

Agenda Item:	5.2
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Site:	Proposed Residential Development at, Rose Avenue, Stretton, Staffordshire
Proposal:	Outline application for residential development of 4 dwellings including details of access

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

[Hyperlink to Application Details](#)

Application Number:	P/2016/01219	
Planning Officer:	Charlotte El Hakiem	
Type of Application:	Outline Planning Application	
Applicant:	Mrs Helen Moran	
Ward:	Stretton	
Ward Member (s):	Councillor Len Milner Councillor Mrs J A Killoran Councillor R Carlton	
Date Registered:	22 September 2016	
Date Expires:	17 November 2016	

This application has been called in by Councillors Killoran and Carlton for the following reasons:

Councillor Killoran

On behalf of Stretton Residents residing on Rose Avenue I would like this application to go before the Planning Committee please.

Rose Avenue is situated fairly close to the River Dove. The Environment Agency already has a Flood Warning System in place for this area (covering River Dove and Rolleston Brook).

The current residents are very aware that they have to be careful not leave garden furniture, or anything that could float, outside during bad weather months because in the event of a flood, they could go downstream and cause a blockage. More than one resident has already experienced low flooding on their property.

We believe the building of more dwellings on this site is a potential hazard to the increase of flooding.

There are some mature trees in the area, and were these to be cut down it would be detrimental to the nature environmental issues, as well as increasing flooding. Instead of the trees helping to remove water, the lack of them would increase the amount of water to the area, adding to the flood risk to existing homes, and the new ones should they go ahead!

The drainage is currently poor; there is a dip in Claymills Road every time it rains.

Flooding in this area seems inevitable at some time, the fact that more dwellings could be built on this site is of grave concern.

A few of the residents, and myself, would like the opportunity to attend the meeting.

Councillor Carlton

The proposed size of these new dwellings will obscure light and views for the existing dwellings which are bungalows - they are not in keeping with the existing properties and will dominate over them.

The access road for the Avenue is not only narrow, but is made up of soil, gravel, large stones and tarmac patches. The road will not sustain such heavy traffic to and from the development. Properties along the route will be subject to damaged verges and even driveways, due to the width of lorries and diggers etc.

The access road which leads onto Claymills Road is situated in a blind spot in a very dangerous busy area, as traffic is fast and chaotic most of the time as this is the main road to and from the A38.

There will be an environmental impact due to this proposed development, in particular to drainage. There would never be adequate soakaways, but only an increase in excess water exacerbating the increase in the water table and make the risk of flooding even higher. The flooding report states that properties are vulnerable and subject to flooding.

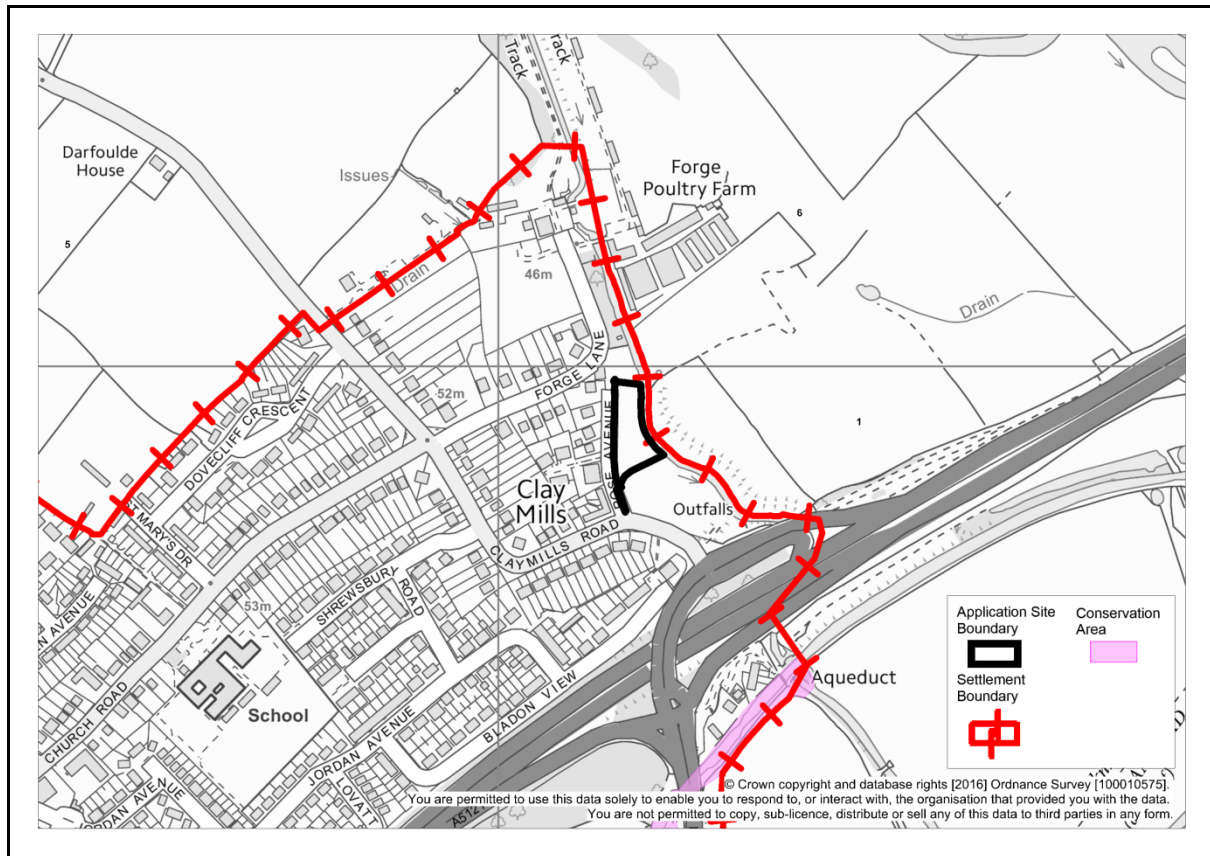
Stretton's Neighbourhood Plan also refers to flooding and that neither this should be created or exacerbated by future developments. Mature trees have also been felled, no doubt in preparation for the proposed development, but these trees would have assisted in the soakaway of excess water. Now this is only a clearing and there will be more surface water and drainage issues.

I would urge that this application is referred to the Planning Committee. A site visit is most definitely required.

1. Executive Summary

- 1.1 Outline Planning permission is sought for the erection of four detached dwellings on land situated at Rose Avenue.
- 1.2 The application only includes means of access to be determined at this stage, all other matters are reserved for future consideration.
- 1.3 Statutory consultees have raised no objections. It is considered that the development is of sufficiently high quality design within its local context and complies with the Supplementary Design Guide.
- 1.4 11 objections have been received from local residents. Stretton Parish Council, Councillor Carlton and Councillor Killoran have also made objections.
- 1.5 The proposal will not have an unacceptably adverse impact on the existing highway or sewerage networks or on the residential amenity of neighbouring properties.
- 1.6 The proposal suitably complies with the overall aims of the relevant Local Plan and Neighbourhood Plan Policies, the East Staffordshire Design Guide and the NPPF including the aims of the relevant sustainability criteria of Policies SP1, SP24, DP1 and DP3.

Map of site



2. The site description

- 2.1 The application site is situated on the east side of Rose Avenue, Stretton. The site consists of approximately 0.3 ha and is amenity grassland/paddock.
- 2.2 Rose Avenue is a private road with existing dwellings located on the west side of the road. Most properties are either single storey or 1.5 storeys. There is an existing dwelling, constructed immediately to the south of the site. The application site is located to the north east of Claymills Road, which is close to the junction of the A38/A5121 (Derby Road).
- 2.3 The land is relatively flat at the point where it joins Rose Avenue and then it slopes significantly due to banking to create the flood basin. The site is grassed with some low level shrubs. Hedges and trees bound the site. The (river) Dove outfall stream runs along the north eastern boundary of the site, beyond which is open farmland and floodplain.
- 2.4 Parts of the site are located within either Flood Zone 1, 2 or 3.
- 2.5 The entire site falls within the settlement boundary for Burton upon Trent.

3. Planning history

- 3.1 No Planning History

4. The proposal

- 4.1 The application is an outline application for the erection of 4 dwellings including details of access. All other matters such as layout, external appearance and landscaping are reserved for future consideration.
- 4.2 The proposal has changed through the life of the application with layout having been withdrawn from consideration. The plans submitted show the positioning of buildings but these are indicative only.
- 4.3 Each dwelling is proposed to be accessed off Rose Avenue by separate driveways.
- 4.4 Indicative designs for the dwellings have been submitted and the properties are illustrated to be two or three bedroom dwellings with parking and garages.
- 4.5 Each dwelling is indicatively shown as being 1.5 storeys increasing to 2.5 storeys on the rear elevations.
- 4.6 The footprint of each dwelling falls within Flood Zone 1, the rear gardens of all properties fall within Flood Zones 2 and 3.

List of supporting documentation

4.7 The following documents have been provided as part of the application:

- P_2016_01219 ADDITIONAL INFORMATION - FLOOD RISK ASSESSMENT Appendix A - F RECEIVED 09.11.16.pdf
- P_2016_01219 ADDITIONAL INFORMATION - FLOOD RISK ASSESSMENT RECEIVED 09.11.16 v0.2.pdf
- P_2016_01219 REVISED SITE PLAN RECEIVED 9th Nov 2016 - 07.pdf
- P_2016_01219_Application Form.pdf
- P_2016_01219_Ecology Appraisal.pdf
- P_2016_01219_Flood Risk Assessment.pdf
- P_2016_01219_Heritage Statement.pdf
- P_2016_01219_Proposed Plan.pdf
- P_2016_01219_Site plan.pdf
- P_2016_01219_Topographical Survey Plan.pdf

4.8 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Parish Council	<p><i>Stretton Parish Council Object - The main issue is with regard to flooding as this land has historically formed part of the flood plain for the neighbouring River Dove and Mill Stream. Policy S6 of the Stretton Neighbourhood Development Plan states that “wherever feasible development proposals will be expected to incorporate sustainable drainage systems” but this development will only impact on greater flooding from the drainage system. The rear gardens are located within the flooding area of Mill Stream and River Dove and will have more surface water from the properties and land bank and could make them unusable.</i></p> <p><i>Policy S2 of the Stretton Neighbourhood Development Plan – Protecting Landscape Character should also be considered. Unfortunately the applicant has already removed a number of trees and shrubs which should have been retained and included in the landscape scheme of the application. The development is included in the local historic environment character zone of the Parish and Stretton Parish Council would request replacement of trees included in the scheme.</i></p> <p><i>The proposal does not mention or contain any improvements to the junction of Rose Avenue to Claymills Road, which is a particularly busy road at all times of the day; and also does not make any improvements to the road surface. The applicant states that a potential of 14 additional vehicles could be using the road and junction and therefore Stretton Parish Council suggest that some improvements are made especially to the already very poor road surface which will also be severely impacted upon by the building works.</i></p>
5.3	SCC Highways	No objections
5.4	SCC Flood Risk Team	No objection subject to conditions
5.5	Environment Agency	No objections subject to conditions
5.6	Severn Trent Water	No objection subject to conditions

5.7	Staffordshire Wildlife Trust	No response received
5.8	Architectural Liaison Officer	No objection subject to conditions

Internal Consultees		Response
5.9	Environmental Health	No objection subject to conditions

6. Neighbour responses

12 responses were received raising the following issues:

Neighbour responses	
Principle	No comments
Impact on character and appearance of the area	<ul style="list-style-type: none"> The dwellings would be intimidating and unsightly. Nothing that would enhance the area in these plans. The current view of occupiers of Rose Avenue is a beautiful landscape and would be blocked by the new dwellings.
Impacts on Amenity	<ul style="list-style-type: none"> Overlooking of our garden
Highways Impacts	<ul style="list-style-type: none"> Access is limited and can only accommodate one vehicle at a time. Rose Avenue would need to become adopted. Congestion of all the cars including visitors would constitute a car park. This land floods, it would be dangerous for children playing as the water is very fast flowing. Road only adequate for three houses never mind 16. All the visitors will obstruct the road for deliveries and emergencies. People don't park in their garages.
Flood and drainage impacts	<ul style="list-style-type: none"> Drainage and sewers are already at maximum capacity. Septic tanks should be required. Water pressure is extremely low This area often floods from the river including from fast moving flush of water. Soakways will increase the flooding. They will add greater risk to the flood risk area taking up areas of compensation.
Miscellaneous	<ul style="list-style-type: none"> The home owners should be put under the same restrictions in relation to no caravans, commercial vehicles and no businesses.

	<ul style="list-style-type: none"> • The properties are built on my right of way. • Devalue our property • When the construction is under way how will this be controlled and managed?
Ecology	<p>Major concerns over the impact on kingfishers, woodpeckers, squirrels and fish in the water course.</p> <p>The land has been stripped in preparation for this development and all ecological value has been lost.</p>
Ward Member	<p><i>Cllr Killoran</i></p> <p><i>On behalf of Stretton residents, residing on Rose Avenue, (Mr & Mrs Robinson, Mr & Mrs Bradshaw and Mr Jones) - I would like it to be noted that I object to the Planning Application Ref P/2016/01219.</i></p> <p><i>This area is very close to the River Dove, and as I understand, the area is covered by the Environment Agency's Flood Warning System (Rolleston Brook and River Dove at Rolleston). There is already warnings in place for the current residents to beware of garden furniture (for example) that could be carried down stream in the event of a very likely flood, and cause a blockage.</i></p> <p><i>There is an increased risk of flooding in this area.</i></p> <p><i>To build more dwellings, is of grave concern to all. The site currently is permeable ground, and building on it could potentially increase the impermeable area; thus increasing the surface water runoff from the site. Is this going to be a sustainable drainage system?</i></p> <p><i>Could the building of more dwellings on this site be potentially hazardous to the increase in flood risk, if not at this site, then elsewhere in the surrounding area?</i></p> <p><i>I would like to 'call-in' this application, ensuring that this decision goes before the Planning Committee please?</i></p> <p><i>I would like to be informed of all progress/outcomes to this request please?</i></p> <p>Cllr Carlton</p> <p><i>Firstly, the proposed size of these new dwellings will obscure light and views for the existing dwellings which are bungalows - they are not in keeping with the existing properties and will dominate over them. Residents adjacent to the proposed development will have no outlook and due to the proximity of the proposed plots, will make the already narrow Avenue very</i></p>

dark and claustrophobic.

The access road for the Avenue is not only narrow, but is made up of soil, gravel, large stones and tarmac patches. The road will not sustain such heavy traffic to and from the development. Properties along the route will be subject to damaged verges and even driveways, due to the width of lorries and diggers etc.

I know the area very well having been born and bred in Stretton, and during my 45 years I have seen this area under water year after year. Therefore, I am very concerned as to what environmental impact this proposed development will have, in particular to drainage. There is mention in the application of soakaways, but where would excess water soakaway to, when every year the area is under water? It is surely only going to exacerbate the increase in the water table and make the risk of flooding even higher. The flooding report states that properties are vulnerable and subject to flooding, and although the report has referred to historical flood levels, it really does need to be seen to believe it. The assessments for the report were only carried out earlier this year, and so far, the area has not seen any heavy flooding, but this will not always be the case.

Stretton's Neighbourhood Plan also refers to flooding and that neither this should be created or exacerbated by future developments. Mature trees have also been felled, no doubt in preparation for the proposed development, but these trees would have assisted in the soakaway of excess water, and so too would have provided shelter to wildlife, as it was a pretty woodland area. Now this is only a clearing and there will be more surface water and drainage issues.

It would be really sad if this application were to be granted, as it would prove to me that it gives developers the green light to build anywhere - 'where there's a bit of land they will build on it regardless of the consequences!'

I would urge that this application is referred to the Planning Committee. A site visit is most definitely required - it cannot and should not be approved under delegated powers. In order to ensure that this is the case, I would like to call this application in.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP4 Distribution of Housing Growth 2012-2031
- SP16 Meeting Housing Needs
- SP24 High Quality Design
- SP25 Historic Environment
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP34 Health and Wellbeing
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP6 Protecting the Historic Environment: Other Heritage Assets
- DP7 Pollution and Contamination
- DP8 Tree Protection

'Made' Neighbourhood Plans

Stretton

- S1 – Development in the Countryside
- S2 – Protecting Landscape Character
- S3 – Protection and Enhancement of Local Wildlife
- S4 – Wildlife Corridors and Stepping Stones
- S6 – Flooding
- S7 – Protecting Archaeology in Stretton
- S8 – Locally Important Heritage

8. Principle of Development

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

- 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.

8.2 Paragraph 251 of the NPPF states that ‘due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given’.

9. 5 Year land Supply

9.1 The most recent calculation uses figures as at 30th September 2016 and concludes there is 5.55 years of supply. Therefore the policies in the plan can be considered up to date.

10. Local Plan

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

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

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting;
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;

- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future;
- would result in the removal of contamination and other environmental problems associated with the site.
- The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries.

10.3 Whilst the site is not within reasonable walking distance of services and facilities of Stretton Local Centre, it is close to the existing public transport network that is encouraged by Local Plan Policy SP1. The application site is within the development boundary of Burton upon Trent such that there is a policy presumption in favour of the principle of residential development, as set out in Local Plan Policies SP2 and SP4. It is also noted that the site is well located to the strategic highway network and is considered acceptable in terms of highway safety by the Highway Authority.

10.4 As will be discussed in more detail below, in terms of sustainable development and other aspects of Local Plan Policy SP1, it is considered that the development would not have an adverse impact on the physical environment or the amenity of neighbours. The proposed dwellings in terms of the scale and layout could integrate well with the area's existing character including its grain and the style and size of nearby dwellings and indicatively demonstrates good design and high quality materials. The visual amenity of the area would not be harmed and the balance between loss of green space and the achievement of an appropriate residential layout is considered appropriate taking account of the amenity value of the area. Furthermore, issues relating to drainage, contamination, energy efficiency/sustainable construction, new landscaping/tree planting, biodiversity and residents' privacy can all be suitably resolved by attaching appropriate planning conditions to any permission granted.

- 10.5 In terms of the economic aspect of sustainable development (as detailed in the NPPF) the development is considered to be limited, bringing benefits for a short duration during the construction phase and a contribution from the future occupants of the dwellings.
- 10.6 Paragraph 6.1.4 of the Stretton Neighbourhood Plan (NP) seeks to prevent the coalescence of Stretton with Burton upon Trent and Rolleston on Dove. Therefore the emphasis in the NP is to protect the settlement boundary while encouraging small-scale, infill development on vacant or underused sites within the built up area.
- 10.7 The considerations relating to amenity, highway safety, the impact upon heritage assets and design are covered in the following sections of this report.

11. Design and Impact on the character and appearance of the area

- 11.1 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 11.2 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 11.3 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.
- 11.4 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development.
- 11.5 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the

opportunities available for improving the character and quality of an area and the way it functions.

- 11.6 The National Planning Policy Framework (paragraphs 131 and 132) advises that development should be “making a positive contribution to local character and distinctiveness” and that the suitability of an application should be judged through a balance between impact upon the street scene and securing the optimum viable use of a site.
- 11.7 Detailed Policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible, including orientation in terms of solar gain.
- 11.8 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context is considered to be important, as this can support local distinctiveness.
- 11.9 Policy DP3 of the Adopted Local Plan ensures that ‘where infilling is proposed in the gardens of houses, it will only be permitted where 1) it would not result in the unacceptable intensification of the area 2) it would be sensitively integrated into the townscape or landscape 3) it would not be visually obtrusive or poorly screened from neighbouring properties and 4) the size of the garden to the new dwelling, and existing building is appropriate for the size of the dwelling and reflects the spatial pattern of the area’.
- 11.10 The application site currently consists of vacant paddock land. There is an area of level land adjacent to the road and then the land slopes away down into basin which forms part of the functional floodplain.
- 11.11 The character and general arrangement of Rose Avenue consists of a collection of predominately single and one and half storey dwellings in a linear form with the addition of a small cul de sac on the west side. The road is private and unadopted. Rose Avenue is quite narrow and the existing dwellings are all situated on the west side of the road.
- 11.12 The site is severely sloped due to banking to create the flood basin and the support for Claymills Road. The site is grassed with some low level shrubs. Hedges and trees bound the site but are not to be significantly affected. The (river) Dove outfall Stream runs along the north eastern boundary of the site, beyond which is open farmland and floodplain.
- 11.13 The application proposes a row of four dwellings on the east side of Rose Avenue, adjacent to a two storey dwelling more recently constructed.
- 11.14 The application is outline including means of access, details of appearance, layout, scale and landscaping are reserved for future consideration. The application is submitted with an indicative layout illustrating 4 dwellings on east side of Rose Avenue. Whilst details of the external appearance are reserved, indicative elevations have also been submitted with the application.

- 11.15 The indicative elevations show single storey dwellings on the road side increasing to effectively 2.5 storeys as the land drops away on the rear elevations.
- 11.16 The indicative designs show dwellings of simple proportions to the front with the provision of narrow windows and rooflights in order to prevent the perception of overlooking from the properties opposite. The rear elevations are proposed as two and half storeys with dormers in the roof.
- 11.17 The form and layout of the site is largely dictated by two constraints, one being the flood plain and the other being the proximity to the A38 and the noise created by this.
- 11.18 The indicative layout shows the provision of 4 dwellings which fall within Flood Zone 1, the associated gardens with these properties would fall within Flood Zones 2 and 3. The acceptability of this will be discussed in the flooding section of the report.
- 11.19 The application site is also located within close proximity of the A38, a major trunk road. Due this proximity a noise report has been submitted as part of the application. The results once again of this report will be addressed later in the report, however the results do have some influence on the layout of the site. The noise levels dictate that a small area of amenity space would need to be provided at the front of each dwelling to provide amenity space that could be available with an acceptable noise environment. These areas are indicatively shown.
- 11.20 It is important to advise members that the indicative plan is for illustrative purposes but the plans demonstrate what scale and design on the site could be achieved.
- 11.21 In terms of the general character and context of the area the size of the proposed properties is slightly larger than those surrounding the site. The general character of the area is defined by small detached bungalows or dormer bungalows. It is considered that the principle of residential dwellings can be achieved technically with the provision of adequate parking, garaging and amenity space.
- 11.22 It is considered that the principle of residential development can be supported and the detail of layout approved at reserved matters stage.
- 11.23 Visually appropriate external materials, rooflights, windows, boundary treatment, landscaping, surfacing materials and a restriction on future extensions, alterations, outbuildings, solar panels and alterations can all be secured by through the consideration of reserved matters submissions and suitable planning conditions attached to any permission.
- 11.24 The application site has a boundary of trees to the rear of the site, adjacent to the watercourse. None are the subject of a Tree Preservation Order. All of these trees are to be retained but obviously again this will be dependent on the final layout. This is considered acceptable in relation to Detailed Policy 8 and Strategic Policy SP24 regarding existing trees.

11.25 In conclusion, subject to the stated conditions, development in this location can suitably comply with the character and appearance requirements of Local Plan Policies SP24, DP1 and DP3, the East Staffordshire Design Guidance and the NPPF.

12. Residential Amenity

12.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.

12.2 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.

12.3 Policy DP3 also advises that garden areas should be commensurate to the dwelling/household size and allow outdoor activities to be undertaken in reasonable privacy. The East Staffordshire Design Guide provides additional detail on the assessment of light to windows in Annex 1.

12.4 The indicative relationship of the proposed dwellings would front on to the existing residents of Rose Avenue. Rose Avenue is quite narrow and therefore concerns from local respondents have been raised relating to the relationship between existing and proposed dwellings. The smallest distance between windows shown indicatively would be 13m increasing up to 16m. The windows indicatively proposed would be narrow and would not be principal windows. It is considered that there could be no significant adverse impacts on the amenities of nearby residents. It is also considered that the proposed development would not have a significant overbearing or oppressive impact on the occupiers of No.7 or the properties to the rear of the site in accordance with Local Plan Policy DP3 and the East Staffordshire Design Guide.

12.5 It is considered that permitted development rights should be removed to prevent any alterations, outbuildings and or extensions that would have a harmful impact on neighbours' amenity such as reducing separation distances to an unacceptable level. With such conditions imposed, the proposal will comply with the Local Plan, the NPPF and the Design Guide in terms of residential amenity.

12.6 With regard to noise and disturbance during the construction phases of the development, it is recommended that construction hours should be limited given the location of the property within an established residential area, within this it is considered appropriate to limit works to include no working at weekends or on bank holidays and hours of working to be kept to sociable times in the interests of residential amenity.

12.7 In terms of the residential amenity of any future occupants of the dwelling (if permission is granted) a noise survey has been carried out in order to assess the impact of the noise generated by the A38. The noise survey concludes that the ambient noise levels in this area are

acceptable for habitable accommodation. However, it makes recommendations about ensuring soundproofing within the structure of the dwelling. With reference to the noise levels within the indicatively proposed amenity areas (gardens) the noise report concludes that the ambient levels to the rear of the properties would be too high. In order to mitigate this, the applicant has indicatively proposed courtyard areas to the front of each property to provide enclosed, private areas which would be capable of limiting noise to acceptable levels. This issue could be addressed through a recommended condition. The application proposal would therefore comply with Local Plan Policies DP3 and DP7.

12.8 It is therefore considered that there would no unacceptable impact on neighbour or future occupier amenity in accordance with the provisions of Local Plan Policies SP24, DP1 and DP3.

13. Sustainability (energy efficiency and low carbon)

13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
- incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
- use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
- incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in 'Biodiversity by Design' or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

13.2 In this case, the orientation of the dwellings is very much necessarily dictated by the site's relationship with the road and other existing buildings. Notwithstanding this, the new dwellings would benefit from solar gain by way of the likely east facing rear windows and natural lighting would be achieved in principal rooms. A condition can be used to achieve sustainable construction techniques, energy efficiency and efficient water use, including grey water recycling if feasible. Sustainable drainage will can also be sought by an appropriate planning condition.

14. Highway Matters

- 14.1 Section 4 of the NPPF sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 14.2 Policy SP1 of the Local Plan aims to ensure development is located on sites with good links to the highway network, is convenient and safe to walk and cycle to and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside.
- 14.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 14.4 The issue of the site's good location in relation to the highway network but poor location in relation to future occupants being able to use non car modes to reach services and facilities has been covered above. It is concluded that the site's location within the settlement boundary and close proximity to public transport routes overrides any concerns.
- 14.5 It is appreciated that the road does not have a designated footway for future residents or other pedestrians. However, the use of Rose Avenue by pedestrians does not appear to be unduly unsafe given the relatively low volume of traffic on this 'non through road', the low to moderate speeds and the road's straight alignment, which affords good forward visibility between vehicles and pedestrians. Adding additional vehicles to this situation will not materially alter the present safety of pedestrians, including manoeuvres to and from the new accesses and driveways, which would be similar to manoeuvres from existing drives along the road.
- 14.6 The proposed dwellings indicatively show parking for two vehicles plus the provision of either single or detached garages. This provision would also be adequate to provide for visitors' parking to prevent parking on this narrow road which could impact on the passage and turning of other vehicles.
- 14.7 The Highway Authority has limited its considerations to the impact of the scheme on highway safety in terms of the public highway i.e. the junction of Claymills Road, concluding that it has no objections. It is considered that this approach is acceptable and that the access offers sufficient visibility in both directions to make safe manoeuvres. The application therefore complies with Local Plan Policies SP1 and SP35.

15. Historic Environment

- 15.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 15.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that 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. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 15.5 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 15.6 The nearest Conservation Area is approximately 250 metres away, The Trent and Mersey Conservation Area.
- 15.7 The nearest Listed Building is St Marys Church situated in the centre of Stretton, on Church Road, approximately 885m away. There is no intervisibility between the proposal and this building.
- 15.8 Given the distance between the site and the Trent and Mersey Canal, there is no intervisibility, particularly as the A38 is an intervening feature between the site and the Conservation Area. The separation distances involved therefore are such that the proposed development will have no

impact on the Conservation Area or any listed buildings or their setting and Sections 66 and Section 72 are therefore not engaged.

16. Flood Risk and Drainage

- 16.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 16.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 16.3 A suitable surface and foul water drainage system can be secured by condition to prevent localised flooding and to protect human health and water environment. An informative can stress that the sustainable disposal of surface water will be sought first under the condition, as required by Policy SP27. The proposed use of permeable blocks for the access, parking and turning area will aid the sustainable drainage of surface water. The use of such materials can be secured by condition for visual and drainage reasons.
- 16.4 The indicative location of the dwellings is within Flood Zone 1. Flood Zones 2 and 3 would directly abut the rear of the properties.
- 16.5 A Flood Risk Assessment has been submitted with the application and the Environment Agency were consulted. The Flood Risk Assessment complies with the requirements of the Technical Guide to the National Planning Policy Framework. Subject to the proposed mitigation measures it is considered that the proposed development would not be subject to an unacceptable level of flood risk. To ensure the development is carried out in accordance with the Flood Risk Assessment, this application will be subject to a suitably worded condition. The development has been altered following initial objections from the Environment Agency, as the original design showed decking to the properties that would have protruded into the flood storage basin and therefore reduce its volume and effectiveness. Whilst the gardens to the proposed properties would be in Flood Zones 2 and 3, the Environment Agency state that they have no objections subject to permitted development rights being removed relating to the provision of curtilage building or structures. These measures have been accepted by the Environment Agency, which has now raised no objection subject to suitable conditions.

- 16.6 The Lead Local Flood Authority recognise that there is some surface water ponding to the south east of the site ,which falls within Plot 1's garden, but it does not have any objections to the proposals.
- 16.7 The surface water drainage has been raised as a major concern over the development and Severn Trent Water has been consulted. It has no objections and has approved the scheme of drainage proposed. Severn Trent will have assessed the capacity of the existing network and if a further dwelling would exacerbate any problems. It is important to emphasise that as long as the development does not make any existing situation worse, and any impacts that may be created by the development can be mitigated then a reason for refusal could not be substantiated on this basis. A new development of this nature cannot seek to solve existing problems in the area. For the reasons discussed above, it is concluded that subject to conditions the scheme will suitably comply with the NPPF and the Local Plan Policy SP27 in terms of flooding and drainage matters including protecting the water environment and human health.
- 16.8 Stretton NP policy S6 seeks wherever feasible development proposals will be expected to incorporate sustainable drainage systems. The application proposes soakaways and a suitable planning condition can secure appropriate details and implementation. It is understood that concerns have raised by further surface water being drained in an area where there are already flooding issues. The Lead flood Authority have confirmed that they have no concerns with this mechanism for drainage.

17. Biodiversity

- 17.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 17.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 17.3 Strategic Policy 29 lists criteria including development to retain features of biological interest which produces a net gain in biodiversity, in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefit.
- 17.4 Stretton Neighbourhood Plan Policy S4 seeks for new development proposals to demonstrate support and enhance the wildlife value of these features.
- 17.5 The submitted ecology report concludes that the overall site was assessed as being of no more than local level ecological value that any biodiversity loss resulting from development can be compensated through ecological mitigation such as woodland planting, alongside the river corridor and the provision of bat roosting and bird nesting features.

- 17.6 Trees/shrubs within the site are, in the most part, to be retained and as such the local habitat will remain fairly constant. Details of the landscaping scheme will be secured by a suitably worded condition to ensure any trees removed as part of the scheme are replaced as necessary with further stipulation on the type of trees to ensure heavy standards are planted to provide more immediate habitat and coverage on the site. Woodland planting is recommended on the river corridor to secure safe habitats for birds and kingfishers.
- 17.7 In light of the above, it is considered that the impact upon protected species can be controlled and suitably mitigated by way of the inclusion of suitable measures in accordance with Local Plan Policy SP29.

18. Conclusions

- 18.1 Considering all of the above, it is concluded that subject to various conditions the proposal suitably complies with the overall aims of the relevant Local Plan Policies, the East Staffordshire Design Guide and the NPPF including the aims of the relevant sustainability criteria of Policy SP1.
- 18.2 It is acknowledged that the development is well-located in terms of access to services by non car modes and is well-located relative to the strategic highway network and the site is within the development boundary of Burton where residential development is supported in principle. The scheme also represents development that could be in keeping with the locality subject to the consideration reserved matters details.
- 18.3 The amenities of neighbouring residential occupiers would not be unacceptably impacted subject to certain conditions given the separation distances involved and design and scale of dwellings and highway safety is not compromised. Issues relating to drainage, biodiversity, tree protection and planting, sustainable construction and contamination can be addressed by appropriate planning conditions.
- 18.4 The site is not in a Conservation Area and given the separation distances and the form of existing built development, it is not considered that the proposal would have an impact on views into, or those out of any Conservation Areas nor would any Listed Building or its setting be affected and therefore the statutory duties under Sections 66 and 72 are not engaged.
- 18.5 On balance, having taken account of the schemes overall environmental, social and economic impacts it is considered that the scheme does represent sustainable development and fits the overall aims of the Development Plan, SPDs and the NPPF. The proposal also complies with the relevant provisions of the Stretton Neighbourhood Plan.

18.6 RECOMMENDATION

PERMIT subject to the following conditions –

- Standard time limit for the commencement of the development.0000001a

- Time limit for submission of Reserved Matters 00001b.
- Compliance with the approved plans (subject to other conditions).00002
- approval of all external materials (including colours)
- Submission and approval of a surface water and foul water drainage scheme and implementation of such (with SUDS being required where ground conditions allow).00005a
- Submission of full landscaping and boundary treatment including details of tree protection measures for retained trees on the boundary, the planting of native trees and the provision of boundary treatment along that part of the side boundary. 00003b
- Implementation of the approved landscaping scheme.00003b
- Submission and approval of a scheme regarding sustainable construction and energy efficiency and compliance with such. Bespoke Condition
- Completion and retention of the approved boundary treatment scheme.00003d
- Completion of the access, parking and turning areas in a bound and porous material/s (with exact material/s to be first approved by LPA) and such remaining available for their dedicated purposes for the life of the development.00004a
- Submission and approval of slab levels 00016b
- Construction Management Plan including construction hours 00016g
- Implementation of Ecological Enhancement Measures 00016l.
- Compliance with the FRA
- Compliance with the tree survey (Bespoke)
- Compliance with the Ecology survey (bespoke)
- Compliance with noise survey (bespoke)
- Provision of bins
- All rooflights to fit flush with the roof slope in which they are set and have black frames.000006i
- All windows and external doors to be set back from outer face of wall by 50mm 00006b
- Removal of PD rights for future extensions, outbuildings, external alterations including any new windows and rooflights, boundary treatment for flood risk reasons.00012a

Informatives

1. Engagement informative
2. Submission of materials

19. Background papers

19.1 The following papers were used in the preparation of this report.

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2016/01219

20. Human Rights Act 1998

20.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However,

these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

21. Crime and Disorder Implications

21.1 It is considered that the proposal does not raise any crime and disorder implications.

22. Equalities Act 2010

22.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

22.2 For further information contact: Charlotte El Hakiem

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