

Providence Land Ltd

Land at Lucas Lane, Hilton, South Derbyshire

Planning and Sustainability Statement

February 2019

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1. INTRODUCTION

- 1.1 This application by Providence Land Ltd seeks outline planning permission on land immediately to the north of key service village of Hilton in South Derbyshire. The proposal is to develop 2.0ha of land including small area of garden and agricultural land ('The Site') for up to 61 dwellings with associated open space and sustainable drainage. All matters are reserved for future consideration.

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FIGURE 1: ILLUSTRATIVE SITE LAYOUT (N.T.S.)

1.2 The Site owners have entered into a binding legal agreement with Providence Land Limited to bring the land to the market immediately upon the granting of outline planning consent. The Site is therefore immediately available on the grant of consent for residential development.

1.3 The main drawings are as follows:

Table 1. List of main submitted drawings

NAME	REFERENCE	SCALE	NOTES
LOCATION PLAN	2200/01	1:1250 @A3	Shows the Site in its surrounding context. Prepared by White Ridge Architecture.
TOOGRAPIICAL SURVEY	29701 T	1:500 @A1	Prepared by Greenhatch Group.
TREE CONSTRAINTS PLAN	242-18 Rev O	1:500 @A1	Prepared by Barry Chinn Associates & Ben Bennett.
INDICATIVE SITE LAYOUT	2200/03	1:500 @A1	Prepared by White Ridge Architecture.

1.4 The reports accompanying the planning application are as follows:

Table 2. List of submitted reports

DOCUMENT	CONSULTANT	NOTES
Planning Statement	Howard Sharp & Partners	
Draft Heads of Terms for the Planning Obligation	Howard Sharp & Partners	Required by Local List
Design and Access Statement	Howard Sharp & Partners	National requirement
Transport Statement	Systra	Relevant due to size of site
Tree Survey	Ben Bennett Tree & Woodland Consultancy	Relevant due to site size as above
Ecological Appraisal	Prime Environment	Required by Local List
Flood Risk Assessment	JNP Civil Engineering	National requirement
Drainage Strategy for surface and foul	As above	Contained in Flood Risk Assessment
Utilities Report	JMP Consultants	Required by Local List. Gas, water, electricity and telecommunications
Acoustic Appraisal	Mayer Brown	Relevant due to location

2. SITE ANALYSIS

- 2.1 The Site is 2.0 hectares in area. It comprises three fields; a group of agricultural buildings and small areas of residential curtilages. The main natural features are on the perimeter of the site and in the dividing hedgerows.

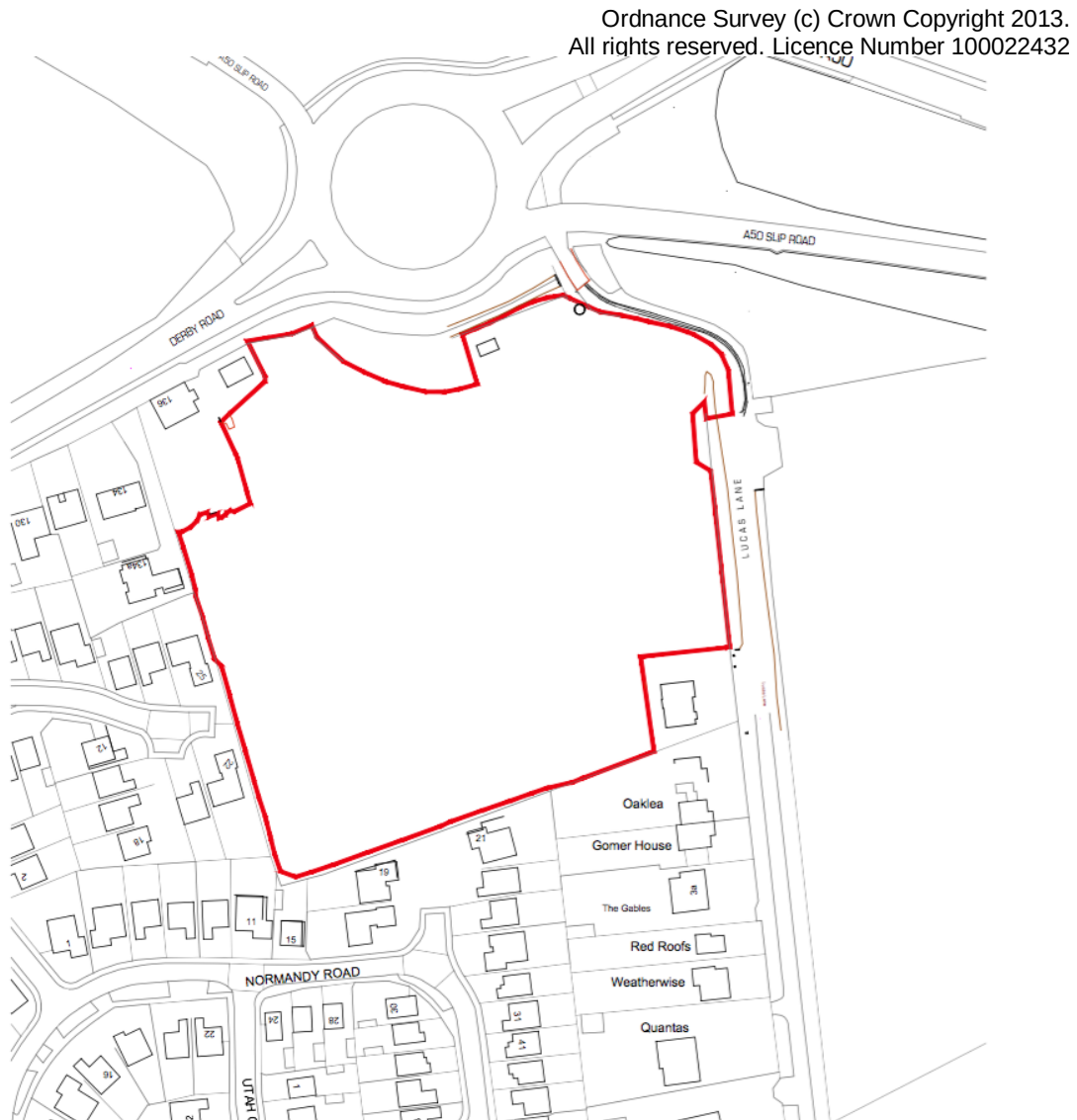


FIGURE 2: APPLICATION SITE (N.T.S.)

2.2 The Site lies within the north east segment of the settlement boundary of Hilton. Hilton is a 'Key Service Village' in the South Derbyshire Local Plan adopted in 2017. Key Service Villages are described in the *Topic Paper 10: Settlement Hierarchy* as the most sustainable settlements outside of urban areas and can 'accommodate a scale of growth up to and including strategic sites (100 dwellings plus)'. They have at least seven other services and facilities, in addition to a convenience store and bus service. Generally they are larger villages within the District.

2.3 The Site is visually enclosed by the intersection to the A50 to the north and dwellings to the west and south.

Access

2.4 Currently, vehicular access into the field is via Lucas Lane leading to a private track serving the fields and farm buildings.

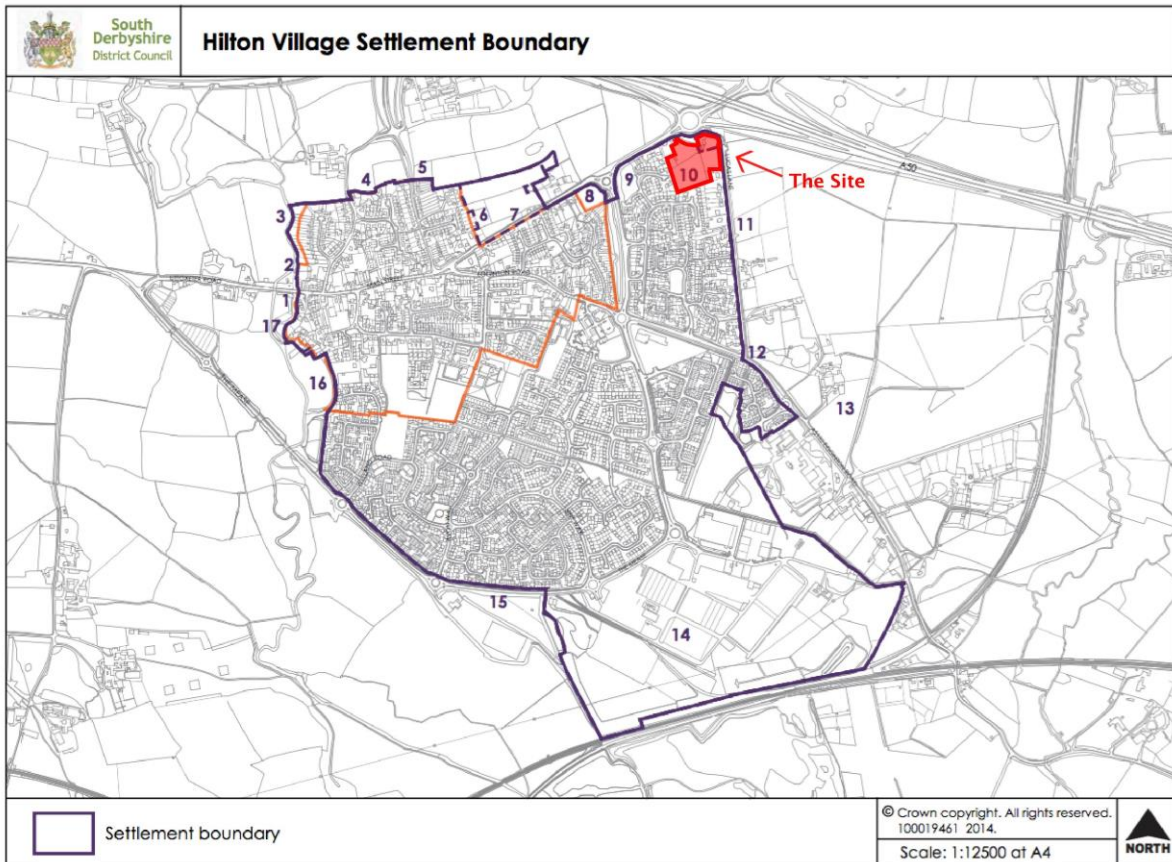
Pedestrian access to the centre of Hilton is along Derby Road or down Lucas Lane.

Accessibility

2.5 The Transport Statement confirms that the Site is in an accessible location and within walking distance of a range of local services and amenities. The footway provision will be extended along Lucas Lane.

2.6 The Site is also located within easy walking distance to bus stops on the Derby Road, which provide services to Burton on Trent, Derby, Etwall and Mickleover. The nearest bus stop is situated to the north of the Site on Derby Road.

FIGURE 3: APPLICATION SITE IN VILLAGE CONTEXT



Vehicular access

- 2.7 Access to the Site will be from two separate points. The primary access will serve 40 homes and the remaining 21 will be on the line of the current farm access.

Topography

- 2.8 A topographic survey (to Ordnance Survey GPS datum) has been undertaken by the Greenhatch Group. The Site is fairly flat and divided into three main field portions.

Trees

- 2.9 The trees and hedgerows in and around the Site are detailed in the Arboricultural Report prepared by Ben Bennett Tree and Woodland Consultancy and the accompanying Tree Constraints Plan by Barry Chinn Associates. There is a hedgerow along Lucas Lane and two good oak trees either end. The report sets out how to protect and indeed improve the situation.

Ecology

- 2.10 The submitted Ecological Appraisal by Prime Environment provides details of the results of surveys. No reptiles were found on site. The Breeding Bird survey found one breeding pair of dunnoek and three pairs of sparrows.
- 2.11 The majority of the habitat within the Site is regularly mown grassland, containing only common, widespread species and as such is considered to be of low nature conservation value. The ecological interest lies primarily in the features to be retained and incorporated in the hedgerows and trees on Lucas Lane.

Landscape

- 2.12 The Site is not in the Green Belt and does not fall within, nor would not affect, any protective landscape designations at either the local or national level.

Flood risk and surface water drainage

- 2.13 The submitted Flood Risk Assessment by JNP Engineering demonstrates that the development will be safe. The Site is within Zone 1 which is an area of low probability for flooding.
- 2.14 Developing the Site will meet the National Planning Policy Framework (2019) requirement of directing development away from areas at highest probability of flooding. Paragraph 158 of the National Planning Policy Framework states:

“The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”

- 2.15 The Environment Agency flood maps show that the Site is in Flood Zone 1 ('low probability'). The availability of the Site for development means it should be developed in preference to land at higher probability of flooding.
- 2.16 The submitted Flood Risk Assessment sets out how appropriate management of surface water will ensure that there is no increase in surface water runoff from the Site. Finished floor levels will be raised 1.5m across the north-side of the development and 1.2m on the east side.

Acoustic Appraisal

- 2.17 As the Site is to the south of the A50 and near the A5134 (Derby Road) noise modelling has been undertaken. The layout has been prepared to create barrier blocks of development on the north-side of the Site. The dwellings will have non habitable rooms on the noisier facades. The buildings will be designed to incorporate ventilation by other means if open windows produce an unsatisfactory environment. Thus a positive design approach has been adopted to overcome the obvious factors of road traffic disturbance.

Further monitoring of travel impacts

- 2.18 A travel plan has been included which could be covered by a section 106 obligation to seek to reduce the traffic movements for the Site that would otherwise occur.

3. NATIONAL PLANNING POLICY AND GUIDANCE

- 3.1 The National Planning Policy Framework (NPPF) revised in February 2019 sets out the Government's planning policies and its aims to secure sustainable development.
- 3.2 On 6 March 2014 the Government launched its national planning practice guidance (NPPG), following an external review of the previous guidance. The new guidance is closely linked to the NPPF and compared with the previous practice guidance is intended to be shorter, more accessible and more useful to everyone using the planning system. Amongst other matters, it includes guidance on the undertaking of housing assessments with support for local planning authorities in objectively assessing and evidencing development needs for housing (both market and affordable).

The presumption in favour of sustainable development

- 3.3 Paragraph 8 of the NPPF gives the three dimensions to sustainable development: economic, social and environmental.
- 3.4 Paragraph 10 of the NPPF states 'at the heart of the Framework is a presumption in favour of sustainable development'. The NPPF makes it clear that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 3.5 It has been made clear through appeal decisions made since the inception of the NPPF that any negative considerations would need to be substantial in order to justify refusal of any application that makes a meaningful contribution to strategic housing need. The mere presence of less than optimal planning circumstances for any given development is not likely to outweigh the presumption.
- 3.6 Local planning authorities are expected to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Local planning authorities should now approach decision-taking in a positive way to foster the delivery of sustainable development (paragraph 38) with decision-takers at every level seeking to approve applications for sustainable development where possible.

- 3.7 Having regard to paragraph 11 of the NPPF and footnote 6, there are no specific policies in the NPPF that indicate development should be restricted on the Site. For example, the Site is not protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; it is not land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park. Nor would it harm a designated heritage asset or fall within a location at risk of flooding.

Housing delivery

- 3.8 In relation to housing development, the following policies are of particular relevance to the proposal:
- **Every effort should be made to meet the housing needs of an area (paragraph 11);**
 - **Local planning authorities should boost significantly the supply of housing (paragraph 59);**
 - **Housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49).**

4. ADOPTED LOCAL PLAN

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Development Plan is formed of two parts: Part 1 as adopted in 2016 and Part 2 in 2017.

Within the settlement boundary

- 4.2 As recorded, the Site is within the boundary of Hilton as shown on the settlement plan contained in the Part 2 plan. As paragraph 2.1 records development within the boundary will be considered acceptable in principle. Policy SDT1 confirms the acceptability of development within the boundary.

Settlement Boundary Topic Paper

- 4.3 The Site was considered in the October 2016 Topic Paper as reference number 10. It explains:-
- ‘The development relates closely to the character of the built form’.
- 4.4 The Core Strategy Topic Paper of July 2014 shows Hilton to be second largest small town/village with 3,017 dwellings estimated in the settlement. Melbourne, a substantial settlement is some 1,000 dwellings less.

5. SUSTAINABILITY APPRAISAL

5.1 This section outlines the elements of the scheme that address sustainable development issues, including the environmental, social and economic implications. It demonstrates how the proposal constitutes sustainable development as set out in the NPPF; the Government's view of what sustainable development means in practice is to be found in paragraph 8.

5.2 The various aspects of sustainability are set out below with a summary of how the scheme contributes to each.

Building a strong, responsive competitive economy

5.3 The proposal will benefit the economy of the area directly as a result of the construction work. The increased housing choice for employees and increased expenditure from the future residents of the development will also bring economic benefits.

Promoting sustainable transport

5.4 The Site is within walking distance of bus stops, schools, shops and other facilities in Hilton and there are bus services into neighbouring towns and villages. The proposal will help to facilitate sustainable travel choices and reduce reliance on the private car.

5.5 The Transport Statement demonstrates that the additional traffic generated by the proposal can be satisfactorily accommodated within the transport network. The proposal does not require major transport infrastructure. Instead, a new junction onto Lucas Lane can be delivered by the scheme to ensure the existing road network will be able to function safely and with satisfactory levels of flows.

5.6 The submitted Design and Access Statement shows how safe and suitable access can be achieved for all people and how the indicative layout has taken account has followed the principles within Manual for Streets, including encouragement of walking and cycling. The layout links well to the surrounding network of routes.

Delivering a wide choice of high quality homes – Policy H21

- 5.7 The scheme will make a significant contribution towards the supply of deliverable housing land and meeting the area's affordable housing needs.
- 5.8 This scheme will deliver 30% affordable housing to meet local needs in accordance with the adopted policies (Local Plan Part 1 Policy H21). For a scheme of 61 dwellings this would amount to 18 affordable dwellings.

Table - Indicative Dwelling Mix

	Houses and Flats
1 bed	2
2 bed	12
3 bed	28
4+ bed	19
Total	61

Requiring good design and promoting healthy communities

- 5.9 The Design and Access Statement addresses the design quality of the proposal and how it will support the promotion of healthy communities. This includes an indicative layout that takes full account of the adopted car and cycle parking standards.
- 5.10 The proposal makes the most efficient use of the land whilst taking into account what is appropriate for the surrounding local built and natural environment.
- 5.11 High quality on-site public space is an integral part of the proposal. The proposal will follow a green infrastructure-led approach where multi-functional green space is provided. This will provide a range of benefits including informal recreation, play, visual amenity, ecological protection/enhancement and space for sustainable drainage. The Design and Access Statement shows how the public open space will be located to maximise the amenity and conservation benefits of the scheme and provide effective buffering to the north.

Meeting the challenge of climate change, flooding and coastal change

- 5.12 The Flood Risk Assessment and Drainage Strategy demonstrates how the proposal is fully able to meet the challenges of climate change in relation to future flood risk. The development avoids building on the floodplain and is therefore preferable to sites at higher probability of flooding.

6. SECTION 106 OBLIGATION

6.1 Applicants for planning permission can by agreement or unilaterally, enter into a planning obligation to:

- restrict the development or use of land in any specified way;
- require specified operations or activities to be carried out on the land;
- require the land to be used in a specific way; and/or
- require a sum or sums to be paid to the authority on a specified date for an agreed purpose.

6.2 The applicant proposes a planning obligation under section 106 of the Town and Country Planning Act. The obligation will accord with the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Draft Heads of Terms

6.3 Having regard to the relevant planning policies, it is proposed that the following elements can be secured by a planning obligation:

- a) On-site provision of affordable housing. (30%)
- b) On-site provision of public open space/play space and SuDS area and contribution to maintenance and management.
- c) Off-site provision of recreation facilities (outdoor and built) if required e.g. contribution to changing room facilities and outdoor fitness equipment in the village.
- d) Off-site education provision if required - contribution towards the provision of primary and secondary school places.
- e) Off-site waste management provision if required - contribution towards the provision of a new Household Waste Recycling Centre or other additional waste management capacity.
- f) Contribution towards Travel Plan Monitoring (normally £5,000).

Financial Considerations

- 6.4** Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application. The weight to be attached to these considerations is a matter for the decision maker. Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus is capable of being a material consideration where relevant.

7. CONCLUSIONS

- 7.1 This proposal for up to 61 homes at Hilton represents an opportunity to deliver a high quality development in a sustainable settlement. The Site relates well to the existing built form and will form a logical village extension that infills between existing dwellings. It is well contained by roads and housing.
- 7.2 The Site is located in a location where the principle of growth has been accepted in the adopted Local Plan and its evidence base.
- 7.3 As demonstrated in the Sustainability Appraisal, the proposal constitutes sustainable development that will deliver significant economic, social and environmental benefits:
- It will make a significant contribution to the Council's housing land supply;
 - It will provide a range and mix of house types and tenures;
 - It is in an accessible location in relation to Hilton but also bus services to nearby towns;
 - It will provide housing in ways that will not harm the local landscape, is sensitive to its location and respond positively to the distinctive character of the area;
 - It has a low probability of flooding and can be developed without increasing flood risk elsewhere;
 - It can provide appropriate amounts of Green Infrastructure that will result in public open space, sustainable drainage and improvements in biodiversity;
 - The development will qualify for a New Homes Bonus over a six year period which can be used to benefit the local community.
- 7.4 The Site is contained and the visual impacts will be very limited. As such, any harm from the loss of countryside does not significantly and demonstrably outweigh the benefits set out above.

- 7.5 Having regard to all the above matters and the presumption in favour of development which is in accordance with the plan, consent should be granted.