

Agenda Item:	5.3
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Site:	Land off Ashbourne Road, Rocester
Proposal:	Reserved Matters application relating to Outline planning permission ref: P/2014/00548 for the erection of 53 No. dwellings along with associated parking, children’s play area, creation of vehicular and pedestrian access and connection to the footpath network including details of appearance, landscaping, layout and scale

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

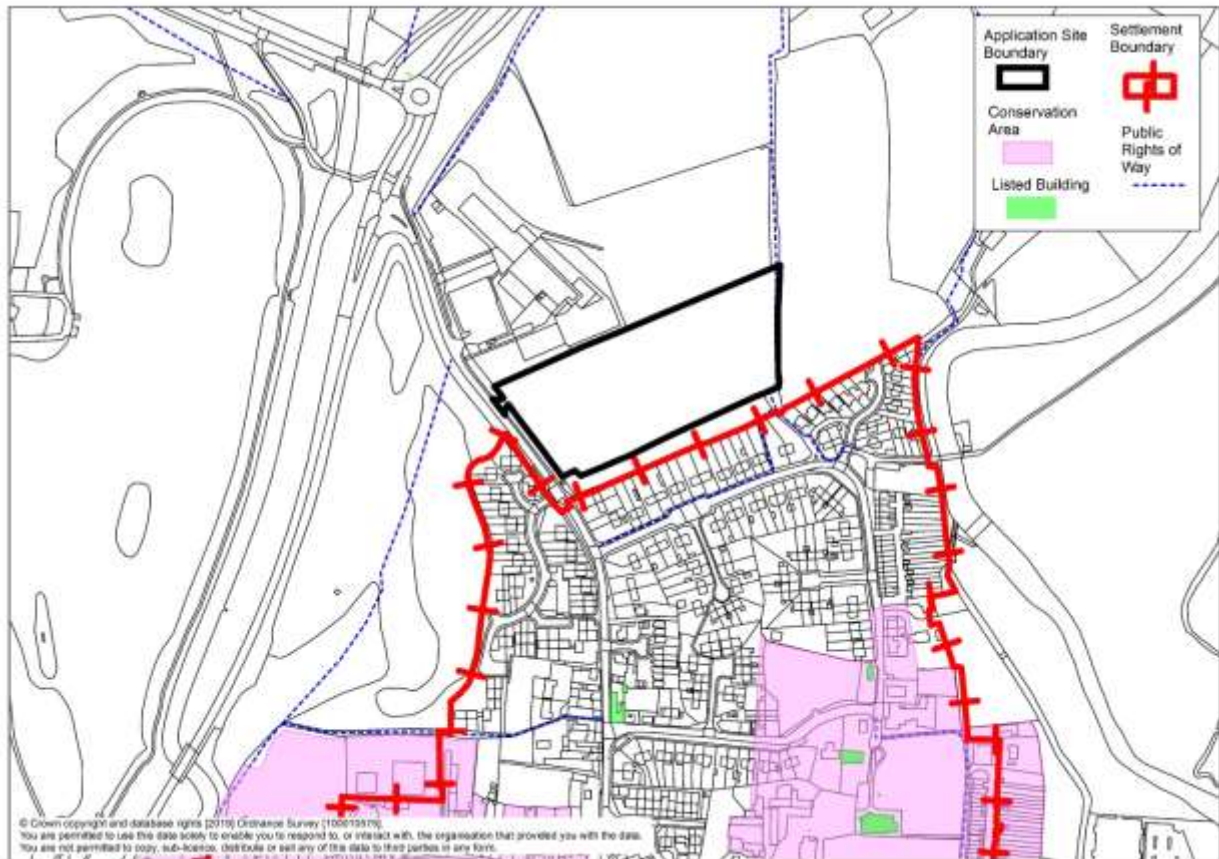
[Hyperlink to Application Details](#)

Application Number:	P/2018/01346
Planning Officer:	Alan Harvey
Type of Application:	Reserved Matters
Applicant:	Wheeldon Brothers Ltd
Ward:	Rocester
	Councillor Chris Smith
Date Registered:	12 November 2018
Date Expires:	6 February 2019 - extension of time agreed until 22 February 2019 by the applicants to seek to resolve technical issues and to progress the application to Committee.

1. Executive Summary

- 1.1 The application site consists of some 2.0 ha of land on the eastern side of Ashbourne Road, Rocester and lies immediately to the south of the recently constructed new Ryecroft Middle and Dove First Schools. The application site is outside the settlement boundary as defined in the adopted Local Plan but has the benefit of an outline approval for residential development (under application ref: P/2014/00548) with details of the access arrangements off Ashbourne Road agreed at that stage.
- 1.2 This application is a reserved matter submission for the erection of 53 No. dwellings along with associated parking, children’s play area, creation of vehicular and pedestrian access and connection to the footpath network including details of appearance, landscaping, layout and scale.

- 1.3 The County Highway Authority have raised no objections in principle to the scheme and other statutory consultees have raised no objections that cannot be overcome either by conditions of this reserved matters application or via discharge of condition submissions in relation to the original outline approval. Rocester Parish Council have raised concerns in relation to the safety and maintenance of the attenuation pond, flooding and drainage issues, responsibility for open spaces and the timing in the delivery and adoption of footpaths.
- 1.4 Local residents were notified of the application, a press notice published and a site notice posted. Three No. local residents/interested parties have made representations raising objections/concerns primarily about the acceptability in capacity and safety terms of the attenuation pond and about the highway safety implications of increased traffic levels and the likely conflict with school traffic/parking on Ashbourne Road. The representations stress that since the 2014 outline submission for residential development on the application site that there has been a significant increase in traffic along Ashbourne Road and content that given the vehicular access to the development site will displace existing on-street parking this needs to be compensated for by way of a new parking bay to the application site frontage. It is also suggested that more single storey dwellings should be delivered on the site for existing local residents to 'downsize.'
- 1.5 The County Highway Authority conclude that the reserved matters proposals are in line with the outline submissions and in raising no objections conclude that the development will not have an unacceptably adverse impact on the surrounding highway network. The proposal would not be likely to adversely affect the amenities of occupiers of existing nearby dwellings, and would provide an acceptable level of amenity for the occupiers of the future new dwellings. The scheme would be in keeping with the visual amenities of the locality and would not give rise to any increased flood risks or environmental concerns. The scheme would not harm ecological and biodiversity interests.
- 1.6 The proposed scheme would also not impact on the character and appearance and setting of the conservation area or the setting of any listed buildings. Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are therefore not engaged by this scheme.
- 1.7 It is therefore considered that the scheme is in line with the conditions and remit of the outline planning approval - and its associated Section 106 Agreement - and is compliant with the aims of the relevant development plan policies and the National Planning Policy Framework in the delivery of sustainable residential development.
- 1.8 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site**2. The site description**

- 2.1 The application site, which has an overall area of some 2 ha, is situated to the eastern side of Ashbourne Road, Rocester and presently comprises agricultural land.
- 2.2 To the west of the application site is residential development on Ashbourne Road, whilst open fields adjoin to the east. The application site is adjoined by allotments to the south; separating the site from existing dwellings on Northfield Avenue. There are views towards the spire of the Grade II listed St Michaels Parish Church to the south between and over the existing two storey dwellings on Northfield Avenue.
- 2.3 To the north of the site are the recently constructed Ryecroft Middle and Dove First Schools which provided for the amalgamation on one site of the former Ryecroft Middle School and Dove First School (now the JCB Global Learning Centre and part of the JCB Academy education facilities respectively). To the front of the School premises alongside Ashbourne Road is a vehicle drop off/pick up bay.
- 2.4 The application site slopes up gently eastwards from Ashbourne Road towards the rear boundary and is also at a higher level than Northfield Avenue. There are existing hedgerows to the Ashbourne Road (western) frontage, and a mature hedgerow interspersed with trees, to the eastern boundary. A public footpath runs north-south just inside the eastern boundary of the site, before continuing southwards through the allotments and into Northfield Avenue and the village centre.

2.5 The site lies outside of the settlement boundary for Rocester as defined in the adopted Local Plan.

3. Planning history

3.1 In December 2016, outline permission **ref: P/2014/00548** was approved - with details of access provided at that stage - for the erection of up to 53 No. dwellings on the site. The approved details showed vehicular and pedestrian access from Ashbourne Road (towards the northern boundary) and also linking into the existing footpath network.

3.2 The Planning Committee had originally resolved to approve the application in August 2014, at a time when the Local Plan was in a draft form and the Borough Council was unable to demonstrate that it had a five year housing land supply. The application was subject to a Section 106 Agreement, which was subsequently amended to reduce the commuted sum for affordable housing to £356,000 based on a viability review; it had originally been £666,862.

3.3 The Section 106 Agreement as now revised provides for the following :-

Item	Planning Obligation	Cost (where applicable)
Education	First school provision High school provision Sixth form provision Total Contribution	£88,248 £88,110 £36,054 £207,412
Affordable Housing	7 No. on-site affordable units and a sum of £356,000 for off-site provision.	£356,000
Open Space	Provision of 37.1 sq.m of equipped play/1,500 sq.m of amenity space, or alternative off-site contribution 15 year contribution towards maintenance if provision on site and adopted by the Council	£40,500 if not supplied on site. £22,000
Refuse Containers	Contribution to provide refuse storage containers	£3,975
Indoor and Outdoor Sports	Contribution towards local indoor and outdoor sports provision	£46,766

- 3.4 A discharge of condition application (ref: **P/2018/00334**) has already dealt with the issue of below ground archaeology by way of a written scheme of investigation in conjunction with the county archaeologist. The investigation did not find any evidence of archaeological interest.
- 3.5 The applicants have also submitted a separate application (ref: **P/2018/01496**) for the discharge of many of the conditions of the outline approval; namely in relation to conditions 5,6,7,8,9,10,12,14,15,16 and 18. This Discharges of Conditions application relates to the technical details of the scheme - including the construction management plan, external materials, boundary treatments, landscaping, biodiversity and landscape management proposals and drainage layouts - and is presently being progressed with the relevant statutory undertakers alongside the current application, under officer delegated powers. The details have nevertheless been included on the reserved matters file to inform the public consultation exercise on this current application and therefore these are similarly referenced where relevant in this report.
- 3.6 Conditions on the outline approval also required the provision for a footway alongside the highway on Ashbourne Road and the re-location of the 30 mph speed limit to the north of the new Ryecroft Middle and Dove First Schools. These requirements were effectively replicated by Staffordshire County Council in their grant of outline planning permission (of October 2014) for the new Schools and have been completed upon their construction under the later grant of reserved matters approval (of August 2015).
- 3.7 The outline application for the Schools scheme was contemporary with the outline application for this residential development site; with it being referred to in the officer report to the Borough Council's Planning Committee in August 2014.

4. The proposal

- 4.1 This application for reserved matters approval relates to the proposed erection of 53 No. dwellings (of which 7 No. are affordable units) along with associated parking, children's play area, creation of vehicular and pedestrian access and connection to the footpath network including details of appearance, landscaping, layout and scale. The proposed vehicular access to the site is located towards the northern boundary.
- 4.2 The residential accommodation in total comprises:-
- 1 No. one bedroom bungalow;
 - 4 No. two bedroom bungalows;
 - 9 No. two bedroom houses;
 - 20 No three bedroom houses;
 - 15 No. four bedroom houses; and
 - 4 No. five bedroom houses.
- 4.3 The proposed houses are a mix of two storey detached, semi-detached and terraced units. The 7 No. affordable units comprise a terrace of 2 No. three bed semi-detached houses and 1 No. two bed house (in shared ownership) and 4 No. two bedroom terraced houses (for rental).

- 4.4 Parking facilities are proposed by way of a mix of drive ways and detached and integral garaging. Bike stores are proposed to those dwellings without garaging and electrical vehicle charging facilities are to be installed externally to every dwelling near the parking space for plug in EV's and/or plug in hybrid vehicles.
- 4.5 The scheme proposes that an attenuation pond to serve the Sustainable Urban drainage scheme is located towards Ashbourne Road and the dwellings closest to the road frontage are largely positioned in a crescent arrangement on a private drive to reflect the pond profile. The remaining dwellings are either served directly off the access drive that runs through the site or off short shared private drives.
- 4.6 The proposal layout incorporates an equipped play area (of 37.2 sq.m) and some 1,700 sq.m of amenity greenspace. A management regime for the maintenance of the open space is proposed by the applicants by way of a management company.
- 4.7 The application scheme proposes the retention of the public footpath on its existing alignment in the eastern area of the site. The footpath has a link to one of the shared access drives.
- 4.8 The discharge of condition application shows proposed new tree planting within the site and the proposed provision of bat and bird boxes. The existing hedgerows to the Ashbourne Road and rear (eastern) boundaries are proposed to be retained.
- 4.9 The discharge of condition application also indicates that the dwellings are proposed to be constructed of Ibstock Hardwicke Welbeck Autumn Antique brickwork with Russell Lothian Anthracite Grey concrete rooftiles. All window units are to be of white PVCu. The private drives and drives to residential properties are shown as being proposed to be of Tobermore Charcoal setts.

List of supporting documentation

- 4.10 The following documents have been provided as part of the reserved matters application:
 - Site Location Plan
 - Site layout and streetscenes
 - Open Spaces delineation plan
 - Dwelling type and garaging details
 - Detailed access arrangements.
 - Site levels
 - Bike Store details
 - Supporting Statement (with the revised plans)
 - Sustainable drainage reports and layouts (including additional technical notes)
- 4.11 In addition the following documents, submitted in connection with the discharge of condition approval, have been made available for public consultation during the consultation process :-

- Landscaping plan
- Boundary Treatment plan and fencing/walling details
- Landscape management plan
- Biodiversity enhancement plan
- External building materials schedule
- Drainage details (including supporting attenuation pond construction details and technical reports)
- Road construction details
- Construction Management Plan

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

4.13 During the course of the application process revisions and additional submissions have been secured from the applicants in the light of the initial consultation responses of the County Highway Authority, the County Public Rights Of Way Officer, Severn Trent Water Ltd and the Lead Local Flood Authority.

4.14 In response to the comments of the Parish Council and interested parties, the applicants have confirmed that the open space provision on the site will be maintained by a management company established in connection with the development in line with the requirements of the Section 106 Agreement. The applicants also advise that the grassed area outside the application site on the Ashbourne Road frontage will also be maintained by the management company.

4.15 Also during the application process the applicants were requested by officers to amend the scheme to increase garage sizes (to 6 metres x 3 metres), to add chimney stacks (to 14 No. dwellings) and to detail equipped and amenity open space provision.

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	Rocester Council	<p>The Parish Council commented on the application as originally submitted that it would like the following points noted.</p> <p>“Attenuation Pond - Who will hold the ongoing responsibility for the safety and maintenance of the attenuation pond? This development is sited next to two schools, the Parish Council has serious concerns about the safety of this feature. Rocester Parish Council will not accept any liability/costs now or in the future for the safety or ongoing maintenance associated with this pond.</p> <p>Communal Green Space/Play Area (Including Frontage to Ashbourne Road) - Who will hold the ongoing responsibility for the safety and maintenance of</p>

		<p><i>these areas. Rocester Parish Council will not accept any liability or costs now or in the future for any safety or ongoing maintenance associated with this areas.</i></p> <p><i>Flooding</i> - <i>The site is known to flood, Rocester Parish Council hopes that the scheme relating to the foul and surface water disposal will be found acceptable so as to not adversely affect the current residents of the village.</i></p> <p><i>Footways and Footpaths</i> - <i>In the interests of highway safety in accordance with ESBC Local Plan saved policy T1, it is essential that the new access road to the development that crosses that existing footpath has approved arrangements for the safe crossing of parents and children. It must be a planning condition that these are in place as early as possible. We would also request a condition that the public footpath to the South East of the site is adopted.</i></p> <p><i>Hours of work</i> - <i>With the site now being next to 2 schools. We would ask for a condition to be added stating that deliveries should not accepted at the start or end of the school day and that the contractor takes every effort to ensure that the schools and those attending them are not affected by the building work.”</i></p> <p>The Parish Council also pointed out that they had a number of concerns about the quality of information received in pointing that the outline decision notice states that no development shall take place until ESBC have received :-</p> <ul style="list-style-type: none"> • Scheme of planned fencing and walling. • Scheme for the removal of foul and surface water. • Details of full road construction including surface water drainage. • Details of the new footway connection • Construction Management Plan • Written scheme of investigation securing the implementation of a programmer of archaeological work • Scheme of Biodiversity enhancement measures. • Scheme for the protection of trees and hedges. • Landscape management plan. <p>Rocester Parish Council therefore stated it had serious concerns about how it can be ensured that these conditions are going to be met since this information is currently unavailable.</p>
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		Subsequently, and upon the receipt of those details under the separate discharge of condition application (ref: P/2018/01496), officers advised the Parish Council that they were available to comment upon to inform the reserved matters submissions. Rocester Parish Council responded to advise that they have no comments to make in addition to those made originally (as set out above)
5.3	SCC Highways	No objection subject to conditions.
5.4	SCC as Lead Flood Risk Authority	No objections
5.5	SCC PROW Officer	No objections further to the submission of amendments reflecting fully the alignment of the public right of way.
5.6	The Ramblers	Have no objections provided the public footpath is kept open for access.
5.7	SCC Archaeology	Comments that given the negative results arising from the archaeological evaluation undertaken as a condition of the outline approval no further archaeological mitigation is required.
5.8	Environment Agency	No objection subject to conditions
5.9	Severn Trent Water Ltd	No objections in confirming the scheme would meet the drainage condition of the outline approval
5.10	Natural England	No objection
5.11	Architectural Liaison Officer	No objection but provides advice on security issues (which has been forwarded to the applicants).

Internal Consultees	Response
Housing Manager	Considers that the proposed affordable housing provision in terms of dwelling type and mix of tenure (shared and rental) is appropriate for the site.
Open Space Manager	No objections in principle.
Environmental Protection	No objections.
Waste Manager	No objections
Development Plans	Points that the adopted Open Space and Playing Pitches SPD requires that the scheme requires 37.1 sq.m of equipped play and 1,500 sq.m of amenity greenspace.

6. Neighbour responses

6.1 The application was advertised on the site and in the press and the adjoining residents/properties were consulted. Three No. residents/interested parties have submitted comments which raise the following concerns/objections to the scheme summarised below :-

Neighbour responses	
Highway Safety	<ul style="list-style-type: none"> • The traffic volumes on weekdays from 8.30 - 9.15am and then from 3-4pm with vehicles parking on Ashbourne Road for the dropping off and picking up of children at the new schools is extremely hazardous. • The application scheme will generate increased traffic and so exacerbate the safety problem in the locality; potentially leading to fatalities. • The transport assessments submitted at the outline stage do not reflect the current traffic situation; given the opening of the schools, the buses now going to and from the JCB academy and the additional traffic generated with the expansion of the nearby JCB World HQ. • An up to date traffic survey to ascertain the volume of additional traffic should be undertaken to assess how dangerous the traffic movements associated with the new housing could potentially be. • The new access to serve the development will displace the existing on-street car parking on Ashbourne Road used by visitors to the school (which often extends down to Northfield Avenue) and this 'loss' needs to be compensated for with the provision of a parking bay to the front of the application site like that at the Schools. • The access point to the site may need to be re-sited given the Schools have been opened. • The new access will cut across the footway on Ashbourne Road has only just been installed to serve the schools. • All associated safety measures to be installed to the new access point (which should include barriers) should be installed at the earliest possible opportunity during the construction phase. • The applicants should meet the cost of a permanent 20mph advisory speed limit along Ashbourne Road. • Garage doors opening methods should be designed to ensure cars are not left parked on footways. • During the construction phased there should be no contractor parking on Ashbourne Road and no site deliveries at the opening, lunch and closing times of the schools.
Drainage/Flooding	<ul style="list-style-type: none"> • The lands on the eastern side of Ashbourne Road are prone to flooding and it is questioned whether the proposed attenuation pond will have the capacity to mitigate these problems.

Character/Design/ Layout Issues	<ul style="list-style-type: none"> • Rocester has many elderly residents living in 3/4 No. bed housing which are unsuitable for their needs and this development should be meeting this with more single storey dwellings. The 5 No. single storey units are insufficient on such a new development. • The provision of more single storey properties would prevent local residents having to move away from where they have probably lived all their lives. • The Council should ensure that the dwellings types, their sizes and ownership reflect the up to date requirements of their planning policies • The proposal for the 0.9 metre high hit-and-miss timber fence around the attenuation pond will detract from what could have been a very attractive frontage to this 'gateway' site into the village. • The boundary treatments should be extended across the site frontage and any pedestrian gate should be controlled so that no unaccompanied young child may easily access the pond. • The choice of building materials is important given the prominent position of the site. • It is considered that the alignment of footways within the site to do not maximise desire lines.
Other Matters	<ul style="list-style-type: none"> • The public footpath as it continues southwards through the allotment site should be surfaced and adopted. • The Council should ensure that the technical requirements of the outline permission are met by the developers and that mechanisms are put in place to ensure maintenance of private roads, landscaping and play areas continues after the development is complete. • It is questioned who will be responsible for the maintenance of the grassed verge along Ashbourne Road to the front of the application site.
Ward Members	No representations received.

6.2 One of the correspondents in their original substantive submissions had pointed out there were a number of pre-commencement conditions of the outline planning permission which the reserved matters application had not included and thus questioned as to how the development could be progressed on the site without those details; as well as providing a background paper critique as to how the correspondent considered the reserved matters scheme would need to respond to those outline approval conditions.

6.3 Further to the submission of the discharge of conditions application - and the making available of those details for information purposes on the reserved matters file (as also set out at paragraph 5.2 above) - the interested party concerned submitted further letters focused on the merits (or otherwise) of the detailed matters. Photographs of school related traffic activities on Ashbourne Road in the morning and the afternoon were

submitted to support the objection that the scheme should not be approved unless a new parking bay is provided to the front of the application site to compensate for the on-street parking that will be 'lost' with the provision of the new access to the development site. The summary list above reflects any relevant points of objection/concern in all the correspondent's submissions.

7. Policy Framework

7.1 The relevant national and local planning policies are listed in order below.

National Policy

- National Planning Policy Framework (as revised July 2018)
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP4 Distribution of Housing Growth 2012 – 2031
- SP9 Infrastructure Delivery and Implementation
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP32 Outdoor Sports and Open Space
- SP33 Sports Provision
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development.
- 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

Supplementary Planning Documents/Guidance

- Housing Choice SPD (2016)
- East Staffordshire Design Guide
- Revised Parking Standards (Updated 2017)
- Waste Storage and Collection Guidance for New Developments
- Open Space and Playing Pitches SPD

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 11 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with an up to date development plan without delay; and
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reasons for refusing the development proposed; or 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;

8.2 Annex 1 of the NPPF states that 'existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework (July 2018). Due weight should be given to them, according their degree of consistency with the NPPF. The closer the policies in the plan to policies in 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 2018 and concludes there is 6.19 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 objectively assessed development needs of the Borough. As set out in Principle 1: Presumption in Favour of Sustainable Development 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; and
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 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. The following elements guide the development strategy:

- Focus the majority of development at Burton Upon Trent
- Allocate a significant level of development at Uttoxeter
- Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
- Control new development in all other villages and hamlets

10.4 The application is outside settlement limits and is not allocated for residential use in the adopted Local Plan, however, the site does have the benefit of an outline planning permission for up to 53 No. dwellings in relation to which this application - as one for reserved matters - is wholly

compliant with in principle. As such the development proposal is line with the aims of national and local policies for the delivery of sustainable residential development.

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

- 11.1 The NPPF expects the creation of high quality buildings and places, which are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities. 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.
- 11.2 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.
- 11.3 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.
- 11.4 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 complement its surroundings.
- 11.5 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;
 - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
 - (d) Repetitive house types should be avoided;

- (e) The cramming together of large numbers of detached properties should be avoided.
 - (f) High proportions of frontage car parking will not be acceptable.
- 11.6 Detailed Policy 2 of the Local Plan aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.7 The layout of the development is predominantly one of dwellings being served directly off the highway; either off the estate road or off the shared private drives that will leave the main access road. In relation to the dwellings at the front of the site, it is considered that the layout with the crescent arrangement of the dwellings responds positively to the opportunity provided the location of the attenuation pond adjacent to Ashbourne Road. The northernmost dwelling on the Ashbourne Road frontage has been designed as a 'gatehouse' feature at the entrance to the site and chimneys have been added to those dwellings that are the most prominent in views from Ashbourne Road and within the streetscape of the new development.
- 11.8 The proposed scale of the development is of two storeys - which respects the character of this part of Rocester and there is sufficient variation in design in terms of the facades and roofscape of the dwelling types to create visual interest in the streetscape. Also in terms of the visual appearance of the streetscape there would be sufficient space provided between dwellings.
- 11.9 Parking is generally provided in front or alongside properties and there is good surveillance of parking. A number of detached properties are provided with a detached single or double garage. It is considered that the parking would not be visually over-dominant. It is also considered that the scheme would make adequate provision of bin stores.
- 11.10 The proposed common boundary treatment on individual plots is largely of close boarded fencing. The existing hedging is being retained to the Ashbourne Road frontage and eastern boundaries of the site.
- 11.11 In conclusion, therefore, it is considered that the scheme in terms of its design and proposed materials would respect the character of its locality and having regard to the siting and scale of the proposed dwellings would be in line with the criteria of Policies DP1 and DP3 of the Local Plan.
- 11.12 The sustainability approach for this development is for the new housing to incorporate improved fabric energy efficiencies. This is achieved by utilising energy efficient construction methods and water efficiency measures. The proposed development is therefore in line with Policy DP2 of the Local Plan.

12. Residential Amenity

- 12.1 The NPPF (particularly at paragraph 127) and Policies DP1 and DP3 of the Local Plan seek 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 With regard to the relationship between dwellings there are separation distances of at least 23 metres between the rear elevations of the proposed dwellings (in the southern area of the site) and the rear garden boundaries of the existing dwellings to the south of the site on Northfield Avenue (beyond the Allotments). In the case of the proposed dwelling on the south-western most plot (No. 7) there is a minimum distance of 21 metres between its side elevation and the side elevation of the dwelling to the south at No. 50 Northfield Avenue.
- 12.3 Accordingly, having regard to the distances of separation from existing dwellings, it is considered that the proposed dwellings on the application scheme would not have any significant overbearing, overshadowing or overlooking impacts that would be detrimental to the residential amenities of any existing dwellings.
- 12.4 Within the development site layout given that where there are common boundaries the proposed rear garden areas of properties have a minimum depth of 10 metres this will ensure that the proposed dwellings have an acceptable physical relationship.
- 12.5 In terms of noise and disturbance it is considered that the activities generated by the occupation of the proposed development, including traffic movements, would not be sufficiently detrimental to existing surrounding existing residents in the locality. Further, it is not considered that the activities associated with the adjoining schools are likely to give rise to significant impacts on future residents of properties on the application site. ESBC Environmental Protection raise no objections to the reserved matters scheme.
- 12.6 With regard to the safety of the attenuation pond, the Parish Council raised “serious concerns” about the safety of this feature and in response the applicants are proposing the erection of a 0.9 metre high timber paling fence around the area. This will necessarily be required to be erected before any dwelling is first occupied by a condition of any approval. Similarly, it is proposed by the applicants (under the construction management plan submission) to provide protective fencing around the site during the construction phase.

13. Highway Matters (including the Public Right of Way)

- 13.1 The NPPF in section 9 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 users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 13.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle 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. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 13.3 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.
- 13.4 The County Highway Authority are satisfied that the detailed access arrangements to serve the development are acceptable in highway safety terms and that adequate car parking provision has been accommodated to serve dwellings within the site. The proposed single garage spaces measure 3 metres x 6 metres to comply with the relevant condition of the outline approval. These dimensions similarly comply with the guidance set out in the Council's revised Car Parking Standards SPD. Also in the line with this SPD bike stores are proposed to those dwellings without garaging and electrical vehicle charging facilities are to be installed externally to every dwelling near the parking space for plug in EV's and/or plug in hybrid vehicles. These provisions will be necessarily secured by conditions.
- 13.5 The concerns raised by local residents in relation to the scheme adding to road safety problems on Ashbourne Road, close to the junction with the B5031, further to the opening of the adjoining new schools, are noted. However, the outline planning permission has already established both the number of dwellings and the position of the road access and was determined by the Planning Committee in August 2014 in the full knowledge of there being an outline application with Staffordshire County Council for the erection of the school buildings. Furthermore, any other planning decisions made since the Committee meeting of August 2014 in respect of developments in the village and at the JCB HQ/Lakeside works have similarly be determined with the known 'allocation' of up to 53 No. dwellings on the application site.
- 13.6 The request of the interested party that the developers should provide bay parking on Ashbourne Road for parents dropping off and picking up children in respect of visits to the school is also noted. Such a facility was not a requirement of any condition on the outline approval for this residential development scheme. Indeed, the land in question did not fall within the boundary of the 'red line' application site to which the outline planning permission relates.
- 13.7 Any reserved matters application necessarily relates to the same boundary line(s) as the outline approval and thus the position in this case is that this excludes the land on the Ashbourne Road frontage. In any event, however, it is considered that it would have been unreasonable for the applicants to have been required to provide such a facility for the

parking of school related traffic as it would not in itself be required to make this development scheme acceptable.

- 13.8 Accordingly, and having regard to the stated position of the County Highway Authority, it is concluded that the proposal in itself would not prejudice the safe or efficient use of the highway network.
- 13.9 In relation to the public right of way that runs through the eastern area of the site the scheme provides for the public footpath to be surfaced and retained on its statutory alignment. The development also provides for pedestrian linkages to this public footpath from Ashbourne Road alongside the main access road and off one of the private drives within the development.
- 13.10 The County Council Public Rights of Way Officer raises no objection in principle to the scheme, subject to an informative to draw the attention of the applicants to the need to ensure that any development activities do not prevent the safe use of the public footpath. Such an informative in turn addresses the concerns of The Ramblers.
- 13.11 The Parish Council and an interested party have requested a condition of any permission be that the public footpath to the south east of the site is surfaced and adopted as this is an important link to Northfield Avenue and the village centre. This, however, is a matter which is not relevant to the determination of this application as the land in question (i.e. the allotments) falls outside the applicant's ownership.

14. Historic Environment

- 14.1 Paragraph 184 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, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 14.2 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.
- 14.3 Section 66(1) 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.

- 14.4 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.
- 14.5 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.
- 14.6 There are no designated above ground heritage assets - conservation areas or listed buildings - within 176 metres of the application site. The nearest listed buildings (both Grade II) to the south on Ashbourne Road do not have inter-visibility with the proposed development given the intervening built form of the village.
- 14.7 There are some distant views south-eastwards between and over the existing dwellings on Northfield Avenue of the spire tower of the Grade II Parish Church which lies to the south-east within the village conservation area. However, given that the setting of the Parish Church and the other buildings in the conservation area are derived from their inter-relationship within the streetscape of the historic core of the village, it is concluded that the development which is at least some 375 metres distant from the Church does not materially impact upon that setting.
- 14.8 Accordingly, it is considered that the proposal will not have any impact on the setting of designated areas, or affect any listed building or its setting and so the statutory duties under Section 66 and under Section 72 are not therefore engaged.
- 14.9 In relation to archaeological matters, the County Archaeologist comments that no further archaeological mitigation is required given the negative results arising from the recent archaeological evaluation of the site.

15. Flood Risk and Drainage

- 15.1 Section 14 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 risk 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.

- 15.2 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. Policy DP7 seeks to ensure any scheme does not give rise to pollution concerns.
- 15.3 The application site is proposed to be served by a sustainable urban drainage scheme that will utilise an attenuation pond to the Ashbourne Road frontage of the site.
- 15.4 It is noted that the Parish Council and interested parties raise concerns that such proposed drainage arrangements could potentially increase the likelihood of flooding on lands that are already prone to flooding. During the application process, however, the drainage scheme and attenuation pond capacity has been interrogated both by the Local Lead Flood Authority and Severn Trent Water neither of whom raise no objections. The Environment Agency raise no objections to the proposals in terms of flooding or pollution. Environmental Protection also raise no pollution concerns.
- 15.5 The scheme would comply with Policies SP27 and DP7 of the Local Plan.

16. Affordable Housing and Housing Mix

- 16.1 Section 5 of the NPPF expects Local Authorities to address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.
- 16.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence. The Housing Choice SPD provides supplementary advice, although given that the SPD was adopted subsequent to the approval in principle of the outline permission under application ref: P/2014/00584 it cannot be applied retrospectively as no condition was attached to that approval in relation to the housing mix.
- 16.3 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(2) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications. The standard should be applied to a range of properties and not just those larger properties.
- 16.4 Strategic Policy 17 provides for the delivery of affordable housing which be delivered across the site and not in clusters of more than 8 dwellings.
- 16.5 As far as the market housing mix is concerned, this proposes 5 No. bungalows in addition to the 41 No. two No. to five No. bed houses as set

out in the table below. With regard to the guidance providing that ground floor accommodation should meet Building Regulations 2010 Standard M4(2), the scheme as now proposed would provide that 62% (33 No.) of the properties would be compliant; some way above the 10% figure required by the Borough Council's guidance. In terms of the dwelling types, the Standard M4(2) is achieved across the dwellings types from 2 No. to 5 No. bedrooms as also set out in the table below:

	Total	No. of dwellings M4(2) Compliant	% of dwellings M4(2) Compliant
1-bed dwellings	1	0	-
2-bed bungalows	4	2	50%
2-bed dwellings	9 (of which 5 No are affordable units)	4	44%
3-bed dwellings	20 (of which 2 No. are affordable units)	11	55%
4-bed dwellings	15	12	80%
5-bed dwellings	4	4	100%
	53	33	62%

16.6 Insofar as affordable housing provision is concerned, the scheme proposes 7 No. units in total as required by the Section 106 Agreement attached to the outline approval. The Section 106 Agreement will also provide a sum of £356,000 for off-site provision

16.7 With regard to the Affordable Housing Mix the adopted SPD of 2016 (Page 25) seeks that in such villages as Rocester the mix should reflect identified local need. The ESBC Housing Officer advises that the detailed submission - comprising a terrace of 2 No. three bed semi-detached houses and 1 No. two bed house (in shared ownership) and 4 No. two bedroom terraced houses (for rental) - addresses the local affordable housing needs.

16.8 The issue of the provision of any affordable housing provision not being in a cluster of more than 8 dwellings on any street to meet with the aims of the Housing Choice SPD does not arise in this case as there are 7 No. affordable dwelling units in total. The proposed units are located in two locations in the eastern area of the site between which are market housing units.

17. Green Infrastructure/Biodiversity/Impact on Protected Species

17.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at

a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration in planning decisions where relevant.

- 17.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards which green infrastructure is expected to meet.
- 17.3 Paragraph 175 of the NPPF 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.
- 17.4 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.
- 17.5 Strategic Policy 29 lists criteria including development needing to retain features of biological interest to produce a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 17.6 The scheme will retain existing mature hedgerows and trees as an integral part of the development proposals; and the scheme provides for new tree planting. Protection measures for existing hedges/trees to be retained are the subject of a condition of the outline approval. There are also conditions in place on the outline approval to ensure that the developers put in place a maintenance scheme.
- 17.7 It is therefore concluded, in the light of the applicant's submissions along with the necessary mitigation conditions, that the issue of the impacts on protected species and biodiversity has been appropriately addressed.

18. Open space

- 18.1 The NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 18.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 18.3 Policies SP32 and SP33 set out the requirements of open space provision across the Borough. These provide that the Borough Council will seek to deliver new provision and protect and enhance existing outdoor open

space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.

- 18.4 In respect of local indoor and outdoor sports provision the off-site provision has been fixed at the outline stage with a commuted sum of £46,766.
- 18.5 Developers should also provide open space on the application site to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document
- 18.6 At the outline stage, the Section 106 Agreement put in place a requirement for the applicants to meet at the reserved matters stage the current standards set out in the adopted Open Space SPD (2010). In this case, the requirement would be 37.1 sq.m of equipped play and 1,500 sq.m of amenity greenspace which the application scheme exceeds (as there is some 1,700 sq.m of amenity greenspace). A management regime for the maintenance of the open space is proposed by the applicants by way of a management company.
- 18.7 As such the scheme would meet with the aim of the open space provision needs of the relevant policies of the Local Plan.

19. Other Matters

- 19.1 With the schools having now been opened next to the application site the Parish Council have requested that a condition be added to any permission stating that deliveries during the construction period should not be accepted at the start or end of the school day and that the contractor takes every effort to ensure that the schools and those attending them are not affected by the building work. An interested party requests that it also be ensured that contractor's vehicles are not parked on Ashbourne Road.
- 19.2 Members are advised that officers consider that the need to agree a construction management plan under an existing condition (No. 12) of the outline approval provides the mechanism to seek to address this matter in conjunction with the County Highway Authority. It is nevertheless pointed out that an informative note on the outline approval did state that construction should not take place outside the hours of 8am to 6pm Monday to Friday, 8am to 4pm on Saturday (no external work after 2pm) and 10am to 2am on Sundays and Bank Holidays (no external work).

20. Section 106 Contributions

- 20.1 Insofar as the provisions are relevant to this reserved matters scheme, as set out in this report the proposals are in line with the requirements of the Section 106 Agreement attached to the outline approval. The commuted sums in respect of the local education provision were fixed at the outline stage and this meets the requirements of Policies SP10 of the Local Plan. The overall provisions of the outline and reserved matters submissions meet the requirements of the Section 106 Agreement and therefore accord with Policy SP9 of the Local Plan in terms of infrastructure delivery and implementation.

21. Conclusions

- 21.1 This reserved matters scheme complies with the overall parameters of the outline approval under application ref: P/2014/00548 and represents a sustainable residential development in line with the aims of the housing delivery strategies set out in national and local planning policies.
- 21.2 There are no objections from the County Highway Authority in relation to the detailed highway layout or wider highway safety issues and the County Council's Public Rights of Way Officer is satisfied the public footpath route is being retained in line with its statutory designation. There are also no other technical issues, for example in relation to matters such as drainage and open space provision which would not be dealt with successfully by way of this approval or via the associated discharge of condition application being progressed separately under officer delegated powers.
- 21.3 It is also considered that the scheme would respect local visual and residential amenities and would be able to address biodiversity and ecological aims. The scheme would not give rise to increased flood risks subject to technical mitigations. Furthermore, the scheme would not engage the statutory duties under Section 66 (1) and 72 and therefore there would be no material impacts on heritage assets.

21.4 **RECOMMENDATION - THAT RESERVED MATTERS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:-**

Condition 1 - List of Approved Plans (Standard Condition).

Condition 2 - Where a private access falls towards the public highway a surface water drainage interceptor, connected to a surface water outfall, shall be provided and then retained. (bespoke).

Condition 3 - Prior to the occupation of any dwelling(s) on the site a scheme for the provision of electrical vehicle charging points to be provided to serve the dwellings shall be agreed, provided and then retained. (bespoke).

Condition 4 - Details of the proposed pedestrian gate to be provided on the Ashbourne Road frontage of the site shall be agreed under the scheme for the approval of boundary treatments under condition 7 of the outline planning permission ref: P/2014/00548. (bespoke).

Condition 5 - No more than 50 per cent of the dwellings hereby permitted shall be first occupied until the play equipment has been provided on the equipped play area in accordance with an approved scheme. (bespoke).

Condition 6 - The garage accommodation/parking space(s) provided shall be made available at all times for the parking of vehicles and cycles. (bespoke).

Condition 7 - No dwelling hereby permitted without access to a garage shall be occupied until the secure weatherproof cycle storage facility for

that dwelling has been provided in accordance with approved plans. (bespoke).

Condition 8 - Any soakaways shall be located a minimum distance of 5.0 metres back from the rear of the highway boundary. (bespoke).

Condition 9 - The landscaping shall be carried out in the first planting season. (standard condition)

Condition 10 - The approved bin stores/bin collection points (as shown on the drawings listed at condition 1 above) shall be provided before the dwelling(s) they serve are first occupied and then retained. (bespoke).

Condition 11 - The dwelling units identified shall be completed to Building Regulation 2010 Standard M4 (2). (bespoke).

Condition 12 - No dwelling hereby permitted shall be occupied until the parking and turning areas for that dwelling have been provided and then retained. (bespoke).

Condition 13 - Prior to the occupation of any dwelling on the site the 0.9 metres high timber paling fence shall be erected to the attenuation pond on the site. (bespoke).

Condition 14 - Prior to the occupation of any dwelling on the site the footpaths/footways shall be surfaced in accordance with the details shown on the approved plans (as listed at condition 1 above) unless another timetable is otherwise agreed in writing with Local Planning Authority. (bespoke).

Informatives

1 - Standard Note of the record of engagement with the applicants.

2 - The Condition of the outline planning permission ref: P/2014/00548 addressed by this Reserved Matters approval is Condition 2: being the layout, scale and appearance of the building(s) to be erected.

3 - A number of conditions of this reserved matters approval respectively require details to be approved as the development progresses. This means that development/works may not be lawful until the particular requirements of these conditions have been met.

4 - The County Highway Authority advised there will also be requirement for approval of highway works under the Staffordshire Act 1983 and the Highways Act 1980.

5 - The applicants are also reminded to comply with any submissions agreed under application ref: P/2018/01496 in respect to the discharge of conditions 5,6,7,8,9,10,12,14,15,16 and 18.

6 - The applicants are also reminded to comply with the other relevant conditions of Outline Planning Permission ref: P/2014/00548.

7 - The County Highway advises that as the proposed road and associated turning head serving Plot Nos. 2-7 is indicated as private then that shall be provided and maintained by the Maintenance Management Company to be established by the applicants.

8 - The applicant's attention is drawn to the attached comments of the Architectural Liaison Officer.

9 - The applicants are reminded to ensure that there is safe access at all times for users of the existing public right of way which runs through the application site. For further information you are advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

10 - The applicants are advised that consent would be required under Section 257 of the Town and County Planning Act to divert the public right of way which runs through the application site.

22. Background papers

22.1 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/2018/01346
- Papers on the Discharge of Condition Application file reference P/2018/01496.
- Papers on the Discharge of Condition Application file reference P/2018/00334.
- Papers on the Outline Planning Application file reference P/2014/00548.

23. Human Rights Act 1998

23.1 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.

24. Crime and Disorder Implications

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

25. Equalities Act 2010

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

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