JMW Planning Limited

Design and Access Statement in support of an outline planning application by Staffordshire Rural Development Ltd for up to seven dwellings on the frontage between Willowgate and Heybridge Cottage on Uttoxeter Road and a new access from Heath House Lane, Lower Tean ST10 4LJ.

1. Introduction.

1.1 This outline planning application is submitted following the refusal of SMD/2015/0736 in April 2016. It reduces the size of that application site by over a half and crucially concentrates development at the southern end of the site which is furthest away from the Bowl Barrow in the adjoining field to the north. The proposed dwellings would fill the gap between Willowgate and Heybridge Cottage and be immediately north of Uttoxeter Road but would be accessed from Heath House Lane to comply with the wishes of the highways authority.

1.2 The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013 reduced the types of application that needed a design and access statement**.** The Town and Country Planning (Development Management Procedure) (England) Order 2015 confirmed that an application of this type in this location no longer needs a statement. Nonetheless it is a useful way of describing a proposed development and so this statement has been prepared to accompany this application lodged electronically in July 2016.

1.3 Paragraphs 14-029-20140306 to 14-031-20140306 of the Planning Practice Guidance (PPG) explain what should be included. The plans used to support this application have been produced by the experienced architectural designer Nigel Forrester MCIOB of Building Design Services and are application site plan 16/474/01(A), the access plan 15/474/02 and an indicative sketch 16/474/03 showing that up to seven dwellings may be constructed across this frontage. A topographical Survey of the site and other land owned by the applicants is also submitted in Appendix A.

1.4 A variety of other appendices also support the application and confirm that, as with SMD/2015/0736, there are no technical restrictions on the development of this site.

1.5 This statement has been written by John Wren Ba (Hons) MCD FRGS MRTPI. Following a career at a senior level in local government in East Staffordshire Borough Council and two Derbyshire Councils, I started my consultancy on 1st April 1999 initially as a sole trader but then as a director of my company. I have been a Member of the Royal Town Planning Institute for over forty three years and have extensive experience of all aspects of planning including the determination of listed building applications and appeals. I am a retired member of the Planning Officers Society.

1.6 When preparing this statement, account has been taken of paragraphs 14-029-20140306 to 14-031-20140306 of the Planning Practice Guidance (PPG), paragraph 23b-031-20160519 of that document, the written Ministerial Statement of 28th November 2014, guidance from the Commission for Architecture and the Built Environment, the National Planning Policy Framework (the NPPF), the settlement boundaries and proposals map in the 1998 Local Plan, a variety of other documents published by the District Council including the landscape and settlement character assessment for Upper Tean and the local heritage register, the Core Strategy adopted on the 26th March 2014 and two publications from Historic England- Good Practice Advice in Planning 2 (Managing Significance in Decision-Taking in the Historic Environment) and Good Practice Advice in Planning 3 (The setting of Heritage Assets).

1.7 Account has also been taken of the reasons given for the refusal of SMD/2015/0736.

1.8 The remainder of this statement follows the format recommended by the CABE division of the Design Council amended to respond to the circumstances of this case.

2. The context for this application

Site Assessment:

2.1 This is part of a grassed field on the northern side of Uttoxeter Road, the main spine road through Lower Tean, which is the smaller of the two parts making up the settlement of Tean

in Checkley Parish. It is on the other side of Heath House Lane from a housing estate centred on Goldhurst Drive. The frontage to Uttoxeter Road is approximately one metre above pavement level and is separated from it by a low stone wall with a mature hedge above. Appendix A is a topographical survey of the site and shows that the land owned by the applicant company rises steadily to the north so that the northernmost boundary is approximately 7.5 metres higher than the southernmost.

Physical Context:

2.2 As shown on the application plan 16/474/01(A) the site for the dwellings goes no further north than the residential curtilages of the properties either side of it. The western boundary is a well-trimmed hedge interspersed with the gable of an outbuilding to Willowgate (previously known as Yewtree), a Grade 2 listed building discussed in section 7. Beyond that the elevations of The Firs are clearly visible. The eastern boundary of the land where it is proposed to site the dwellings is mainly the curtilage of Heybridge Cottage except for the proposed access where there is currently a hedge.

Economic Context:

2.3 This proposed development will create employment during the construction phase as well as a demand for building materials and internal fittings. After completion the introduction of up to seven new households in this location will boost the local economy.

Planning Policy:

2.4 This is discussed in detail in section six of this statement. The next section contains a statement of significance about Heritage Assets in the area.

Community Involvement:

2.5 There was a general consultation about future development in this part of Staffordshire Moorlands organised by the District Council in Tean on 9th November 2011 as part of the preparation of the emerging Core Strategy. Three people from Lower Tean attended the relevant ‘community conversation’. Considerably more local residents objected to SMD/2015/0736.

2.6 National planning policy has also changed since that consultation was undertaken. The publication of the National Planning Policy Framework in March 2012 (NPPF) introduced a new series of criteria against which planning applications are to be judged. Significantly for this application it made it clear that local planning authorities are to significantly boost the supply of housing and where, as in this case, a District does not have a five year supply of deliverable housing sites existing policies restricting housing such as development envelopes are to be considered out of date. This is of relevance to this site which is just outside the current development envelope for Lower Tean.

2.7 In the absence of a five year supply of deliverable housing sites, the test to be applied to planning applications is that in paragraph 14 of the NPPF. Planning permission is to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or specific policies in that document indicate development should be restricted. This latter circumstance does not exist in the case of this site.

Context evaluation:

2.8 The major visual feature in this part of Lower Tean is the housing estate on the eastern side of Heath House Lane. That extends beyond the northern boundary of the land owned by the applicant company. Older properties south of Uttoxeter Road may be seen from the site but are too distant to influence the form that development on this site should take. They are also physically separated by that road which local residents consider is heavily trafficked at times.

2.9 There are strong urban influences on the western, eastern and southern boundaries of this revised application site. Heybridge Cottage is to the east at the junction of Uttoxeter Road and Heath House Lane. It has a range of outbuildings at the northern end of its curtilage. Willowgate adjacent to the south western boundary of the site is a Grade II listed building which is discussed in more detail in section seven of this statement. The frontage which it is proposed to develop is the last potential windfall site on which infill development of this scale could take place within Lower Tean which the Council has classified as a smaller village in its adopted Core Strategy.

3. The design component

Use and Amount.

3.1 This outline planning application has been submitted as a compromise following the refusal of SMD/2015/0736 and it will make a contribution to meeting the housing requirement for this village identified by the District Council. The officer report in respect of the earlier outline application concluded that "the development would make a small, however, valuable contribution to housing delivery in the Staffordshire Moorlands, particularly in a situation where a five year housing supply cannot be demonstrated which attracts notable weight in support of the proposal." The fact that this second application would secure the delivery of up to seven dwellings should also attract considerable weight when it is determined.

Layout and Scale:

3.2 It will be seen that this is an outline application submitted to confirm the principle of residential development. All detailed matters are reserved for subsequent approval apart from the new pedestrian and vehicular access, the details of which have been submitted with this application after discussions with the relevant highways officer working for Staffordshire County Council, the Highways Authority.

3.3 The indicative layout shows one way in which the site may be developed if outline permission is granted. Future development would need to be the subject of a reserved matters application. If the development were to consist of houses then they are not likely to have a ridge height greatly in excess of seven metres which would keep them below the height of the land at the northernmost boundary of the applicant company's ownership.

Landscaping:

3.4 Additional structural landscaping is not being proposed at this time because this will be a reserved matter for subsequent approval.

4. The Access Component

4.1 The gradual slope of the ground across the application site should facilitate level access to the doors of all new properties which will also have to comply with the relevant Building Regulations whilst being built. The emergency services will have no difficulty reaching all parts of the proposed development, should that ever be necessary.

4.2 Visibility at the new access, which has been designed following correspondence with the relevant highways engineer at the County Council, meets the appropriate standard over land which is controlled by the applicant or is public land. Traffic from the critical direction is also likely to be travelling towards the centre of the road because of the one way section immediately south of the new access. That will aid visibility in that direction, although the straightness of the road either side of the access means that pedestrians and vehicles using the access should be readily visible to other users of the highway.

4.3 It is not intended to create a vehicular access to Uttoxeter Road, although a pedestrian link to it, possibly near to the bus stop, is being proposed. The purpose of that is twofold. Firstly it is to provide occupiers of the proposed dwellings with easy pedestrian access to Uttoxeter Road. Secondly it is to open up a vista northwards towards the field containing the Bowl Barrow. If this application is approved the applicant company will discuss the provision of an interpretation board by this pedestrian link with Historic England so as to increase public understanding of the significance of this heritage asset.

4.4 In addition, the footpath incorporated into the new access will join the existing footpath on this side of Heath House Lane. That gives access to the bus stops on Uttoxeter Road which are served by The Potteries Route 32 linking Uttoxeter and Handley via Cheadle.

4.5 This gives an opportunity for future residents to have a mode of travel other than the private car. Paragraph 29 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also says that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

5. Other Matters.

Assessment of Flood Risk:

5.1 The Environment Agency's Flood Map for this postcode shows there is no risk of the properties being subject to flooding from either surface water or the River Tean. The possible use of sustainable drainage techniques at reserved matters stage plus the presence of a public sewer in the vicinity of the site will minimise the potential of water from the development causing flooding elsewhere in Lower Tean.

5.2 A flood risk assessment does not have to be submitted for this scale of proposed development but a SUDs assessment was prepared for SMD/2015/0736 and is submitted again in Appendix B.

Biodiversity and Ecology:

5.3 SMD/2015/0736 was originally accompanied by an ecological assessment prepared by Dr Gregory J Masters. This is resubmitted in Appendix C with the accompanying Magic analysis in Appendices D and E. Dr Masters' conclusion then was that "no evidence of habitats or species of conservation or wildlife concern was found at the site. There is no reason to believe that the site is a significant habitat for species of wildlife concern."

5.4 Subsequently, it was suggested that there was a badger sett in the field to the north of the applicant company's ownership so Dr Masters submitted a further report which may be found in Appendix F. This current application site is well outside the exclusion zone mentioned in that report.

Land Contamination Assessment:

5.4 As the site is primarily semi-improved grassland which has not been previously developed there is no reason to believe that it has been contaminated in a manner which would preclude residential development taking place.

Utilities Statement:

5.5. Given the proximity of the site to existing residential development there is no reason to suggest that existing services could not be extended to serve new dwellings on this site.

Foul Sewage:
5.6 This will be disposed of to one of the trunk foul water public sewers shown on the Severn Trent Water plan submitted with the application in Appendix G. The plan also shows the public surface water sewers near the site.

Environmental Impact Assessment:
5.7 The proposed development is not of a scale or in a location that warrants the submission of an EIA.

Climate Change:
5.8 Core Strategy Policy SD1 requires the sustainable use of resources. If it is considered that a sustainability statement should accompany any reserved matters applications that may be achieved through the use of a suitably worded condition.

Landscape:
5.9 In common with other settlements in this part of the District, Lower Tean is surrounded by the designation "Special Landscape Area" on the proposals map which supported the previous Local Plan. As paragraph 8.6.12 of the adopted Core Strategy makes clear there has been a move away in national government guidance from 'blanket' local landscape designations in favour of locally based Landscape Character Assessments.

5.10 Reason 2 on the decision notice for SMD/2015/0736 refers to the landscape setting of Upper Tean yet the document itself makes no reference to this application site as having any significance to that assessment.

5.11 This part of Staffordshire Moorlands is within National Character Area 68, the Needwood and South Derbyshire Claylands. Appendix H contains an introduction to the characteristics of this broad area. It will be noted that the Statement of Environmental Opportunities 3 (SEO 3) identifies the need to protect the traditional settlement patterns of villages. In the case of Lower Tean that would be a linear development pattern historically with development taking place along Uttoxeter Road.

5.12 By limiting this development so that it is framed by residential curtilages on both sides, the applicant company considers that it is complying with SEO 3. With this reduced application site concentrating on the Uttoxeter Road frontage there is also no reason why at reserved matters stage Core Strategy Policy DC3 cannot be complied with on this site.

6. Planning Statement.

6.1 Paragraph 11 of the National Planning Policy Framework (NPPF) confirms the statutory position that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 For this area and this type of development the relevant document is the Core Strategy adopted by the District Council on 26th March 2014.

6.3 Lower Tean is a 'smaller village' listed in Core Strategy Policy SS6b. Whilst the Core Strategy directs most new housing development to the three main towns of Leek, Biddulph and Cheadle, policy SS4 has a minimum requirement for the rural areas outside these three towns to provide sites for 928 dwellings over the plan period. A public consultation seeking views on how that should be distributed recently said that the District Council considered Lower Tean had an estimated housing need in the period to 2031 of 25 dwellings.

6.4 No suitable sites to meet the housing requirement were identified by the District Council within the development boundary and so, from the range of sites put to it through the SHLAA process, it identified two sites potentially suitable for housing currently just outside the development envelope but close to existing housing. The applicant company's ownership, known as site LT001, was the larger of the two sites.

6.5 The District Council has now apparently changed its mind as to the form new development should take in Lower Tean and is proposing to adopt a boundary within which infill development may take place. That drawn for the latest consultation excludes this frontage and is drawn so tightly around existing development that any possibility of infilling

looks unlikely. Thus having identified a requirement for housing in Lower Tean the District Council is now failing to provide for it. That is completely contrary to the guidance in paragraph 47 of the National Planning Policy Framework.

6.6 This application site is entirely appropriate to make a small contribution towards meeting the identified housing requirement for the rural area outside of the three main towns in the District. It is better related to existing development than other sites put forward through the SHLAA process, is of an appropriate size and location to be reasonably described as infill and, importantly, is a site than can be delivered in a short timescale because there are no insuperable obstacles to that development either physically or in planning policy terms.

6.7 That should be a very important consideration for a District which currently has some 1.8 years of deliverable housing sites. The Local Plan process which it is part way through has to allocate at least five years supply of deliverable housing sites. To be 'deliverable' sites should be available now, offer a suitable location for development now, be achievable with a realistic prospect that housing will be delivered on the site within five years and be viable. This site meets all those criteria.

6.8 Development in the manner proposed by this application would also meet all the relevant guidance in the NPPF. Paragraph 14 confirms the presumption in favour of sustainable development which is also enshrined in Core Strategy Policy SS1a. Paragraph 7 lists the three dimensions to sustainable development and paragraph 8 confirms they are mutually dependent.

6.9 These three dimensions are economic, social and environmental. In this case building dwellings on this site will create employment opportunities and a demand for building products during the construction phase. Thereafter up to seven more households will be added to support the local economy.

6.10 The social role will also be fulfilled by the introduction of new households to support local community activities. New dwellings here will increase the fluidity of the local housing market and give more choice to people wanting to move to or stay in the village.

6.11 Finally, the environmental role will be met through the development of this frontage greenfield site in a manner which does not create harm to the natural and historic environment. The latter is discussed in more detail in the following section of this statement.

6.12 Paragraph 14 of the NPPF confirms that development proposals which conform to the development plan should be approved without delay. The applicant company considers that this outline application conforms to the current development plan because it is seeking to implement policies relating to the distribution of new housing in Lower Tean already agreed in the Core Strategy.

6.13 Where, as in this case, housing policies in the development plan are out of date, paragraph 14 of the NPPF also sets out how applications are to be determined. Planning permission is to be granted where the development plan is absent, silent or relevant policies are out of date planning unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies indicate development should be restricted.

6.14 None of the examples given in footnote 9 to the paragraph apply in this case. These are where development would affect sites protected under the Birds and Habitats Directives, designated as Sites of Special Scientific Interest, land within a Green Belt or Local Green Space, a site within an Area of Outstanding Natural Beauty or on a Heritage Coast, and land within a National Park or in locations at risk of flooding or coastal erosion. Finally there is development that would affect a designated heritage asset and this is discussed in the next section.

6.15 One final matter needs to be discussed in this section and that relates to the fact that no financial contributions are proposed as part of this application. Nor is it intended that any of the proposed dwellings will be sold at less than market value.

6.16 There are two reasons for this. Firstly the need to construct the new access on Heath House Lane rather than direct onto Uttoxeter Road in the interests of highway safety is increasing the infrastructure costs for this project.

6.17 Secondly, the applicant company is mindful of government policy in relation to developments of ten units or less. Core Strategy Policy H2 was adopted in March 2014 with an undertaking that it will be reviewed after this year. In November 2014 the government indicated that it would introduce a national policy giving a threshold below which affordable housing and tariff style contributions should not be sought. The threshold is ten units or less.

6.18 Paragraph 23b-031-20160519 in the Planning Practice Guidance (PPG) now gives effect to the policy set out in the Written Ministerial Statement of 28th November 2014 and should be taken into account in the determination of this application.

6.19 Because of the uncertainty introduced by the District Council through the refusal of SMD/2015/0736 this remains an outline application which seeks approval in principle about the development of this frontage site. There is no reason, however, why policies such as DC1, DC2 and DC3 together with other Core Strategy policies aimed at shaping the form of built development cannot be complied with at reserved matters stage.

6.20 The conclusion that the District Council is, therefore, invited to reach is that this proposed development conforms to the development plan and is supported by the general thrust of the guidance in the NPPF and PPG for the reasons already given. Planning permission should, therefore, be granted subject to appropriate conditions which I would ask are discussed with me before they are imposed.

7. Statement of Significance in relation to Heritage Assets.

7.1 Heritage assets are defined in Annex 2 to the NPPF as "a building, monument, site, place area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)."

7.2 Designated heritage assets are a World Heritage Site, a Scheduled Monument, a Listed Building, a Protected Wreck Site, a Registered Park and Garden, a Registered Battlefield or a

Conservation Area designated under the relevant legislation. There is no Conservation Area affecting this application site.

7.3 There are two Acts which must be taken into account in the determination of this application- The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning Act 1990 as amended, particularly by the Planning and Compulsory Purchase Act 2004. These are two separate pieces of primary legislation so that one does not depend upon the other.

7.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a general duty as respects listed buildings in the exercise of planning functions. It says " in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

7.5 As there are no heritage assets on this site the District Council only has to give significant weight to the presumption against development that would cause any harm to the setting of a listed building as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and confirmed and clarified in the Barnwell Manor and Forge Fields judgements.

7.6 Annex 2 of the NPPF defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or a negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." A more detailed discussion of 'setting' is to be found in Historic England's Good Practice Advice in Planning 3 which confirms that the importance of setting is what it contributes to the significance of the heritage asset.

7.7 Paragraph 128 of the NPPF says "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate

to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary…"

7.8 The following paragraph says "local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal"

7.9 Historic England's record for this part of Lower Tean shows four designated heritage assets. Of these two are on the south side of Uttoxeter Road. Firstly, there are the early 19th century 10 to 16 Uttoxeter Road. The designation is Grade II and the list entry number is 1037939. These are too far away from the application site to have any meaningful relationship with it.

7.10 Secondly there is the Dovecote at Heybridge Farm which is also Grade II with a list entry number of 1205212.

7.11On the same side of Uttoxeter Road as the application site are Willowgate (Yewtree) which is on the western boundary of the site and the Bowl Barrow which is in the field immediately north of the site.

7.12 Yewtree has a list entry number of 1205143 and is described in the list as "House. Late C18 with minor mid C19 alterations. Red brick with raised band at first floor level; tiled roof on dentilled eaves band; ridge stack to right of centre. Two-storey, two window front; 3 light, segmental headed casements with a smaller blind opening to centre; segmental head, central entrance with boarded-door. Single storey addition to right hand side."

7.13 It is the single storey element of the building that has a blank gable wall abutting the site. At that point the hedge otherwise along the mutual boundary is missing so that the gable

is fully exposed to view from the application site. The landscaping scheme to be submitted as a reserved matter can address this.

7.14 None of the elements to the building which have resulted in it being listed will be adversely affected by the proposed housing development. There is already another house immediately behind Yewtree and it is not unusual for individual listed buildings to be adjacent to newer development.

7.15 The Bowl Barrow in the field immediately north of the application site is a Scheduled Ancient Monument with a list entry number of 1008540. It is described as "bowl barrow 280m ESE of Hall Green House." At its nearest point the southern edge of the Barrow is some 44 metres from the northern boundary of the application site. Historic England's list entry map "includes a 2 metre boundary around the archaeological features, considered to be essential for the monument's support and preservation."

7.16 There is a general commentary in Historic England's list entry explaining why bowl barrows are designated. It explains that these are the most numerous form of round barrow which are funerary monuments dating from the Late Neolithic period to the Late Bronze Age with most examples belonging to the period 2400-1500BC.

7.17 "They were constructed as earthen or rubble mounds, sometimes ditched, which covered single or multiple burials. They occur either in isolation or grouped as cemeteries and often acted as a focus for burials in later periods. Often superficially similar, although differing widely in size, they exhibit regional variations in form and a diversity of burial practices."

7.18 "There are over 10,000 surviving bowl barrows recorded nationally (many more have already been destroyed), occurring across most of lowland Britain. Often occupying prominent locations, they are a major historic element in the modern landscape and their considerable variation in form and longevity as a monument type provide important information on the diversity of beliefs and social organisations amongst early prehistoric communities. They are particularly representative of their period and a substantial proportion of surviving examples are considered worthy of protection."

7.19 In respect of this particular bowl barrow the entry says, “despite limited investigation the bowl barrow 280m ESE of Hall Green House survives well. This investigation located pottery and artefacts of flint and jet. Other archaeological remains will exist within the mound and upon the old landsurface. The location of the barrow on an artificial platform is a rare and unusual feature.”

7.20 The field containing the bowl barrow is not owned by the applicant company and there is no possibility of this development going on to that field. The field itself is considered to provide a suitable setting for the barrow and a zone of protection around it far greater than that recommended by Historic England.

7.21 At the time of the local consultation mentioned already in this statement it was suggested by some local residents that views of the bowl barrow from Uttoxeter Road would be harmed if dwellings were built on this site. The applicant company rejects this suggestion because of the upward slope of this site from that road and the screening effect of the intervening hedges. Any views of the ancient monument from Heath House Lane will not be affected if this development proceeds.

7.22 Pre-application correspondence with the County Council’s principal archaeologist before SMD/2015/0736 was submitted confirmed that the Staffordshire Historic Environment Record does not record the presence of known archaeological remains within the application site, although it is likely to have been located within Lower Tean’s medieval agricultural hinterland.

7.23 Because of concerns expressed during the processing of SMD/2015/0736 the applicant company commissioned a report from Asset Heritage Consulting and that is included in Appendix I. Although the report was concerned with the larger site owned by the applicant company it is equally as relevant to this application.

7.24 A major source of concern was the view expressed on behalf of Historic England that substantial harm would be caused to the setting of the Bowl Barrow by development which could obscure views of it. The applicant company considers that the suggestion that

substantial harm would be caused is not compatible with the decisions in other cases involving the setting of heritage assets or indeed government guidance.

7.25 Paragraph 18a-017-20140306 of Planning Practice Guidance indicates that partial destruction of a historic asset may have a considerable impact but, depending on circumstances, it may still be less than substantial harm. Earlier in the paragraph it is said "in general terms substantial harm is a high test so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed..."

7.26 The applicant company requested that the determination of SMD/2015/0736 should be held in abeyance to allow further discussions to take place with Historic England but that request was refused by the Council and reason one on the decision notice refers to substantial harm being caused to the Bowl Barrow and less than substantial harm to the Dovecote and Willowgate.

7.27 A site meeting has now taken place and it is hoped that the consultation response from Historic England will now be more supportive of the chosen location for development. An initial response may be found in Appendix J which is a letter from David Bevan who, with me, was at the site visit.

7.28 Section 3 of the report from Asset Heritage Consulting goes into considerable detail about the significance of the bowl barrow and the contribution of its setting to that significance. There is a detailed account of where the barrow may be seen in public views but the point is also made that the topography of the area limits and prevents many vistas. A new footpath where shown on the indicative sketch submitted with this application has the potential for opening up a further view of the boundary of the field in which it sits.

7.29 An interpretation board at this point would improve public understanding of the bowl barrow and, if the planning permission sought is granted, may be secured by the imposition of an appropriate condition.

7.30 The report's conclusion in respect of the significance of Willowgate and the contribution of its setting to that significance is to be found in paragraph 3.33 where it is said "the main two-storey block of Willowgate deserves its listing at Grade II, but its extensions and outbuildings, including the addition closest to the application site, do not have anything like the same degree of significance…The part of the field which contains the application site area makes a limited, positive contribution to the setting of the listed building."

7.31 Given this, the reduction in the scale of the application site and the fact that many listed buildings have properties adjacent to them it is suggested by the applicant company that the impact of this proposed development on the setting of Willowgate should be given limited weight in the determination of this application.

7.32 A similar situation exists in respect of the dovecote. In paragraph 3.47 of the report it is concluded that "the setting of the dovecote makes a mixed contribution to its significance, however views of the dovecote from many different directions including a number from the public realm do make a notable, positive contribution to its significance. The views of the dovecote from the application site are a small proportion of those available and similar, equal or better views are available from adjacent roads."

7.33 Finally, the report notes that "the Council has understandably decided that the older parts of Lower Tean do not have the special architectural or historic interest required for a conservation area to be designated… Lower Tean lacks the concentration of listed buildings found in the conservation areas of Upper Tean and Checkley. Such designation is also not justified given the lack of identified non-designated heritage assets or the quality of the street scene."

7.34 Although concerns were previously expressed in relation to SMD/2015/0736 about the impact of development over the whole field on the form of the historic settlement this has not been identified by the Council as being a non-designated heritage asset and as such should carry no weight on heritage grounds in the determination of this second application which in any event as an infill development along Uttoxeter road does follow the historic development pattern for the village.

7.35 Mr David Bevan concludes his letter in Appendix J by saying "I believe that the impact of the revised layout on heritage assets is acceptable in conservation terms and is fully compatible with local planning policies, the National Planning Policy Framework and the Planning (Listed Building and Conservation Areas) Act 1990."

8. Conclusion

8.1 This planning application is submitted as a compromise following the refusal of SMD/2015/0736.

8.2 It reduces the development area to a size less than half that of the previous application and, crucially in terms of the location of the bowl barrow, moves the location of the proposed dwellings as far away from it as is practically possible. Those dwellings will also be in line with the curtilages of the dwellings on either side of the site making it an infill plot on the Uttoxeter Road frontage.

8.3 There are no physical reasons why the development of this site should not proceed.

8.4 Nor are there any policy reasons given the presumption in favour of sustainable development such as this in the NPPF and the development plan.

8.5 Obviously, if there are matters that require further discussion before a decision is finalised I will be very willing to help the Local Planning Authority. In return I would ask that conditions are discussed with me before they are finalised to ensure that they do not adversely affect the financial viability of this project.

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12th July 2016.