

TOWN AND COUNTRY
PLANNING ACT 1990

PLANNING AND COMPULSORY
PURCHASE ACT 2004

PLANNING ACT 2008

PLANNING APPLICATION ON BEHALF
OF:

Beepart Ltd and St Modwen
Developments Ltd

Land South of Church Street,
Church Gresley

Outline planning application
for up to 306 dwellings,
access, parking, public open
space, landscaping and
associated infrastructure

PLANNING STATEMENT

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1. INTRODUCTION

- 1.1 This Planning Statement has been prepared in support of a planning application submitted on behalf of applicants, Beepart Ltd and St Modwen Developments Ltd, seeking outline planning permission for a residential development of up to 306 dwellings on land south of and to the rear of Church Street, Church Gresley.
- 1.2 The planning application submission includes the following documentation:
- The planning application form;
 - The appropriate Certificate of Ownership;
 - Application drawings which are submitted for approval as follows:
 - Site Boundary Plan (Drawing reference STMOD-DYS-CG-001 2);
 - Development Framework Plan (Drawing reference STMOD-DYS-CG-002 5);
 - Proposed Access Plan (Drawing reference 0172-10);
 - Existing Site Survey Plan (Drawing reference 16868 OGL Rev 0);
 - Supporting Reports:
 - Design and Access Statement including Illustrative Masterplan prepared by Node Urban Design;
 - Transport Assessment including Travel Plan prepared by Croft Transport Solutions;
 - Flood Risk Assessment prepared by Atkins;
 - Drainage Strategy Report; Foul and Surface Water prepared by Atkins;
 - Landscape and Visual Impact Assessment prepared by Node Urban Design;
 - Preliminary Geo-Environmental Assessment Report prepared by Atkins;
 - Coal Mining Risk Assessment prepared by Atkins;
 - Extended Phase 1 Habitat Survey prepared by Cotswold Wildlife Surveys;
 - Arboricultural Survey prepared by Tree King Consulting;
 - Statement of Community Involvement prepared by Planning Prospects.
- 1.3 This supporting Planning Statement sets out the relevant background to the determination of the application by describing the site and general locality and details of the proposed development. The statement goes on to assess the appropriate planning considerations relevant to the proposal; firstly having regard to the provisions of Development Plan policy, and secondly all other material considerations including national planning policy.

1.4 In making the planning application, it is our submission that the application proposes a high quality sustainable development which will provide significant benefits that substantially outweigh any minor adverse impact of the proposals. Therefore, there are compelling grounds to grant planning permission in this instance, including in particular:

- The Development Plan in this case is out of date, and whilst new emerging policy is still some time from being independently tested and adopted and therefore carries limited weight, it does provide a useful insight into the Council's preferred growth strategy for the future; the site is allocated for development in the emerging plan.
- The District is required to identify a rolling supply of housing and this development will contribute to meeting the District's identified requirement, boosting housing supply.
- The proposed development is both high quality and sustainable. The site is identified as a sustainable location for housing development in the emerging Plan.
- The development accords with the economic role of sustainable development in that it will contribute to a strong, responsive and competitive economy providing significant jobs during the construction phase of the development. Further, the economic health and prosperity of the area and its community will also benefit as a consequence of increased expenditure from the residents of the proposed development.
- The development accords with the social role of sustainable development supporting a strong, vibrant and healthy community, providing a range and mix of housing types and tenures in a high quality environment, accessible to local services and infrastructure.
- The development accords with the environmental role of sustainable development protecting and enhancing the best of the local natural environment enhancing biodiversity with the prudent use of resources and mindful of climate change.
- The application site relates well to the existing built form and is a logical urban extension of Church Gresley. The site adjoins residential properties to the north and west and is contained by defensible landscape to the south and east.
- The development sensitively addresses site development issues including such matters as site access, sustainable travel, flood risk and drainage as well as taking on board such matters as ecology and landscape setting.
- The development will make appropriate financial contributions to support local services and infrastructure to mitigate any impacts as required, and in line with policy.
- The development will also facilitate an improved access and drop-off area for St George's Primary School as well as provide land for expansion of the school.
- The development of the site is also linked to the relocation of Gresley FC with part of this site being suggested for a potential site for the community football club; this

proposal still contributes to the relocation benefits, by offering a financial contribution to new off-site recreation facilities.

- **The development will qualify for a New Homes Bonus to the Council of around £2 million over a six year period which can be further used to benefit the local community.**

Environmental Impact Assessment

- 1.5 The planning application does not include an Environmental Impact Assessment (EIA). In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, specifically Part III, 7 (1) for Procedures Concerning Applications for Planning Permission, it is for the Local Planning Authority upon receipt of this application to treat the submission as if it were a request for the Local Planning Authority to adopt a Screening Opinion under Regulation 5 (1).
- 1.6 The proposed development is listed under Schedule 2, as an urban development project (10b) and exceeds the 0.5 ha site size threshold. However the site is not within the defined Sensitive Areas, nor in our view is it likely to have significant effects on the environment in terms of the characteristics of the development; its location, or the characteristics of potential impact. In such circumstances Environmental Impact Assessment is not required in this instance and we would request the Local Planning Authority to formally adopt the same Opinion.
- 1.7 Whilst not EIA development, the application is nevertheless still supported by a comprehensive range of supporting technical documentation which still assesses a range of environmental implications associated with the development to ensure that the scheme can be accommodated on the site without any undue environmental harm.

The Applicants

- 1.8 The planning application is submitted on behalf of Beepart Ltd and St Modwen Developments Ltd. Beepart Ltd is the registered owner of the land and has appointed St Modwen Developments Ltd as its promotional partner to secure planning permission.
- 1.9 Beepart Ltd is a subsidiary of Dyson Group PLC, a global manufacturer of insulating ceramic systems. The company has scaled down its UK manufacturing base and sold off part of its UK business. This restructuring has released a number of Dyson's UK sites for development including sites in South Yorkshire, Stoke-on-Trent and Derbyshire including this site south of Church Street in Church Gresley.
- 1.10 St Modwen is the UK's leading regeneration specialist and expert in brownfield renewal. The Company works in partnership with private and public sector organisations, continually mindful of the impact of the developments on the communities in which they operate.
- 1.11 St Modwen has over 5,800 net developable acres of land within its control and is focussed on the development and delivery of commercial and residential land. In terms of housing delivery, St Modwen is overseeing the delivery of significant housing developments across the country and the Midlands in particular.

2. THE SITE AND SURROUNDING AREA

- 2.1 The site extends to approximately 12 hectares of land and is located to the south of and to the rear of properties fronting Church Street, on the southern edge of Church Gresley.
- 2.2 South Derbyshire District has a population of some 94,611. Swadlincote is the main settlement within the District and Church Gresley forms part of the Swadlincote urban area.
- 2.3 Church Gresley has a population of 6,881 and benefits from a good range of community facilities and services, plus very easy access to an extended range of facilities in Swadlincote itself, which also has a strong employment base in growth sectors, all of which assist in enabling the existing and potential new community in meeting their day-to-day needs locally.
- 2.4 The site is situated on the southern edge of Church Gresley to the south of Church Street which is the main road running through Church Gresley. Church Street contains a number of shops and services meeting the local needs of Church Gresley itself. Swadlincote town centre is approximately 1.5 km to the north of Church Gresley.
- 2.5 St George's Primary School is located adjacent to the site's northern boundary and secondary schools are located within a sustainable travel distance of the site. Woodside Doctors' Surgery is located on Church Street within Church Gresley.
- 2.6 The site is currently in low intensity agricultural use and used occasionally for the grazing of livestock and is divided into two fields bisected by a hedgerow and water filled ditch running north east to south west.
- 2.7 The site's north and western boundaries are largely adjacent to residential properties on Church Street albeit Church Street does include a mix of uses, including St George's Primary School and local shops and services, interspersed within those residential uses. To the north and east, the site is bounded by the more recent residential development off Thorpe Downs Road.
- 2.8 To the south west the site adjoins Church Gresley Wood and to the south east is an area of open space and woodland. The site is also bounded to the south west and south east by existing footpaths linking the existing built up area with the wider countryside.
- 2.9 The site is well contained by residential uses to the north east and a mix of residential, commercial and education uses to the northwest, and by woodland to the south west and south east. The proposal site represents a logical expansion to the Swadlincote urban area.

3. THE DEVELOPMENT PROPOSALS

- 3.1 Outline planning permission is sought for the construction of up to 306 dwellings, access, parking, public open space, landscaping and associated infrastructure.

Approach to Application

- 3.2 The planning application is submitted in outline with all matters reserved for subsequent approval except new means of vehicular access to the site direct from Rockcliffe Close. Other matters such as the appearance, layout, scale of building as well as the landscaping of the site are to be the subject of subsequent reserved matters approvals.

- 3.3 The extent of the development, its nature, amount and general development parameters are included in the application however in order to appropriately define the development for the purposes of the outline planning application. This establishes clearly the extent of the development for which approval is sought, even though only the principle of the development and the means of access are applied for at this stage.

- 3.4 The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 3) Order 2012 changed the requirements in respect of outline planning applications such that:

“(1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority’s subsequent approval.

(2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they shall within the period of 1 month beginning with the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

(5) Where access is a reserved matter, the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated.”

- 3.5 This amendment to the Order came into force on 31st of January 2013 and removed the requirement to submit layout and scale details with outline planning applications however, this application still includes a Development Framework Plan which shows the areas proposed for housing, open space, landscape buffers, where the access to the site is to be situated and also the land for St George’s Primary School expansion and new drop-off area. This ensures the application is more than compliant with requirements for outline planning permission within the Order.

- 3.6 It is, however, important that the application is considered in its entirety given the interrelationship of information within each of the supporting documents including the Planning Statement, Design and Access Statement as well as well as other supporting documents and the application plans.

Proposed Development

- 3.7 The proposal is shown on the following application plans:

- Site Boundary Plan (Drawing reference STMOD-DYS-CG-001 2);
- Development Framework Plan (Drawing reference STMOD-DYS-CG-002 5); and
- Proposed Access Plan (Drawing reference 0172-10).

3.8 The above plans are submitted for approval at this outline planning stage and appropriately define the extent of the proposed development.

3.9 In addition to the above and included in the Design and Access Statement, is an Illustrative Masterplan which, taking into consideration good urban design principles, is submitted for illustrative purposes to demonstrate how the site can accommodate the development proposals, and one way in which it may be laid out. The plan is not for approval at this stage, as the layout of the proposed development is reserved for subsequent approval.

3.10 The development will however provide a mix of dwelling types and sizes in response to a number of factors including demand, need, location and existing housing stock in the area.

3.11 The mix will vary through the development but will predominantly comprise semi-detached and detached family dwellings of 2, 3 or 4 bedrooms.

3.12 The development will include affordable housing to contribute towards the need for affordable housing in Church Gresley and the District. The affordable housing requirement will be discussed further with the Council's Planning Officers during the course of the application's determination.

Other Aspects of the Proposed Development

3.13 In addition to the above, the following are taken into account in the application submission, are referred to in other supporting reports and information submitted with the application, and are also referred to in suggested conditions later in this Statement;

- Site drainage and issues relating to the management of surface water are considered in detail in the Flood Risk Assessment and Drainage Strategy submitted as part of this application. There is a requirement for on-site surface water attenuation ponds which are shown in an approximate position on the Development Framework Plan. The principle of this approach and the provision of on-site surface water attenuation ponds is sought at this stage.
- The Transport Assessment evaluates the traffic and transport implications of the proposed development. Vehicular access is proposed direct from Rockcliffe Close and is shown on the Proposed Access Plan. The new means of access is included in this application submission and not reserved for future approval. Indicative points of pedestrian and cycle access are shown on the Development Framework Plan and Illustrative Masterplan. The details of these points of access are reserved. As too is the means of emergency access, pedestrian/cycle access to Church Street, adjacent to the school.
- A Tree Survey has been undertaken and its recommendations have informed the Development Framework Plan which has sought to retain trees considered to be of sufficient quality and therefore worthy of retention.

- An ecological Habitat Survey has been submitted with the application and future opportunities to enhance ecological interests will be incorporated into the development in line with its advice.
- Several areas of open space are provided within the proposal and are shown in the submitted Development Framework Plan. Off-site financial contributions to provide enhanced open space provision and potentially assist in supporting the relocation of Gresley FC will form part of the S106 planning obligation.
- The proposals include an area of the site to be dedicated for the future expansion of St George's Primary School. The access proposals for the site include opportunities to enhance the safety of children "drop off" to the school and an enhanced car park area for the school. The detailed design of the revised school drop-off and parking area is shown illustratively on the masterplan and its precise details are reserved for subsequent approval.
- The proposals here are also linked to the potential relocation of Gresley FC who have had longstanding aims to move to a new community stadium in the area. Part of this site has been suggested for such a move however, the proposals here instead seek to make an off site financial contribution to open recreation space and sports allowing the Club to move to the most appropriate site at Penkridge Road.

3.14 A detailed assessment of the site and justification for the nature and scale of the proposed development in design terms is set out within the Design and Access Statement accompanying the application.

4. PLANNING POLICY CONTEXT

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. In addition, government policy, principally the National Planning Policy Framework published in March 2012 (NPPF or generally referred to here as the Framework) is material to the determination of planning applications.
- 4.2 The following sets out the Development Plan context to the planning application. Both the Development Plan context and the NPPF are considered further in Planning Considerations, Section 6, of this Statement.

Development Plan Policy

- 4.3 The Development Plan comprises the South Derbyshire Local Plan (1998).
- 4.4 The NPPF confirms (paragraph 12) that its publication “does not change the statutory status of the Development Plan as the starting point for decision making.” Proposals must be determined in accordance with the Development Plan unless material considerations indicate otherwise. However, the NPPF includes transitional arrangements in respect of Development Plan Policy and the weight which should be attributed to it, stating (Annex 1, paragraphs 214 – 215) that “For 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.... In other cases and following this 12-month period (i.e. now), due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”
- 4.5 In this case, having regard to the above, no part of the Development Plan can be given full weight. The Development Plan here is dated and inconsistent with many of the themes within the Framework, particularly relevant here in terms of the Framework’s aims to significantly boost the supply of land for housing. The Local Plan is time expired and, in particular, its provisions for housing were only intended for the period up to 2001. Some weight could be given to those relevant policies within the Development Plan which are consistent with the Framework. This has implications for the decision taker and the positive approach to decision taking which, again, is explained later in this Statement.
- 4.6 Noting this and with due regard to the above, policy related to the issues raised by the proposal within the Development Plan includes the following;
- H2 – New Development, Church Gresley, Swadlincote
 - H4 – New Development, Swadlincote
 - H8 – Housing Development in the Countryside
 - EV1 – Development in the Countryside
 - EV9 – Protection of Trees and Woodland

EV10 – The National Forest

- 4.7 The Council also has a number of Supplementary Planning Documents and Guidance which are linked to the above policy. Again, due to the policies being out of date, limited weight would also apply to these supplementary documents.

Emerging South Derbyshire District Local Plan Part 1 – Draft Local Plan Part 1 (September 2013)

- 4.8 The Council has for a number of years been in the process of preparing a strategic level planning document under the Planning and Compulsory Purchase Act 2004 Local Development Framework requirement. Previous draft documents for consultation were referred to as the Core Strategy but this has now been replaced by the Local Plan. The latest consultation document (Draft Local Plan Part 1), is currently under consultation (up to the 22nd of November 2013) and looks primarily at the housing and employment provision required across the District up to 2028 as well as strategic and development management policies. This follows the previous consultation document (Preferred Growth Strategy) which was consulted upon between October and December 2012. Whilst the emerging Plan has not been independently tested it does provide indication of how the Council wishes to progress its future Development Plan and its intended locations for growth.
- 4.9 The Draft Local Plan Part 1 includes the site (together with other land in this area) as part of an allocation to accommodate around 400 dwellings under Policy H2. This area referred to as “Land at Church Street/Bridge Street” or Policy “H2” includes two sites which together could accommodate around 400 houses. The first site or principal site is the application site which lies immediately south of Church Street in Church Gresley. The draft Plan states that the site represents a suitable urban extension to the Swadlincote urban area, with many services and facilities in close proximity and with easy access to Swadlincote town centre. The allocation also includes proposals for a third site for the relocation of Gresley FC to a new community stadium.

National Planning Policy Framework

- 4.10 The National Planning Policy Framework (NPPF) was adopted in March 2012 and subsequently supersedes all the previous Planning Policy Guidance Notes and Statements.
- 4.11 As noted above, the NPPF confirms (paragraph 12) that its publication, “...does not change the statutory status of the Development Plan as the starting point for decision making.” Proposals must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF represents a material consideration which should be taken into account in determining applications.
- 4.12 The NPPF states (paragraph 197) that in determining proposals, “...Local Planning Authorities should apply the presumption in favour of sustainable development.” This lies at the heart of the NPPF and for decision making this means (paragraph 14) “...approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in

this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.”

4.13 The NPPF is framed as a positive and enabling document, seeking to facilitate sustainable development and growth. There is a clear commitment (paragraphs 18 – 19) to supporting and securing, rather than impeding, sustainable economic growth. The golden thread running through the NPPF is a ‘presumption in favour of sustainable development’.

4.14 Applications for sustainable development should be approved wherever possible (paragraph 187), consistent with an overarching approach that demands a “presumption in favour” of sustainable development (paragraph 14). It advocates a proactive, creative and solution seeking approach to planning (paragraphs 17 and 187).

4.15 The overarching roles of the planning system are contained within 12 principles which include:

- Planning should be plan-led. They should be up to date and provide a practical framework within which decisions can be made predictably and efficiently.
- Should be more than just scrutiny, should be a creative exercise in finding ways that enhance and improve the places in which people live their lives.
- Proactively drive sustainable economic development to deliver homes, business, infrastructure and places that the country needs. The housing and other development needs of an area should be objectively identified and met and respond to wider opportunities for growth.
- Seek to ensure high quality design and good standard of amenity.
- Take account of the roles and character of different areas.
- Support and encourage the use of renewable energy and reuse of existing resources.
- Contribute to conserving and enhancing the natural environment.
- Encourage the effective use of land.
- Promote mixed use developments, encourage multiple benefits from the use of land in urban and rural areas.
- Conserve heritage assets.
- Actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of and support local strategies to improve health, social and cultural wellbeing for all.

4.16 In terms of housing development, the NPPF seeks (paragraph 47) to “**significantly boost**” the supply of housing.

- 4.17 The NPPF attaches great weight to the importance of the design of the built environment and identifies it as a key aspect of sustainable development. Whilst visual appearance and the architecture of individual buildings are identified as being very important factors, high quality and inclusive design goes beyond aesthetic considerations. The connections between people and places and integration of new development into the natural, built and historic environment should also be addressed.
- 4.18 In addition to the NPPF, there are a number of other aspects of government policy which have relevance to these application proposals and these should be taken into account.

Localism Act 2011

- 4.19 The Localism Act was introduced in the House of Commons on 13th December 2010. It became law on 15 November 2011. The Act covers numerous provisions in relation to Local Government. Reform of the planning system is just one aspect of the Act. Part 5 specifically deals with planning. There are numerous changes to development plans including the provision for the abolition of Regional Spatial Strategies (Section 109).
- 4.20 The Act also sets out that saved policies from structure plans or other Development Plan policies made under the Town and Country Planning Act 1990 will cease to have effect. The Act (section 143) also amends section 70 of the TCPA 1990 to make financial considerations material considerations in the determination of a planning application. This includes aspects such as the New Homes Bonus and this development will deliver additional New Homes Bonus to the District. The various aspects referred to within the Act will come into force over time. The abolition of RSS for the East Midlands has already occurred and it no longer forms part of the Development Plan.

Planning for Growth - Written Ministerial Statement 23 March 2011

- 4.21 Following the budget in 2011, which set out "The Plan for Growth" a written Ministerial Statement was produced dealing with Planning for Growth. This statement is not one of the policy documents that are superseded by the National Planning Policy Framework. The statement makes it clear that the planning system should do everything it can to help secure a swift return to economic growth. The government's top priority is to promote economic growth. The expectation is that the answer to development and growth should wherever possible be 'yes' except where this would compromise the key sustainable development principles set out in national policy.
- 4.22 The document notes that the government intends to introduce a strong presumption in favour of sustainable development (now set out within the NPPF). Local authorities are to plan positively for new development, deal promptly and favourably with applications that comply with up to date plans and national planning policies and "...wherever possible to approve applications where plans are absent, out of date, silent or indeterminate"
- 4.23 Authorities are encouraged to press ahead with plan making and be proactive in identifying housing, business and other development needs of their areas.

4.24 The Statement says that in considering applications Authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. The statement then lists five points that Authorities should take into account:

(i) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession.

(ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing.

(iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity).

(iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date[2].

(v) Ensure that they do not impose unnecessary burdens on development.

4.25 In considering applications Authorities should give appropriate weight to the need to support economic recovery and that applications that secure sustainable growth are treated favourably. They should also, at developers' requests reconsider section 106 agreements and ensure that these obligations allow the scheme to go ahead. Benefits to the economy are an important consideration when other development related constraints are being considered.

4.26 Given the nature of the application proposal and the benefits that flow from it, this Ministerial Statement should be given significant weight in coming to a decision.

Chief Planning Officer Letter of 31 March 2011

4.27 Following the Ministerial Statement, Steve Quartermain sent out a further letter to Chief Planning Officers on 31 March 2011. The letter refers to the important announcements made in the Budget and the need under the Growth Review to support the sustainable development that we need as the country emerges from recession. The letter specifically refers to the Ministerial Statement and the need for the objectives to inform decisions being taken now, and also gives further information on other aspects including further advice on planning obligations.

Laying the Foundations (November 2011)

4.28 This document underlines the government's approach to house building and the need to provide action to build more houses and also boost economic growth. The view is that getting house building moving again is critical to economic growth (paragraph 11 Executive Summary). The need for more homes is clearly outlined in Chapter 2 of the document and is clear we have a housing market which is failing to deliver the homes that people need, in the places they wish to live with serious consequences for social mobility, jobs and growth (paragraph 17).

4.29 The concerns set out in the document result in a number of actions that the government are proceeding with. One of these being the publication of the NPPF. Of particular note however in the context of the NPPF is the need to ensure that local authorities identify a robust rolling land supply of deliverable sites for the next five years (paragraph 77). In addition paragraph 76 notes the importance of Authorities having a robust understanding of housing requirements in their areas to meet the needs for their areas and to base this on current and future demographic trends and the needs of different groups in the community.

Housing and Growth (September 2012)

4.30 This Statement is the Government's most recent comment on housing and affirms housing as their number one priority to get the economy growing. It explains that there is far more to do in terms of providing new homes to meet Britain's demographic needs and help generate local economic growth. It includes details of a number of initiatives focussed around increasing the delivery and supply of housing, with significant efforts to accelerate schemes that have otherwise stalled, been held back or constrained by the planning system. Improving the speed of delivery is a key message in the statement, affirming that the planning system needs to work proactively and support the growth that the Country needs.

Summary

4.31 It is clear from the ministerial statements and national planning policy that the Government is committed to substantially increase the amount of housing as a key component in the wider drive towards economic recovery. This message could scarcely be stronger. These factors are an important material consideration which should be carefully balanced during the decision making process.

5. PLANNING BALANCE

- 5.1 There is a clear direction within the NPPF that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development wherever possible. Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 5.2 The previous sections of this statement have set out details about the site, the proposed development and its planning policy context within the existing and emerging Development Plan and national Framework.
- 5.3 The Development Plan in this case is dated and cannot be given full weight in line with paragraphs 214 and 215 within Annexe 1 as set out within the Framework.
- 5.4 In addition, paragraph 47 of the Framework requires that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing. It also advises that an additional buffer of 5% should be added to the five year supply to ensure choice and competition in the market for land but where there has been a persistent under delivery of housing, this buffer should be increased to 20%. Paragraph 49 of the NPPF goes on to state that where Local Planning Authorities cannot demonstrate a five year supply of deliverable housing sites, the "relevant policies for the supply of housing should not be considered up-to-date".
- 5.5 The development of this site will assist the Council in demonstrating a five year supply of housing.
- 5.6 Current Development Plan policy in respect of housing in this location cannot be considered up to date. The application site is located outside the current Settlement Boundary within the Local Plan and part of the open countryside. As a result current policy seeks to constrain housing delivery and is not up to date or consistent with the Framework's aims to boost significantly the supply of land for housing.
- 5.7 Paragraph 14 of the Framework states that where policies are out of date, planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole." It is therefore necessary to weigh a planning balance as to whether the adverse impacts of this development "significantly and demonstrably" outweigh the benefits. In other words, for planning permission to be refused the adverse impacts must not only outweigh the benefits, this must be "significantly and demonstrably" the case.
- 5.8 In this case the benefits of granting planning permission are considerable and there are no adverse impacts that significantly or demonstrably outweigh these benefits. Equally the proposals adhere closely to the definition of sustainable development within the Framework. The NPPF has at its heart a "presumption in favour of sustainable development". Paragraph 7 of the Framework states that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles." These

are, firstly, an economic role whereby it supports the growth and innovation and contributes to a strong, responsive and competitive economy. The second role is a social one where it supports “strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations”. The third role is an environmental one where it contributes to protecting and enhancing the natural, built and historic environment.

- 5.9 Paragraph 8 of the NPPF states that the three “roles should not be undertaken in isolation, because they are mutually dependent”. It goes on to state that the “planning system should play an active role in guiding development to sustainable locations.”

Delivery of Open Market Housing

- 5.10 The proposed development will make a positive contribution to the supply and delivery of housing over the next five years. The proposals allow for a range of housing types and sizes to be provided. Such housing delivery will support the need for new housing in the District particularly where there is a significant requirement for new housing in the District over the emerging Plan period. The provision of new open market housing contributes to the social role of sustainable development defined within the NPPF, with the supply of new housing to support the needs of present and future generations. The provision of new open market housing is a significant positive benefit of the proposed development.

Delivery of Affordable Housing

- 5.11 The degree to which the site will provide affordable housing either on or off site is to be negotiated as part of this application. It is therefore reasonable to place the provision of affordable housing, and viability implications of this into the context of other costs which the scheme needs to bear (such as school expansion requirements and highways improvements). This will require further discussion with the Local Planning Authority which the applicants are keen to pursue following registration of the application.

High Quality Sustainable Development

- 5.12 The proposals represent high quality sustainable development.
- 5.13 Church Gresley forms part of the Swadlincote urban area which is the main settlement within the District. It is well provisioned with local shops and services and the site is located in close proximity to a convenience store, a pharmacy and a cash point as well as being closely linked with Swadlincote town centre which provides a vibrant commercial and retail centre with a good range of shops and services. There are significant existing and potential local employment opportunities across Swadlincote, meaning that future residents will not have to travel great distances for employment. There is also an established school, GP Surgery and frequent public transport services in Church Gresley and additional schools, doctors’ surgeries, dental practices and children’s play facilities within close proximity.
- 5.14 The provision of some further growth at Church Gresley is sustainable. Within Church Gresley, the application site is located within convenient walking and cycling distances of amenities such as

education, health facilities, shops and employment. This is a view taken by the District Council in allocating the site as a preferred housing development site in its emerging Local Plan.

- 5.15 Whilst in outline, the development has been designed to respond positively to good urban design principles such that the proposals can make a valuable contribution to the town and local environment. Paragraph 56 of the NPPF recognizes the importance of good design. It states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.16 A full explanation of the design of the proposed development, including its evolution, site constraints and opportunities is provided within the submitted Design and Access Statement. Careful consideration has been given to the site's landscape and visual context, its location on the approach to the town, existing trees and landscape infrastructure as well as opportunities to enhance connectivity in order to create a well considered and high quality development.
- 5.17 This is expressed in the visual representations within the Design and Access Statement and Landscape Visual Impact Assessment prepared by Node, including the Illustrative Masterplan, as well as other visual interpretations of what the scheme could eventually look like.
- 5.18 Wider consideration is given in other supporting documents to the site's wider landscape setting, risk associated with the site's previous use for excavation of clay and coal materials, local ecology and site infrastructure requirements.
- 5.19 These principles are translated into the Development Framework Plan which is submitted for approval and which guides the important development parameters; the location and overall scale of proposed housing, the protection of boundary landscape and trees, the location of the frontage open space and set back of proposed housing, the location for a safe highway access and opportunities for enhanced pedestrian and cycle connections. Reserved Matters will deal with the detailed design of the proposed houses and the precise layout of the development and due regard would be had to the Council's Supplementary Guidance (Housing Design and Layout).
- 5.20 The creation of a high quality sustainable development proposal contributes to the environmental role of sustainable development set out within the Framework, protecting and enhancing the natural, built and historic environment and is a further significant benefit of the proposals.

Economic Benefits

- 5.21 The economic benefits of the proposed development are considerable. The development will create significant investment in construction and associated construction jobs over the construction build period. The development will give rise to a substantial annual household expenditure supporting local jobs in the surrounding area and the continued viability of local retail and other businesses in Church Gresley and Swadlincote. This will help sustain local services and facilities for the whole community.
- 5.22 The Council and local community will benefit from a New Homes Bonus in the region of £2M over a six year period on completion of the development.

Education Requirement

- 5.23 Through discussion with the County Education Authority it would appear that there is no capacity at any Swadlincote or Woodville primary school, and St George's Primary School adjacent to the site is currently already significantly oversubscribed. For this reason the development proposed includes provision of land directly adjacent to the site for the future expansion of St George's Primary School. This will be a significant benefit to the school and a benefit resulting from this development. The school is currently constrained by old and poor quality buildings which are out dated for modern use. The school however is highly popular and is a vibrant, busy school and this expansion land will present an excellent opportunity to expand the school and re-plan its facilities. It represents a significant benefit which only this development can deliver and may be linked to other financial contributions which could fund the expansion build works.
- 5.24 The proposal also includes an improved access arrangement for the school directly from Church Street which will include an area for school drop-off and more parking. This is a further benefit which will improve highway safety, reduce congestion on Church Street and benefit access to the school.

Ecology Enhancement

- 5.25 The development proposals offer the potential to improve the ecological value of the site which is largely dominated by improved grassland of poor diversity, and as such offers a low quality habitat.
- 5.26 An ecological Habitat Survey to assess the value of the site and its immediate environs has been prepared by Cotswold Wildlife Surveys. This identifies that the majority of the site is dominated by improved grassland containing poor diversity, and as such offers a low quality habitat. However, there are some smaller areas of habitat that may be considered to be of some value to wildlife, including the broadleaved trees forming a windbreak, some parts of robust hedgerows running along the field edges, patches of dense scrub and the water filled ditch. The Habitat Survey offers sufficient mitigation advice to enable the development to proceed acceptably.

Potential Development Impacts

- 5.27 In the planning balance it is relevant to consider the impacts of development and whether these would significantly or demonstrably outweigh the benefits.
- 5.28 All development proposals will have some adverse impacts. However, there are often opportunities for mitigation to ensure that these impacts can be ameliorated. Again reference here can be made to a number of supporting reports which are submitted with the application.

Climate Change, Flooding Risk and Drainage

- 5.29 The NPPF recognises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimizing vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

- 5.30 A Flood Risk Assessment and Drainage Strategy have been prepared by Atkins and are submitted with the application, demonstrating that foul and surface water drainage will be appropriately managed. Sustainable Urban Drainage Systems are proposed which link to environmental and ecological benefits. The approach has been developed in consultation with the Water Authority.
- 5.31 Although there would be some impacts as a result of the development here, these impacts would be modest having regard to the mitigation strategy set out.

Conserving Natural Environment

- 5.32 The ecological implication of the proposed development is described above and can be seen to be beneficial given the current, limited biodiversity across most of the site.
- 5.33 An arboricultural report has also been prepared by Tree King Consulting which includes a tree schedule, survey and suitable tree protection measures where required in accordance with British Standard 5837:2012. There will be no overall significant impact on trees, but with further tree planting proposed within areas of open space and general landscaping, opportunities here will provide some benefit.
- 5.34 A Landscape and Visual Impact Assessment has been prepared by Node to ensure that the proposed development can be justified in landscape impact terms and that features of landscape interest on the site are appropriately acknowledged and retained.
- 5.35 The landscape assessment sets out suggestions for the development to ensure that the quality of the local landscape can be maintained and a quality landscape environment for the development can be achieved.
- 5.36 The proposed development can therefore be seen to have limited impact on the natural environment.

Planning Conditions and General S106 Planning Obligation

- 5.37 Relevant Government advice concerning Planning Conditions is contained within Circular 11/95. It provides important context to the imposition of conditions in respect of the proposed development. Guidance in relation to planning obligations is provided in the NPPF.
- 5.38 The relevant tests (NPPF paragraph 204) for any planning obligation include that it must be:
- i. Necessary to make the proposed development acceptable in planning terms;
 - ii. Directly related to the development;
 - iii. Fairly and reasonably related in scale and kind to the proposed development.
- 5.39 Circular 11/95 advises conditions should be;
- i. Necessary;
 - ii. Relevant to planning;
 - iii. Relevant to the development to be permitted;

- iv. Enforceable;
- v. Precise; and
- vi. Reasonable in all other respects.

5.40 The need for a range of planning conditions is usual. They need to be imposing having regard to the tests in Circular 11/95 as stated above.

5.41 Further discussions are expected with the Council in respect of conditions and the list will evolve during the determination of the planning application. However, some of the principally relevant conditions and the basic structure of the planning permission is expected to include the following, amongst others:

- Approval of the Reserved Matter details of the layout, scale, appearance, access and landscaping of the development
- Time limit for approval of the reserved matters
- A maximum of 306 dwellings
- Compliance generally with the Development Framework Plan
- Materials to be used in external treatment of each building
- Full details of both hard and soft landscape works for the development
- Surface and foul water drainage proposals to be submitted
- An Ecology Management Plan
- Boundary treatment for the site
- Cycle and pedestrian routes through development and connecting with existing pedestrian routes along the site boundaries
- Off site highway improvements as required
- Construction phase management plan to ensure appropriate measures are in place to include controls in relation to traffic management, hours of operation, dust, noise, vibration, waste, stockpiling, emissions, vehicles sheeting and wheel washing, road sweeping, machinery and plant including cranes
- Detail plan for the laying out, management and maintenance of the proposed public open space, including its delivery relative to the implementation of the proposed housing.

5.42 The need for a S106 planning obligation is also expected, subject to meeting the appropriate Statutory tests of necessity and reasonableness. The following provides for Heads of Terms for a potential Planning Obligation to ensure any other development impacts are appropriately mitigated.

- 5.43 **Open Space and Equipped Children's Play Area** – To provide onsite appropriate informal open space and a local area for play, together with maintenance and management arrangements.
- 5.44 **Education Contributions** – Dedication of land for St George's Primary School expansion and payment of an appropriate commuted sum towards the costs of education provision to serve the development noting that the proposal is including an area of land to facilitate the future expansion of St George's Primary School.
- 5.1 **Affordable Housing** – As viable and if affordable housing is not dealt with by planning condition, the S106 Agreement will make provision for a scheme of Affordable Housing to be agreed with the Council.
- 5.2 **Off Site Sport and Recreation** – As viable, a contribution to off site sport and recreation could be made from this development. This is in lieu of promoting the site for Gresley FC relocation on this site and could be directed to assisting with that move to the benefit of the community.
- 5.3 **Other** – If viable, other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of relevance, necessity and reasonableness, consideration will be given to their inclusion subject to viability.

The Overall Balance

- 5.4 In summary, therefore:
- The benefits of the scheme are significant, and include the sustainable delivery of open market and potentially affordable housing in a high quality development; investment, job creation, and support for local services and facilities; plus ecological enhancement and diversification. The development will provide enhanced education provision and off site contribution to community sport and recreation.
 - The adverse impacts of the scheme are minor, and include the loss of largely poor quality grassland and implications for landscape.
 - These adverse impacts are capable of mitigation through the imposition of conditions, and careful design at the reserved matters stage.
- 5.5 The proposal also chimes with a number of the "Core Planning Principles" established by the NPPF and referred to above. It will:
- Drive and support economic development, delivering much needed homes and infrastructure, and helping to foster a thriving local community
 - Represent high quality design with a good standard of amenity
 - Take account of, and respect, local character
 - Support the transition to a low carbon future, also taking full account of flood risk
 - Occupy a sustainable location that encourages use of public transport and travel on foot or by bicycle.

5.6 The balance is very clearly in favour of the proposal, and planning permission should therefore be granted.

6. CONCLUSIONS

6.1 In making the planning application, it is our submission that the proposals provide a high quality, sustainable development which will provide significant benefits that substantially outweigh any minor adverse impact of the proposals and therefore there are compelling grounds to grant planning permission in this instance.

- The Development Plan in this case is out of date, and whilst new emerging policy is still some time from being independently tested and adopted and therefore carries limited weight, it does provide a useful insight into the Council's preferred growth strategy for the future; the site is allocated for development in the emerging plan.
- The District is required to identify a rolling supply of housing and this development will contribute to meeting the District's identified requirement, boosting housing supply.
- The proposed development is both high quality and sustainable. The site is identified as a sustainable location for housing development in the emerging Plan.
- The development accords with the economic role of sustainable development in that it will contribute to a strong, responsive and competitive economy providing significant jobs during the construction phase of the development. Further, the economic health and prosperity of the area and its community will also benefit as a consequence of increased expenditure from the residents of the proposed development.
- The development accords with the social role of sustainable development supporting a strong, vibrant and healthy community, providing a range and mix of housing types and tenures in a high quality environment, accessible to local services and infrastructure.
- The development accords with the environmental role of sustainable development protecting and enhancing the best of the local natural environment enhancing biodiversity with the prudent use of resources and mindful of climate change.
- The application site relates well to the existing built form and is a logical urban extension of Swadlincote. The site adjoins residential properties to the north and west and is contained by defensible landscape to the south and east.
- The development sensitively addresses site development issues including such matters as site access, sustainable travel, flood risk and drainage as well as taking on board such matters as ecology and landscape setting.
- The development will make appropriate financial contributions to support local services and infrastructure to mitigate any impacts as required, and in line with Development Plan policy.

- **The development will also facilitate an improved access and drop-off area for St Georges Primary School as well as provide land for expansion of the school.**
- **The development of the site is also linked to the relocation of Gresley FC with part of this site being suggested for a potential site for the community football club; this proposal still contributes to the relocation benefits, by offering a financial contribution to new off-site recreation facilities.**
- **The development will qualify for a New Homes Bonus to the Council of around £2 million over a six year period which can be further used to benefit the local community.**

6.2 The proposals are in line with the National Planning Policy Framework and represent sustainable development. In such circumstances planning permission should be granted, subject to the imposition of appropriate conditions and S106 obligations as suggested.