (SHMA).

The 2017 SHMA indicated in this area:

- *Market housing – there is a large need for 2 and 3 bedroom homes, and a small need for 1 and 4 bedroom properties*
- *Affordable housing – there is a need for 1-3 bedroom properties, and a small need for 4 bedroom homes*

Policy H1 also confirms that new development should include provision of housing to meet the needs of the district's ageing population. 10% of the properties to be provided as bungalows is considered a suitable contribution.

A detailed housing mix has not been provided by the applicant. The Council will require both the market and affordable housing mixes to be secured via condition as follows:

The mix of properties to be the following (unless otherwise agreed in writing with the Council):

Market housing

35% 2 bedroom properties

45% 3 bedroom properties

20% 4 bedroom properties

A minimum of 10% of market housing to be provided as bungalows

Affordable housing

Social rented housing:

50% 2 bedroom properties

50% 3 bedroom properties

Shared ownership housing:

60% 2 bedroom properties

40% 3 bedroom properties

A minimum of 10% of affordable housing to be provided as bungalows

Strategic Housing Requirement – Greater Birmingham HMA Strategic Growth Study

The strategic housing requirement identified in the adopted Core Strategy was based on the now abolished West Midlands Regional Spatial Strategy. Work is on-going in relation to identifying and agreeing a revised approach for addressing the issue of strategic housing growth. A joint West Midlands Housing Market Area Growth Study was produced in 2018 which identified a potential shortfall in housing supply arising primarily from the West Midlands conurbation of 28,000 for the period to 2031 rising to a total shortfall of nearly 61,000 for the period to 2036. The study, sought to identify potential future strategic growth locations within the Greater Birmingham Housing Market Area which could contribute to meeting this identified shortfall. Among the options considered within South Staffordshire District was the potential for an urban extension to the north of Penkridge. This suggestion was ultimately identified as one of the recommended potential strategic growth areas by the study. The levels of growth under active consideration as constituting a strategic growth option are defined in the range of 1,500-7,500 homes for such urban extensions. This would suggest a potential allocation well in excess of the current proposal.

The council does recognise the presence of a significant housing shortfall arising from within the wider Greater Birmingham Housing Market Area and has been actively engaged with

neighbouring authorities in seeking an appropriate response to this issue. These discussions have not yet concluded and therefore a statement of common ground establishing the extent of the contribution towards the neighbouring housing shortfall has not been agreed.

Other Matters

The site lies within the 0-15km zone of influence of the Cannock Chase SAC, and is also within the 0-8km zone around the SAC. Existing evidence suggests that development within these areas will have a significant effect on the SAC, and as such mitigation should be provided in accordance with the Council's Cannock Chase SAC – Guidance to Mitigate the Impact of New Residential Development. As this is a windfall site which is not identified in levels of growth planned for in the Council's adopted Core Strategy, Natural England should be consulted to determine whether the standard contribution of £232 per net dwelling is appropriate in this instance.

Among the matters which will need to be considered through any subsequent reserved matters application is the provision of public open space. Policy SAD7 of the Site Allocations Document Publication Plan sets out the open space and landscaping requirements which may be necessary to make the development acceptable in planning terms.

Conclusion

The council is able to demonstrate a healthy five year housing land supply and therefore the presumption in favour of sustainable development (due to the lack of a five year housing supply) as outline in paragraph 11(d) of the NPPF is not engaged. It is recognised that the site is situated adjacent to a recently approved housing proposal which will surround the application site to the north and west. The site is still however classified as being within the open countryside and this proposal would result in a localised degree of harm contrary to the protection afforded by Policy OC1.

Senior Arboricultural Officer (04.07.2019) I have no objection in principle to the application/development on the land. If this is approved then at reserved matters/full application stage we will require a full BS5837 Arboricultural Impact Assessment with the layout taking into consideration the (adequate) space required for the Oak (T7) and with clear proposals/recommendations for tree retentions and removals and hedge retentions and or management and with all retentions & removals clearly shown on plan(s).

Site notice expired 08.03.2019

Advert expired 26.02.2019

Public Comments

8 comments have been received from members of the general public [set out in full on Public Access – Council Website]. **All** of these public responses are objections, with concerns including:

- *Penkridge already exceeded its housing target set out in the Core Strategy – no need for more residential development;*
- *Contrary to Policy OC1 of the Core strategy regarding development in the open countryside;*
- *Village infrastructure, services and facilities cannot cope with more housing development;*

- *Adversely impact on the living conditions of nearby residents;*
- *Overdevelopment of the site and harm the character and appearance of the area;*
- *Highway safety concerns from increased traffic generation;*
- *Impact on wildlife/biodiversity;*
- *Limited recreational space in the vicinity to serve the proposed development.*

5. APPRAISAL

5.1 This application is being referred to the Planning Committee as the proposal is a departure from the development plan - being contrary to Policy OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt) of the adopted Core Strategy.

5.2 Key Issues

- ***Principle of development and 5 Year Housing Land Supply;***
- ***Impact upon landscape character;***
- ***Cannock Chase Special Area of Conservation;***
- ***Ecological value;***
- ***Historical Environment and Archaeological Value;***
- ***Best and most versatile agricultural land;***
- ***Recreational Value;***
- ***Housing mix;***
- ***Sustainability of development;***
- ***Highways/transport;***
- ***Flood risk and drainage;***
- ***Air Quality & Noise;***
- ***Residential amenity and design;***
- ***Housing Market Area (HMA) – Unmet Housing Needs;***
- ***Local Financial Considerations;***
- ***Representations;***
- ***Planning Obligations [Section 106];***
- ***Unilateral Undertaking (UU) for Cannock Chase SAC***
- ***Planning Balance and Conclusion.***

5.3 Principle of development and 5 Year Housing Land Supply

5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA) states that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.3.2 Core Strategy Policy 1 (The Spatial Strategy for South Staffordshire) sets out the strategic approach to the delivery of new homes in the district over the plan period. Core Policy 1 defines the main service villages for the main focus for housing growth, employment development and service provision.

5.3.3 The site lies within the Open Countryside, immediately adjacent to the settlement boundary of the Main Service Village of Penkrige. Policy OC1 of the Core Strategy (CS) seeks to protect the open countryside for its own sake, but, through a series of criteria, sets out specific types of development which may be acceptable. The proposal does not fall under any of these criteria and therefore conflicts with Policy OC1 of the CS. However, when assessing the weight which can be attached to Policy OC1 of the CS, it is necessary to consider whether it is consistent with more up to date policy in the National Planning Policy Framework (the Framework) which is clearly also an important material consideration in the assessment of this case.

5.3.4 The Framework promotes a presumption in favour of sustainable development (para 11). However, where a proposal would conflict with an up-to-date development plan the Framework states that permission should not usually be granted (para 12). When deciding if relevant development plan policies should be considered up to date the Framework identifies a number of key considerations, including whether there is a five year housing land supply.

5.3.5 Government policy seeks to promote a significant boost in the supply of housing (Framework Paragraph 59) and is looking to local planning authorities to identify a sufficient and varied supply of land to meet this objective. When determining the minimum level of housing need the Framework requests that a local housing need assessment is undertaken using the Standard Method (SM) as set out in national planning guidance. The Framework also requires that strategic policies take account of any unmet housing needs arising from neighbouring areas when determining the amount of housing to be planned for (para 60).

5.3.6 The Framework seeks to address the supply and delivery of sites for housing by requiring local planning authorities to identify and update annually a supply of deliverable sites sufficient to provide a minimum of five years supply of housing (para 73). This is measured against the housing requirement in adopted strategic policies or the local housing need as identified using the SM where strategic policies are more than five years old. Where a five year supply of housing land cannot be demonstrated then development plan policies which are relevant for the determination of residential planning proposals are to be considered to be out of date (paragraph 11(d)).

5.3.7 The relationship of the development plan to the Framework is also a significant consideration when determining what weight should be applied to development plan policies. Where a development plan pre-dates the Framework, paragraph 213 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework. This matter was considered in detail in the recent appeal decision on the adjoining land by Bloor Homes (Ref: APP/C3430/W/18/3213147). In the appeal case, the Inspector concluded that although Policy OC1 did have some consistency with the Framework objective to recognise the intrinsic character and beauty of the countryside, there is also inconsistency created by the

policy requirement to protect the countryside for its own sake. This factor combined with the role of settlement boundaries in housing allocations and the reliance of the CS on an outdated housing requirement, together with the Council's lack of a five year housing land supply, meant that the Inspector only gave 'limited weight' to the conflict with Policy OC1 when allowing the appeal. The relevant paragraphs of this decision are set out below:

Policy OC1 concerns development in the open countryside beyond the West Midlands Green Belt. The Policy seeks to protect the open countryside for its own sake but, through a series of criteria, outlines specific types of development which may be acceptable.

There is agreement between the parties that Policy OC1 is not fully consistent with the Framework. For the Council, the inconsistency arises from the apparent restrictive nature of Policy OC1 in protecting the totality of the countryside for its own sake, rather than recognising, different levels of protection for landscapes, and the countryside's intrinsic character and beauty in line with paragraph 170 a and b of the Framework, as recognised within the Courts.

The appellant further asserts that as the development plan is based on an out of date OAN and the Council is unable to demonstrate a five year housing land supply, then the settlement boundaries which determine site allocation and the extent of the open countryside to be protected are also out of date. Moreover, as the Council is unable to demonstrate a five year housing land supply then, in accordance with footnote 7 of paragraph 11 of the Framework, the Policy must be out of date.

The fact that Policy OC1 allows some development, albeit limited, displays that the Policy does not impose a blanket ban on new development within the open countryside. The Framework seeks to protect and enhance valued landscapes and distinguish between the hierarchy of international, national and locally designated sites, allocating land with the least environmental or amenity value where consistent with other policies in the Framework. While Policy OC1 does not seek to differentiate between different landscapes within the countryside, the Framework also recognises the intrinsic character and beauty of the countryside. Therefore, the underlying objective of the Policy has some consistency with the Framework. Consequently, any conflict with it still attracts some weight in this respect.

Although the Council stated that settlement boundaries are not defined by housing requirements, paragraph 6.14 of the CS states that detailed boundaries of the Green Belt and villages will be reviewed as necessary in the SAD. Paragraph 10.3 of the SAD refers to changing settlement boundaries to reflect planning permissions that have been approved by the Council on Safeguarded Land in the 1996 Local Plan. Furthermore, paragraph 10.4 states that "Given the commitment in the SAD to identify land to meet development and growth needs, the following areas will be removed from Green Belt or Open Countryside, or alterations made to settlement boundaries". Policy SAD6 of the SAD then goes on to set out details of the locations of where the Green Belt, Open Countryside, or Development Boundaries will be amended to accommodate new development. It seems to me therefore, that settlement boundaries exist not only to protect the open countryside, but also to assist with housing allocations.

It is agreed between the parties within the SOCG that housing supply and allocation policies within the CS and the SAD are out of date for reasons I have already covered. Therefore, as the settlement boundaries reflect an out of date housing requirement, and the Council is unable to demonstrate a five year housing land supply, then the weight to be given to

protecting the countryside outside those settlement boundaries should be reduced, a concept supported in the Supreme Court.

The Council suggested that Policy OC1 is not an environmental policy such as those referred to in the judgement, and also pointed out that the judgement relates to the previous 2012 Framework. I appreciate the importance of Policy OC1 to the Council, it lies at the heart of its development plan, seeking to protect the limited amount of countryside that is not afforded Green Belt designation. However, in my view, given its status as a countryside protection policy then it can reasonably be viewed as an environmental policy. Furthermore, although the judgement predates the latest iteration of the Framework, the objective of the Framework to boost significantly the supply of housing, and the general principle to which the judgement relates remain.

Therefore, I accept that Policy OC1 has some consistency with the Framework's requirement to recognise the intrinsic beauty and character of the countryside. However, there is inconsistency created with the Policy requirement to protect the countryside for its own sake. This, together with the role of settlement boundaries I have identified in housing allocations, given the reliance of the Plan on an outdated housing requirement, together with the Council's lack of five year housing land supply, which it is agreed is significant, means I give the agreed conflict with Policy OC1 limited weight.

The parties disagree as to whether Policy OC1 is out of date by virtue of footnote 7 to paragraph 11 of the Framework. Whatever my finding on this matter, as pointed out by the Council the Suffolk Coastal judgement and others make it clear that even if a Policy is out of date, weight can still be given to conflict with that Policy by the decision maker. Irrespective of my finding on this matter therefore, I have already determined that the agreed conflict with Policy OC1 should attract limited weight.

As it has already been established that paragraph 11(dii) of the Framework is engaged due to the Council being unable to demonstrate a five year housing land supply, my findings as to whether Policy OC1 is out of date are also not critical in this respect."

5.3.8 In May 2019 the Council published an updated Housing Monitoring and Five Year Housing Land Supply report covering the period 2018-2019. Using the Standard Method as advocated by the Framework indicates an annual local housing need figure for South Staffordshire of 254 dwellings. This translates into a five year housing supply requirement including a 5% buffer of 1334 dwellings. An examination of sources of deliverable supply indicates a figure for total net commitments as at 1 April 2019 of 1535 dwellings. Relating the annual need figure to this supply (including the 5% buffer) indicates that a housing land supply figure of **5.75 years** can be demonstrated. Relevant policies for determining residential planning proposals should therefore not be considered out-of-date in terms of paragraph 11(d) of the Framework owing to a lack of an adequate housing supply.

5.3.9 Notwithstanding that the Council can now demonstrate a five year housing land supply, taking account of the Inspectors conclusions above, in my view Policy OC1 is not entirely consistent with the Framework and the weight that can be apportioned to it is reduced. Consequently, the presumption in favour of sustainable development (due to the lack of a five year housing supply) as outlined in paragraph 11(d) of the Framework is not engaged. Although I accept that the weight that can be attached to the conflict with Policy OC1 is reduced, the proposal would still conflict with this development plan policy. Therefore, as set out in S38(6) of the PCPA it is necessary to establish if permission should be granted for development that is not in accordance with the development plan.

5.4 Impact upon Landscape Character

5.4.1 The application site lies within Natural England's Character Area (NCA): 61 "*Shropshire, Cheshire and Staffordshire Plain*" and 67 "*Cannock Chase and Cank Wood*". It also falls under the '*Staffordshire Plain*' and '*Cannock Chase and Cank Wood*' regional character areas as defined in the Planning for Landscape Change: Supplementary Planning Guidance 2001 (SPG). The SPG defines the landscape character type of the site and its immediate surroundings as '*Ancient Clay Farmland*'. The aforementioned landscape character assessments identify the key characteristics of the landscape in these areas to include, gently undulating, large scale rolling landscape, well defined irregular field boundaries with mature hedgerows and some trees, dispersed settlement patterns, low lying built form, with the exception of churches, and mixed arable and pastoral farmland.

5.4.2 The site itself is a small field of rough grassland which is enclosed on all sides by established hedgerow and tree planting. Therefore, it is not reflective of the pattern of larger scale piecemeal enclosure characteristic of the agricultural landscape to the north of the site, and only makes a limited contribution to the character and appearance of the wider landscape referred to above. The site is also viewed alongside existing residential development immediately to the south, with the recent planning permission, if implemented, for 200 dwellings on land to the north and west (Ref: APP/C3430/W/18/3213147) effectively enclosing the current application site on all sides (i.e. it would read as part of the built form of the village).

5.4.3 It is acknowledged that the proposal is likely to require the removal of part of the hedgerow along the main Stafford Road (A449) to provide for the necessary visibility splays. However, providing appropriate replacement planting is introduced at reserved matters stage, this over time would retain the verdant character of the site frontage. Moreover, as set out in the submitted tree constraints plan, it would be possible to either retain, cut down and allow to regrow or introduce new trees and hawthorn hedging along the remaining boundaries on the site, preserving these important landscape features.

5.4.4 Overall, although the proposal would extend out into the open countryside, the structure of the wider rural landscape would remain largely intact, limiting any wider adverse effects of the development. Thus, over time, and particularly if the adjacent development is implemented, the proposal would have a neutral impact on landscape character.

5.4.5 In respect of the visual impacts of the proposal, the scheme's visual envelope is limited by the intervening transport infrastructure (A449 and railway line) and existing vegetation which acts to filter and block views to the site from surrounding public viewpoints. The development would also not be prominent in views from along the Teddesley Road and would be seen in the context of existing residential properties along the Stafford Road. Furthermore, any views from this river corridor setting would be filtered through existing and proposed tree planting.

5.4.6 The development would not appear prominent in any views to the site from the public right of way (PRoW) 1km to the north, as the roofscape of the proposal will blend into that of the surrounding village from this distance. The PRoW which runs immediately to the north of the site will experience views of the development, although these will be localised to a short extent of the footpath, past which the West Coast Mainline acts to screen the majority of the development in views to the proposed site. The development would be largely

screened from road users of the A449 as they enter the village due to the existing intervening planting. For these receptors, the proposed development would only become prominent upon the immediate approach to the village and in any event road users are generally less sensitive visual receptors than, for example, users of recreational spaces or footpaths. Furthermore, by respecting the existing building line and density of development in the adjacent streetscene, there would be no significant adverse effects on the character of the adjacent residential area along Stafford Road.

5.4.7 I am mindful that a reserved matters application is likely to require the removal of a section of hedgerow to allow for the appropriate visibility splays. However, given the modest width of the plot, the potential for replacement planting along the site frontage, and the fact that public views would only be available from the A449 directly opposite the site, this element would not have an adverse long-term visual impact on the landscape.

5.4.8 The Inspector's conclusions on character and appearance for the 200 houses on the adjoining land are also of relevance to the current application. It is important to note that the appeal scheme occupied a significantly larger site and, unlike the current scheme, displayed many of the characteristics of the surrounding landscape. It was also physically 'detached' from the settlement limits of the village (the current proposal would directly abut properties in Stafford Road, Grocott Close and Nursery Drive. Consequently, there are clear differences between the two proposals. That said, even when accounting for the afore mentioned considerations, the Inspector only attracted limited negative weight to the harm the appeal scheme would cause to the character and appearance of the area. Clearly, the current scheme, due to the size, position and nature of the development would have a significantly reduced impact on the character of the landscape when compared with the appeal proposal.

5.4.9 In conclusion, I acknowledge that the development would extend the built form of the settlement out into the open countryside and therefore conflict with Policy OC1. However, for the reasons set out above, the proposal would not have a harmful impact on the landscape character of the area. Indeed, if the permission for 200 houses on the adjoining land is implemented, the current application site would read as part of the built-up envelope of Penkridge rather than a small enclosed field within the open countryside. In this regard it would accord with Policies EQ4 and EQ11 of the CS and the Framework, which, amongst other things, seek to ensure that development recognises the intrinsic character and beauty of the countryside.

5.5 Cannock Chase Special Area of Conservation

5.5.1 The application site is situated about 6 km from the Cannock Chase Special Area of Conservation (SAC) and therefore lies within the 15 km zone of influence identified around the SAC. This zone is estimated to encompass the area from which 75% of visits to the SAC are generated. Core Policy EQ2 (Cannock Chase Special Area of Conservation) relates to the Cannock Chase SAC.

5.5.2 The Habitat Regulations place restrictions on the ability of a 'competent authority' to agree to a plan or project where it will adversely affect the integrity of the European site (such as the Cannock Chase SAC). The site lies within the Zone of Influence for the Cannock Chase SAC where evidence, supported by Natural England, clearly demonstrates that any net increase in housing will have an adverse effect on the SAC. However, the Council has an agreed approach to mitigation with Natural England, which indicates that such impacts can usually be satisfactorily mitigated and avoided through the provision of a commuted sum of £232 per unit towards an agreed set of mitigation projects. This sum has been agreed and

will be secured through a Unilateral Undertaking (UU) – see Section 5.18 below. This ensures that there are no adverse impacts on the Cannock Chase SAC arising from the development, meaning that, with the secured commuted sum, the Council has the legal authority to decide this planning application without acting outside of the scope of the Habitat Regulations.

5.6 Ecological Value

5.6.1 The Framework seeks to minimise impacts and provide net gains in biodiversity. This is echoed within Policy EQ1 (Protecting, Enhancing and Expanding Natural Assets) which states that permission will be granted for development that does not cause significant harm to sites or habitats of nature conservation. As part of the application several documents were provided to address ecological impact and an Updated Preliminary Ecological Appraisal (PEA) was submitted by the applicant during the application process. This is an outline application and so there is scope within the details (and through imposition of conditions) to establish a coherent ecological network through the development of this site in accordance with the policy set out in the Framework.

5.6.2 The County Ecologist has reviewed the documents submitted with the application and concludes that, subject to conditions requiring the provision of bat/bird boxes to be installed within the development, submission of a lighting strategy and introduction of appropriate tree and hedgerow protection measures would protect and introduce modest biodiversity enhancements on site. Thus, subject to the afore mentioned conditions, the development would accord with the aims of Policy EQ1 of the CS and the Framework.

5.7 Historic Environment & Archaeological Value

5.7.1 The site lies on the edge of Penkridge and would not therefore directly impact on the setting of any designated heritage assets (i.e. the Penkridge Conservation Area or listed buildings).

5.7.2 Turning to the potential impact of the development on archaeology, an Archaeological Desk-Based Assessment (ADBA) has been submitted with the application which has assessed the known and potential archaeological resource utilising information held by the Staffordshire Historic Environment Record (HER) and other appropriate documents. The County Archaeologist agrees with the conclusions of the ADBA that there is a low potential for significant archaeological remains to be present within the development site. However, in order to appropriately assess the unknown archaeological potential of the site, particularly relating to prehistoric activity which is currently poorly understood within the wider landscape, it is advised that further archaeological investigation is undertaken. This, as suggested in the ADBA can be secured by an appropriately worded condition.

5.7.3 Subject to the afore mentioned condition, the proposal would preserve the historic environment. It would therefore accord with Policy EQ3 of the CS and paragraphs 188 and 199 of the Framework which, amongst other things require developers to describe the significance of heritage assets, the potential impact of development on them and record and advance understanding of the significance of heritage assets.

5.8 Agricultural Value

5.8.1 Paragraph 170 of the Framework requires local planning authorities to take into account the economic and other benefits of best and most versatile agricultural land (BMV) and that areas of poorer quality should be used in preference to areas of higher quality.

Policy OC1 of the CS refers to protecting the countryside for its own sake particularly for, amongst other things, its agriculture. The best and most versatile agricultural land is defined in the Framework as land in Grades 1, 2 and 3a of the Agricultural Land Classification.

5.8.2 On first inspection it would appear that the Agricultural Land Classification for the site is Grade 3. However, evidence presented in the appeal for the adjacent development suggests that the current application site is to be regarded as Grade 3a agricultural land. I will assess this application on this basis.

5.8.3 It is also important to note the Inspectors conclusions in respect of best and most versatile agricultural land when allowing the appeal on the adjoining land. In this case, which included Grade 2, 3a and 3b land, with Grade 2 land being in shorter supply than Grade 3a land in the surrounding area the Inspector concluded that:

'I appreciate that there is no definition of significant, in this context, within the Framework. However, given the amount of land classified as Grade 2 on the appeal site then the harm caused by its loss would be limited. This is reinforced by the likelihood that a significant proportion would be reused within the landscaped areas, open space and gardens within the development, resulting in the soil profile retaining the same functions as prior to the development....

While therefore, there is some conflict with Policy OC1 and the Framework with regard to the loss of BMV, there would be limited resultant harm.'

5.8.4 Taking into account of the above considerations, the significantly smaller scale of the current application site and the potential for a large proportion of the land to be re-used as informal landscaped areas and gardens within the development therefore retaining the same function as prior to the development, the resultant policy conflict with OC1 of the CS and the Framework and harm to BMV land would be limited.

5.9 Recreational Value

5.9.1 The site is private grassland and therefore cannot be considered to be of recreational value. Local residents have raised concerns that there is insufficient recreational space in the vicinity of the site to service the needs of the development. Due to the relatively modest size of the development, it does not meet the threshold for providing on-site public open space or a contribution towards off-site provision. The extant permission on the adjacent site includes on-site open space which could also provide nearby provision for the occupiers of this development once implemented.

5.10 Housing Mix

5.10.1 Turning to housing mix, Policy H1 of the CS seeks to achieve a balanced housing market, with Policy H2 setting out the expected provision for Affordable Housing. **The housing mix can be secured through planning condition.** The delivery of affordable housing, in accordance with Policy H4 (Delivering Affordable Housing), can be secured through Section 106. The housing mixes are as follows:

Market housing mix:

- i) 35% 2 bed properties
- ii) 40% 3 bed properties
- iii) 20% 4 bed properties

iv) 10% of the total market housing to be provided as bungalows.

Affordable housing mix:

Social Rent:

v) 50% 2 bedroom properties

vi) 50% 3 bedroom properties

Intermediate Housing (i.e. shared ownership):

x) 60% 2 bedroom properties

xi) 40% 3 bedroom properties

A minimum of 10% of affordable housing to be provided as bungalows

Market housing mix:

5.11 Sustainability of Development

5.11.1 Whilst located outside the development boundary of Penkridge, the site is located within a reasonable distance of the local services and facilities that are provided within the village of Penkridge.

5.11.2 A number of regular bus services (54, 75, 76 and 878) run via Penkridge on its route between Stafford, Cannock and Wolverhampton; Mondays – Saturdays. Additionally, a rail service between Penkridge and Birmingham New Street operates every 30minutes. In addition, Stafford Town can be accessed from Penkridge by train with a frequency of approximately one hour.

5.11.3 It can therefore be said that the application site is well served by public transport and is in a sustainable location. Public comments of objection have referred to the doctor's surgery being at full capacity and having to wait too long for an appointment. However, it is understood that the medical practice is failing to attract sufficient number of GPs hence the waiting time problem. This issue could not be justified as a planning reason to refuse this application.

5.11.4 Public comments of objection have also referred to increased pressure on school places. County Education have commented that this development falls within the catchment areas of Marshbrook First School, Penkridge Middle School and Wolgarston High School. The development is scheduled to provide up to 17 dwellings.

5.11.5 The First schools in Penkridge Town and Penkridge Middle School are projected to be full for the foreseeable future. There are plans to increase the capacity within one of the first schools in Penkridge and increase capacity at Penkridge Middle School in order for this development and other approved developments to be mitigated; options are currently being explored and considered.

5.11.7 Wolgarston High School is projected to have limited vacancies based on the current and projected pupil numbers available at this time. Although the development will put additional pressure on school places, current pupil demographics indicate that the schools should be able to accommodate the likely demand from pupils generated by the development.

5.11.8 The education contribution for a development of this size is;

- First School places (3 x £11,031 = £33,093) and 2 Middle School places (2 x £13,827 = £27,654). This gives a total request of £60,747 for up to 17 houses.

5.11.9 Economically, the construction and fitting out of the dwellings and creation of new road infrastructure would create employment and generate demand for services as well as for various plant and material. The increase in the population of Penkridge will potentially boost the spending power of the local economy to some extent. I attribute moderate weight in favour of the development (in the 'planning balance') because of these economic benefits.

5.11.10 Socially, the proposed development would provide additional housing required to meet the needs of present and future generations with accessible local services that reflect the communities' needs and supports its health, social and cultural well-being. The proposed development would deliver 40% affordable housing, a mix of market and affordable homes and would provide a further choice of new homes in a sustainable location. This would boost South Staffordshire's existing housing supply in accordance with paragraph 59 of the Framework and Policy H1 of the CS. I attribute significant weight (in the 'planning balance') in favour of the proposed development because of the delivery of market and affordable housing.

5.11.11 Environmentally, whilst the development would involve the development of an existing field within the open countryside, it would preserve the landscape character of the area. If the extant permission for up to 200 houses on the adjoining land is implemented, this would have the effect of enclosing the site within the built-up envelope of Penkridge, further limiting the schemes impact.

5.11.12 Overall, there would be a net gain in terms of achieving sustainable development as a result of this application and this is compliant with the objectives of the Framework as set out in Chapter 2 (Achieving Sustainable Development) [Paragraphs 7 to 14].

5.12 Highways/Transport

5.12.1 A significant number of the public comments of objection relate to concerns about vehicular access, highway safety and the impact on residential amenity of neighbouring residents from increased traffic generation. It is clear that these issues require careful consideration when assessing the principle of residential development on the site despite access being a reserved matter. The latter relates to the impact of the development on the residential amenity of nearby residents and is therefore discussed in section 5.15 of this report.

5.12.2 The indicative layout plan shows a new vehicular access in a roughly central location on the site. Subject to the remove of the existing hedgerow along the site frontage to allow for the appropriate visibility splays and given the linear alignment of Stafford Road, clear and unrestricted visibility is likely to be available in both directions for vehicles emerging from the site access. Similarly, due to the relatively modest number of vehicular movements which would be associated with the use and occupation of up to 17 dwellings, drivers waiting in the highway in order to access the development is unlikely to cause significant obstruction to users of Stafford Road. In any case, such matters, including the specifications of the road layout and vehicle crossing will be considered in detail at reserved matters stage. Therefore, based on the information before me the principle of residential development on the application site is unlikely to have an unacceptable impact on highway safety and therefore accord with paragraphs 108 and 109 of the Framework.

5.13 Flood risk and drainage

5.13.1 The County Flood Risk Team has advised that the proposed development will only be acceptable if the appropriate measures are incorporated in an acceptable surface water drainage scheme, to be secured by way of planning conditions on any planning permission. The measures that they would require to be secured are set out in their comments in Section 4 and in condition 10 of this committee report.

5.14 Air Quality & Noise

5.14.1 The application site is situated off the main Stafford Road, the main arterial route between Wolverhampton and Stafford. Despite this, there is potential for the proposed dwellings to be set back from the main road frontage roughly in line with existing residential development on Stafford Road. The provision of additional landscaping in this area would further reduce this impact. Thus, subject to the detailed design and layout of the development there is potential for up to 17 dwellings to be accommodated on site without potential future occupiers experiencing air quality or noise related issues.

5.15 Residential Amenity and Design

5.15.1 The application is in outline with all matters reserved at this stage. The layout, appearance, landscaping and scale of the development are to be considered at reserved matters stage. The illustrative layout plan submitted with the application does demonstrate that suitable separation distances could be achieved, however condition 4 makes it clear that no indicative drawings are agreed at this stage.

5.15.2 The indicative layout plan shows a central vehicular access. In such circumstances, any noise associated with vehicle movements into and out of the site would be largely obscured from residential properties to the east by the proposed dwellings which would be positioned between the access and the adjacent properties. In any case, as layout and access are reserved matters, the detailed design of the scheme would be considered in full at reserved matters stage. To ensure the amenities of nearby residents are protected, in accordance with Policy EQ9 (Protecting Residential Amenity), a construction management plan will be conditioned (condition no. 7).

5.16 Housing Market Area (HMA) – Unmet Housing Needs

5.16.1 Planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions (Paragraphs 2 & 47). The achievement of sustainable development is the golden thread that runs through the Framework (Paragraph 11). *‘Significantly boosting the supply of homes’* is a principal policy driver in the Framework (Paragraph 59).

5.16.2 In March 2018 the Government consulted on the revised Framework. The introduction to the draft revised Framework stated: -

‘The country does not have enough homes. For decades the number of new homes has not kept pace with rising demand. That has created a market that fails to work for far too many families, resulting in soaring prices and rising rents. The Government is clear that the country needs radical, lasting reform that will allow more homes to be built.’

Government published the (revised) Framework on Tuesday 24 July 2018.

For these reasons, I consider that unmet housing needs within the Housing Market Area (HMA) is another material consideration that should be afforded significant weight in the 'planning balance' in considering the merits of this proposed development.

5.16.3 The Localism Act 2011 introduced local financial considerations as another material consideration in planning decisions. It is for the decision-taker to decide how much weight should be attributed in each specific case.

5.16.4 Accordingly, I shall assess the significance of these other material considerations under 2 headings: -

- A) Greater Birmingham Housing Market Area (GBHMA) - Housing Shortfall
- B) Local financial considerations

A) Greater Birmingham Housing Market Area (GBHMA) - Housing Shortfall

5.16.5 The Birmingham Development Plan 2011-2031 (BDP) was adopted in January 2017 and commits Birmingham City Council to work with the 13 other local planning authorities within the GBHMA in order to address the housing shortfall within emerging local plans. Birmingham's objectively assessed housing needs (OAN) were evidenced in the plan as 89,000 dwellings. There is a shortfall of 37,900 dwellings to be delivered from the BDP. More recently the Greater Birmingham Housing Market Area Growth Study published in 2018 (GBHMAGS) was jointly commissioned by the Housing Market Authorities to further consider strategic development options to meet housing need across the housing market area.

5.16.6 Whilst the unmet housing need from other authorities is a material consideration, the GBHMAGS is not a policy document and the appropriate place to consider the allocation of unmet housing need is through individual local plan examinations, and therefore attracts very limited weight in the assessment of this case. Moreover, the council does recognise the presence of a significant housing shortfall arising from within the wider GBHMA and has been actively engaged with neighbouring authorities in seeking an appropriate response to this issue. These discussions have not yet concluded and therefore a statement of common ground establishing the extent of the contribution towards the neighbouring housing shortfall has not been agreed.

B) Local financial considerations

5.16.7 The Localism Act 2011 brought about changes to primary planning legislation which means that local financial considerations are capable of being material considerations in the outcome of planning decisions. How much weight should be attached is for the decision-taker to decide based on the circumstances of the individual case. In this case it is considered that local financial considerations should carry moderate weight in favour of the proposed development. The local financial considerations are the generation of increased council tax payments, potential payment of New Homes Bonus, the construction and fitting out of the dwellings would financially be of benefit locally, together with employment creation, generating demand for materials and the increase in the population of Penkridge will contribute to the spending power of the local economy to some extent.

5.17 Representations

5.17.1 There have been 8 public comments of objection to this application. These are set out in Section 4 Consultation Responses (Public Comments). I have sought to address these concerns throughout the report.

5.18 Planning Contributions

5.18.1 Core Strategy Policy EQ13 (Development Contributions) states that contributions will be sought from developers where necessary to achieve sustainable development. Paragraph 56 of the Framework requires that planning obligations must only be sought when they are; necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Although the application is in outline form with all details reserved, it is common practice to try and get the particulars that would require entering into a Section 106 Agreement secured at this (the outline) stage.

5.18.2 Core Strategy Policy H2 (Provision of Affordable Housing) seeks 40% affordable housing on greenfield land for 10 or more dwellings. Policy H4 states that affordable housing should be secured in perpetuity and set 50% social rental and 50% intermediate tenures. The applicant has agreed that 40% of the dwellings constructed will be affordable and comprise 50% social rented units and 50% intermediate housing units. This is considered to be acceptable for when the final S106 is finalised, complying with policies EQ13, H1 (Housing Delivery), H2 (Provision of Affordable Housing) and H4 (Delivery of Affordable Housing).

5.18.3 The draft heads of terms for the S106 state that an educational contribution is to be paid. Staffordshire County Council have confirmed that there are less than five legal agreements for each education project for which a contribution is sought (see paragraph 5.18.5 below - CHECK). As such, the draft S106 Agreement is not affected by the pooling limit restrictions in respect of CIL Regulation 123(3).

5.18.4 The Heads of Terms (which will include financial contributions) to be agreed are as follows:

Affordable Housing - In terms of quantum of houses 40% affordable housing for residential dwellings.

Educational contribution - The education contribution for a development of this size is;

First School places (3 x £11,031 = £33,093) and 2 Middle School places (2 x £13,827 = £27,654). This gives a total request of £60,747 for up to 17 houses.

5.19 SAC Unilateral Undertaking (UU)

5.19.1 The site lies within the Zone of Influence for the Cannock Chase SAC where evidence, supported by Natural England and set out in Policy EQ2 of the Core Strategy clearly demonstrates that any net increase in housing will have an adverse effect on the SAC. To assist in mitigating this impact a developer contribution of £232 per unit has been agreed and is considered acceptable provided this is secured through Unilateral Undertaking (UU).

5.19.2 In April 2018 the European Court of Justice (ECJ) issued what appears to be a landmark judgment [*People over Wind and Sweetman Collite Teoranta*] from the Irish Republic on habitats regulation assessment (HRA). Under the European Union (EU) habitats directive, local planning authorities are required to carry out these assessments to make sure plans or projects affecting sites in and around EU designated special areas of conservation (SACs) or special protection areas (SPAs) have no harmful effect on them. An Appropriate Assessment (AA) has been carried out for this proposed development and it is

considered that the UU, which is supported by Natural England NE), will provide satisfactory mitigation for the effect of granting planning permission for up to 17 new homes adjacent to Penkridge. Natural England has confirmed that it has no objections to the proposed development, subject to the UU payment of £232 x 17 = £3.944.

6. Planning Balance and Conclusion

6.1.1 The application site is not an allocated site for residential development within the Council's SAD. It also lies outside the defined Penkridge settlement boundary and does not fall within any of the categories of development which may be permitted by Policy OC1 of the CS. As such, it conflicts with the development plan (Policy OC1) which S38(6) of the PCPA demands applications should be determined in accordance with unless material considerations indicate otherwise. That said, this conflict with the development plan is tempered given that it is not entirely consistent with the Framework and should therefore be given reduced weight in the assessment of this application. In addition to the aforementioned policy conflict, I have also found that the loss of BMV agricultural land would cause limited harm to which limited weight should be attached in the planning balance.

6.1.2 Turning to the benefits of the scheme, there would be some environmental benefits in terms of improved surface water management and biodiversity enhancements. These constitute moderate environmental improvements associated with the scheme.

6.1.3 The Council can now demonstrate a five year housing land supply. However, the Framework seeks to significantly boost the supply of housing. Although the scheme is only for up to 17 dwellings, it would still make an important, albeit modest contribution to boosting the supply of housing in a sustainable location to which significant positive weight should be attached. Furthermore, the scheme would provide a mix of market housing that would meet the requirements of Policy H1 of the CS and the housing need identified in the Strategic Housing Market Assessment. In addition, 10% of the dwellings would be delivered as bungalows, which is supported by the requirements of Policy H1, for new housing developments to make a contribution to meeting the need of the district's rapidly ageing population. This mix can be secured by condition.

6.1.4 The scheme would deliver 40% of the housing as affordable units. Given that there is still an undersupply of affordable housing that has been delivered in the District, the provision of up to 7 affordable units in an accessible location is a considerable benefit which should attract some positive weight. There would be some economic benefits associated with the construction and subsequent occupation of the dwellings to local businesses and services in Penkridge to which I attach moderate positive weight. In addition, limited positive weight should also be attached to increased council tax payments and potential payment of New Homes Bonus associated with the development

6.1.5 Overall, I find that that despite the conflict with Policy OC1 and limited harm caused by the loss of BMV agricultural land, the other material considerations listed in paragraphs 6.1.2-6.1.4 indicate that that planning permission should be granted for development that is not in accordance with the development plan. On this basis it is recommended that planning permission should be **GRANTED**, subject to the following conditions.

7. Conditions

7.1.1 Having regard to advice in paragraphs 54 and 55 of the Framework and the National Planning Practice Guidance (PPG), in addition to the standard conditions relating to outline

permissions and the submission of reserved matters, a condition regarding landscaping is needed to clarify the measures to be within the scheme and its implementation. A condition requiring measures to be submitted to protect the existing trees and hedgerows on site prior to the commencement of works is necessary to preserve the character and appearance of the area, and to avoid damage to the existing landscaping.

7.1.2 A Construction Management Plan is required prior to work commencing on site to protect the residential amenities of existing residents and existing hedgerows/trees. It is necessary to require the provision of bat and bird boxes, together with details of lighting prior to work commencing on site to ensure that habitats of birds and bats are protected.

7.1.3 A condition regarding the design of a surface water drainage scheme is necessary to reduce risk of surface water flooding to the development and properties downstream for the lifetime of the development, and secure appropriate disposal of foul water. In addition, a condition regarding levels is necessary to protect the character and appearance of the area. The details of ground levels need to be submitted prior to commencement of development of construction to ensure accurate details of existing conditions are recorded.

7.1.4 A pre-commencement condition regarding archaeology is needed to protect and record heritage assets. A condition securing the housing mix for the scheme is necessary to ensure that the scheme complies with Policy H1 of the CS and provide for an identified housing need in the SHMA.

8. RECOMMENDATION - Delegate APPROVAL to the Team Manager to issue the decision on completion of a satisfactory Section 106 Agreement and Unilateral Undertaking (UU). If these have not been achieved by 15th October 2019 this application will be referred back to the Planning Committee.

Subject to the following condition(s):

- 1) Details of the site 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.
- 2) An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) This permission does not grant or imply consent for the indicative layout shown on Drawing No D31, nor does it grant or imply consent for any other indicative layout sketches/drawings included within the documentation submitted as part of this application.
- 5) The landscaping scheme submitted under Condition 1 shall include a timetable for implementation, planting to compensate for any hedgerow/ tree loss and details of planting associated with the Sustainable Urban Drainage works, and long-term management arrangements.
- 6) Before the development commences, details of a site specific tree and hedgerow protection method statement and plan shall be submitted to and agreed in writing

- by the local planning authority. The development shall be implemented in strict accordance with the tree and hedgerow protection method statement and plan.
- 7) Prior to the commencement of any construction, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGVs, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. It shall also include a method of clearance and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.
 - 8) No development shall commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall seek to reduce the amount of light projecting on to hedgerows and trees that are identified as important habitats for bats and nesting birds. The agreed lighting scheme shall be implemented in full concurrently with the approved development.
 - 9) No development shall commence until details of the type and location of bird boxes/brick and bat boxes/bricks within the proposed development have been submitted to and approved in writing by the local planning Authority. The development shall be constructed in accordance with the approved details.
 - 10) No development shall begin until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and key design parameters set out in the Drainage Strategy & SuDS Assessment (Patrick Parsons Ref: B17392, Rev 1, 01/03/2019) and subsequent Drainage Feasibility Plan (Drawing No. B17392-SK03, Rev P3). The design must demonstrate:
 - Surface water drainage system(s) designed in accordance with national and local standards, including the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015);
 - SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria;
 - Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change critical rain storm to 4.4l/s to ensure that there will be no increase in flood risk downstream;
 - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
 - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance;
 - Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and

frequencies and contact details for the organisation responsible for carrying out these duties.

- 11) Before development commences details of the existing and proposed ground levels of the site (and finished floor levels of the buildings) shall be submitted to and approved in writing by the Local Planning Authority. All finished floor levels must be set no lower than 83.830m AOD, which is 150mm above the crest level for the existing road. The development shall be carried out to the approved levels.
- 12) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved details.
- 13) The details pursuant to this outline planning permission shall comprise the following housing mix:

Market housing mix:

- i) 35% 2 bed properties
- ii) 40% 3 bed properties
- iii) 20% 4 bed properties
- iv) 10% of the total market housing to be provided as bungalows.

Affordable housing mix:

Social Rent:

- v) 50% 2 bedroom properties
- vi) 50% 3 bedroom properties

Intermediate Housing (i.e. shared ownership):

- x) 60% 2 bedroom properties
- xi) 40% 3 bedroom properties

A minimum of 10% of affordable housing to be provided as bungalows

Reasons

1. To define the permission.
2. In order to define the permission, to avoid doubt and to safeguard the amenity of the area.
3. To define the permission.
4. To define the permission.
5. To safeguard the amenity of the area in accordance with policy EQ11 and EQ12 of the adopted Core Strategy
6. To safeguard the amenity of the area in accordance with policy EQ11 and EQ12 of the adopted Core Strategy

7. To safeguard the amenities of nearby residents in accordance with policy EQ9 of the adopted Core Strategy
8. To safeguard the amenity of the area and protect important habitats for bats and nesting birds in accordance with policies EQ1 and EQ11 of the adopted Core Strategy.
9. To safeguard the amenity of the area and protect important habitats for bats and nesting birds in accordance with policies EQ1 and EQ11 of the adopted Core Strategy.
10. To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with policies EQ7 and EQ11 of the adopted Core Strategy.
11. To safeguard the amenity of the area in accordance with Policies EQ4, EQ7 and EQ11 of the adopted Core Strategy.
12. In order to preserve and record any items of archaeological interest in accordance with policy EQ3 of the adopted Core Strategy.
13. To comply with Policy H1 of the adopted Core Strategy

PROACTIVE STATEMENT

In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with Paragraph 38 of the National Planning Policy Framework.

INFORMATIVES

Severn Trent

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Crime Prevention

In order to prevent crime and reduce the fear of crime I recommend that this development attains Police Secured by Design (SBD) accreditation. There is no charge for my advice or for the Secured by Design award, and once awarded the Police SBD logo can be used on advertising material.

Research shows that adopting SBD can reduce burglary by 50%, car crime and criminal damage by 25%, therefore the carbon costs of replacing door-sets and windows on SBD developments as a result of criminal activity is more than 50% less than on non SBD

developments, the cost of installing SBD approved products equals 0.2% of the total build cost.

Further information on Secured by Design and accredited security products can be found at www.securedbydesign.com and www.soldsecure.com

Environment Agency

The applicant / developer should refer to our document 'The Environment Agency's approach to groundwater protection', available from gov.uk. This sets out our position on a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heating and cooling
- Drainage
- Storage of pollutants and hazardous substances
- Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).

