

Agenda Item: 5.1

Site:	Land adj. to The Pump House, Jacks Lane, Marchington
Proposal:	Reserved Matters application for the erection of 5 detached dwellings with associated garages including details of appearance, landscaping, layout and scale (Revised Plans and Additional Details including Drainage Proposals)

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/2018/00002	
Planning Officer:	Alan Harvey	
Type of Application:	Reserved Matters Application	
Applicant:	East Staffordshire Borough Council	
Ward:	Crown	
Ward Members:	Councillor Philip Hudson	
Date Registered:	19 January 2018	
Date Expires:	An extension of time has been agreed until 21 th June 2019 to report the application to Planning Committee further to an earlier series of extensions of time to enable technical drainage issues to be addressed.	
Reason for being on the Agenda	Application called in to Committee by Councillor Philip Hudson	

1. Executive Summary

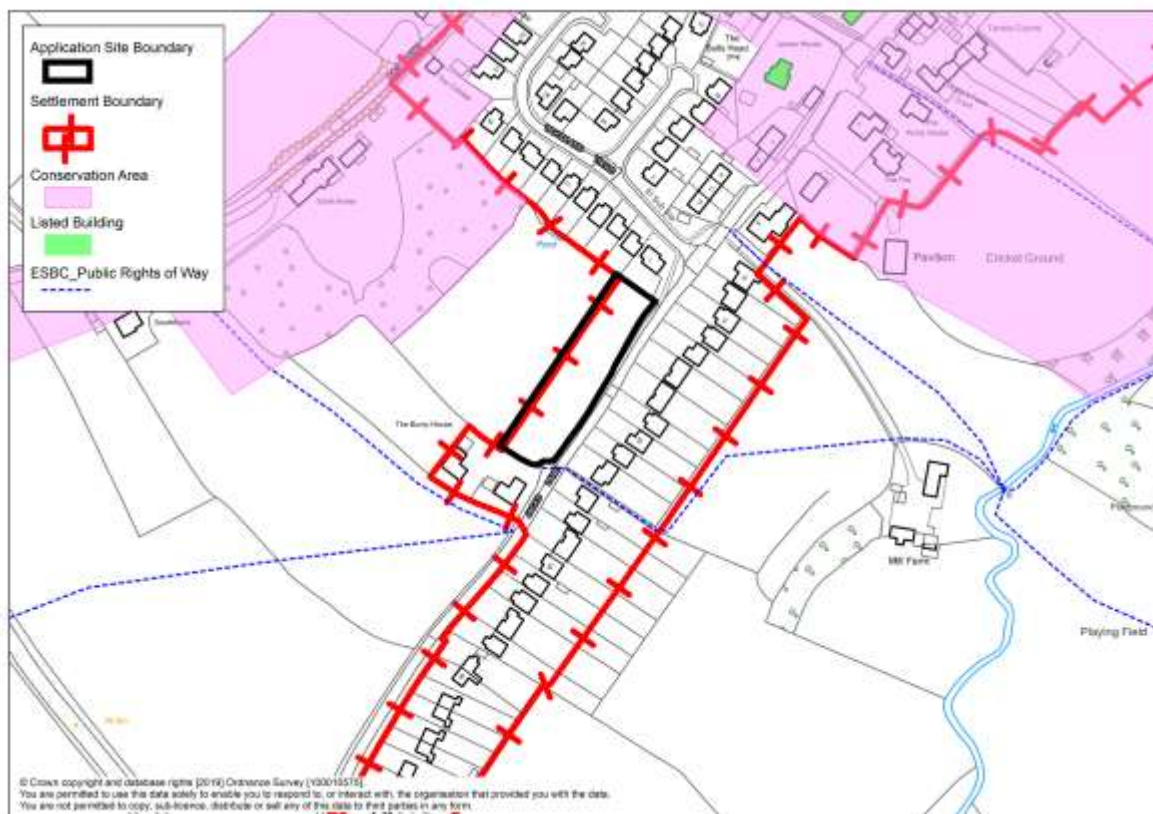
- 1.1 The application site consists of some 0.26 ha of land on the north-western side of Jacks Lane at the south-eastern periphery of the village of Marchington which has the benefit of outline planning permission for residential development. The proposed development will be accessed by way of a new single access private road from Jacks Lane. The site is located within the settlement boundary of Marchington
- 1.2 The application is a reserved matters submission for the erection of 5 No. detached dwellings with associated garages/parking facilities, together with foul

and surface water drainage infrastructure, and including details of appearance, landscaping, layout and scale. The original outline approval provided for the agreement of the vehicular access details.

- 1.3 Statutory consultees have raised no objections that cannot be overcome via planning conditions
- 1.4 Marchington Parish Council have raised concerns during the application process in relation to any development of the site exacerbating flooding in the locality due to the poor condition of the existing infrastructure. These concerns have been maintained subsequent to Severn Trent Water, the County Highway Authority and the Lead Local Flood raising no objections to the drainage scheme and the applicants providing an acceptable long term maintenance plan for the surface water system.
- 1.5 During the application process the Parish Council also raised issues in respect of other material planning matters as set out full in Section 5 below. These include compliance with the policies of the Marchington Neighbourhood Plan, the proposed access arrangements, the loss of existing hedging to the Jacks Lane frontage, impacts on residential amenities and the positioning and height of properties.
- 1.6 The Local residents were notified of the application and a site notice posted. 13 No. local residents made representations raising objections/concerns in respect of the proposals as originally submitted; with a further 5 No. residents commenting on the revised submissions. As per the Parish Council the local residents remain concerned that the scheme will exacerbate flooding problems in the area. Some residents continue to object to the scheme in principle, whereas as other objections/concerns relate to the impact on visual amenities, overbearing and overlooking affects, the size of the individual units and the highway safety implications.
- 1.7 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 new dwellings. The proposal will not have an unacceptably adverse impact on the wider existing highway network nor give rise to any long term environmental concerns. The scheme would also provide necessary mitigation in relation to biodiversity.
- 1.8 The development will not cause harm to the setting of any listed buildings or the village Conservation Area and the duties under Sections 66(1) and 72 of the Planning Acts have been complied with. The development is also considered to be acceptable in terms of its impacts on the streetscape of the locality.
- 1.9 With regard to drainage matters, the concerns of the Parish Council and the local residents have been at the forefront of the consultations with the three statutory bodies whom have direct responsibility for drainage in relation to this scheme; namely Severn Trent Water and the County Council as Lead Flood Authority and as the Highway Authority. In turn, the applicant has revised the drainage scheme to a stage which has not been objected to by the statutory bodies. The level of negotiations that have taken place to get to an agreed position with the statutory undertakers have themselves been both thorough and substantive.

- 1.10 It is therefore considered that the scheme is in line with the conditions and remit of the outline planning approval and is compliant with the aims of the relevant Local and Neighbourhood plan policies and the National Planning Policy Framework.
- 1.11 **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 comprises some 0.26 ha of land on the north-western side of Jacks Lane at the south-eastern periphery of the village of Marchington. The application site comprises part of an existing field area and has an established mature hedgerow along its Jacks Lane frontage. There is an existing vehicular access into the field off Jacks Lane.
- 2.2 The village centre is an approximate five minute walk to the north-east of the proposal site. Immediately adjacent to the site to the north-east is a residential area called Woodland Views comprising post war built housing. Directly to the south west of the site is a pair of modern dwellings. Along Jacks Lane to the east and facing the proposal site is a ribbon of brick built post war houses. These properties are situated at a lower ground level than the application site.
- 2.3 The site is elevated above Jacks Lane and partly screened from the public by the existing roadside hedge. The site slopes up to the north-west corner of the

field. There are trees on the site and the common site boundaries are marked by hedges. There are no Tree Preservation Orders that relate to the site.

- 2.4 Some 168 metres to the north-west of the application site is Saint Anne's Cottage on Bag Lane which is a Grade II listed 17th century timber-framed cottage (originally built as two dwellings). The boundary of the Marchington Conservation Area lies approximately 50 metres to the north-east and approx. 55 metres to the north-west of the application site. There are no Public Rights of Way crossing the site.
- 2.5 The application site is wholly within the settlement boundary for Marchington as defined in the adopted Local Plan and the 'made' Marchington Neighbourhood Plan.

3. Planning history

- 3.1 In 2015, a proposal (application **ref: P/2015/00266**) was submitted in relation to a detailed application to erect 16 No. new dwellings (ranging from three to five bedrooms), with access to the site from Jacks Lane and open space provision. The land, which extended to some 1.3 hectares, included as its south-eastern part the land which is now the subject of this current application. Application ref: P/2015/00266 was refused planning permission by the Planning Committee in September 2015 for the following reason :-

"The majority of this proposed development is in the countryside and as such does not accord with adopted Saved Policy NE 1 or examined Policy SP8 which seek to define which uses are appropriate in the countryside. Thus, the proposal is contrary to the provisions of policies NE1 of the adopted plan and SP8 of the examined Local Plan (incl. Main Modifications)."

- 3.2 In November 2016, outline application **ref: P/2016/00978** (with details of access to the site specified) was approved under delegated powers to erect 5 No. new dwellings. The details of the access arrangements, and associated works showed the following main elements :-

- The provision of a 5.0 metre wide access road to serve the development.
- The widening of Jacks Lane (to 5 metres) to the front of the application site and the provision of a 1.8 m wide footway. These works, along with the provision of visibility splays to the new access, will necessitate the removal of the existing mature hedgerow to the frontage of the site and part of the existing banking.
- The provision of a vehicular access gateway to the rear boundary of the site to allow agricultural vehicles to secure access to the retained field area.

- 3.3 One of the conditions of the outline approval effectively restricted the proposed dwellings to being no higher than two storeys. Conditions were also put in place in relation to foul and surface water drainage; which included a long term maintenance strategy for the surface water system (Conditions 11 and 12). The implications of these conditions in terms of this reserved matters submissions are dealt with fully in **Section 12** of this report.

4. The proposal

- 4.1 This reserved matters scheme relates to the proposed erection of 5 No. new dwellings to be served by way of an private drive; and which further to the submission of revised plans comprises 3 No. two storey dwellings (on Plots 3-5) and two No. single storey properties (on Plots 1 and 2). The dwelling accommodation as now proposed (running east to west) comprises:-

Plot 1: 3 No. bed single storey dwelling

Plot 2: 3 No. bed single storey dwelling

Plot 3: 4 No. bed two storey dwelling

Plot 4: 5 No. bed two storey dwelling

Plot 5: 5 No. bed two storey dwelling

- 4.2 In terms of parking provision, the dwellings of 3 No. bedrooms are provided with 2 No. spaces each (including where relevant garaging) and those of 4/5 No. bedrooms have 4 No. spaces (including 2 No. garage spaces). A cycle store is proposed to serve Plot 2 which has 2 No. parking spaces.
- 4.3 The application as originally submitted proposed the erection of two storey height dwellings on Plots 1 and 2; but this was amended to single storey to address concerns about their physical impacts on surrounding existing properties. The scheme was also amended to re-site the proposed dwellings further back from the Jacks Lane frontage and provide a replacement hedgerow to the highway frontage (behind a retaining wall).
- 4.4 In a supplementary design and access statement to accompany the revised plans the applicants point out:-

“The revised layout has been arrived at further to dialogue with officers and has been altered as below in order to improve the appearance of the development:

- The plots have general have been moved back from the highway by circa 1/1.5m, which also creates a more open approach into the site from the access drive.

- Plots 2 & 3 have been designed as dual aspect as these are adjacent to the entrance point.

- The two bungalow plots have been located to the north side of the site to form a uniform pair to streamline the street scene.

- The orientation of Plot 3 have been rotated so that the main elevation facing into the development and is thus visible from Jack Lane when viewed from the north looking south.

- In addition the garage for Plot 3 has been moved within the site to avoid the dominating impact of garages onto Jacks Lane.

- In terms of design, the elevational styles of the proposed dwellings have been simplified to remove the Tudor boarding and gable details. Thus all building are

now gable ended and are in a more elegant county style which is more in keeping with the adjacent properties.”

- 4.5 The proposed dwellings are to be constructed of a mix of brick and render with clay plain tile roofs. The revised layout also provides for :-
- A graded access road off Jacks Lane
 - The provision of waste bin presentation points (as the road is to be private)
 - The widening of Jacks Lane (to 5.0m) and the provision of a footway (of 1.8 m) to the site frontage as per the outline approval requirements.
 - The provision of a retaining wall along the highway on the Jacks Lane frontage
 - The removal of the existing mature hedge to the Jacks Lane frontage and the provision of a replacement hedge to the rear of the proposed brick retaining walls.
- 4.6 On the issue of broadband connectivity, the applicants advise that they “*will install the best the network provider at the point of connection, however if it is the case that future improvements in the infrastructure are likely we will install additional ducting to facilitate this in the future.*” Vehicle charging points are to be provided to garages.
- 4.7 The documentation associated with the proposals have been supplemented during the application process by submissions that seek also to discharge many of the relevant pre-commencement conditions of the outline approval (all now with the exception of condition 9 in respect of the provision of a construction management plan).
- 4.8 There have been a series of submissions by the applicants in relation to the disposal of foul and surface water drainage to mitigate concerns raised by Severn Trent Water, the Lead Local Flood Authority and the County Highway Authority. The details of the final drainage scheme are considered from **Section 8** onwards in this report. In summary, the final scheme proposes that the surface drainage waters are being accommodated in an underground attenuation facility within the site and in turn Severn Trent Water will be accepting them into their foul water sewer system (via public highway lands) at a discharge rate of 2 litres per second (2l/s) as ‘run-off’ from the site. The highway drainage will include the provision of new gullies within the public highway on a new independent drainage run.
- 4.9 The following documents have been provided as part of the application:
- Site Location Plan
 - Proposed Site Plan
 - Proposed elevation drawings
 - Proposed streetscape drawing.
 - Landscaping plan
 - Design and Access Statement (original and revised)
 - Archaeological report
 - Protected species report

- Foul and Surface Water Drainage system designs and associated calculations. (original and revisions)
- Surface Water Drainage Management scheme (original and revised)

4.10 The relevant findings are dealt with in **Section 8** onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses on the Original Submissions (which did not include any drainage specifications) is set out below:

Statutory and non statutory consultee		Response
5.2	Marchington Parish Council	<p>Commented that it would like the Borough Council to take the following into consideration when reviewing the application:-</p> <p>“Site Drainage</p> <p><i>Condition 11 of the decision notice for the outline planning permission of this site granted on 30 November 2016 P/2016/00978 stated that :-</i></p> <p><i>No development shall take place until details of a phased drainage scheme for foul and surface water disposal, that has been informed by an assessment of the hydrological and hydrogeological context of the development in relation to disposal of surface water and an assessment of the need for improvements to the public foul sewerage system necessary to ensure that there is sufficient capacity with the system to accommodate the development”</i></p> <ul style="list-style-type: none"> • <i>To begin with there has been no hydrological assessment and a Flood Risk Assessment report has not been filed as part of the planning application, therefore the applicants have not met Condition 11. We therefore request a Flood Risk Assessment is made as soon as possible.</i> • <i>Marchington Parish Council does not believe that the drainage system in particular the surface water attenuation tank proposed is large enough to cope with not only the run off from the development but also that of the field behind. As identified in the Geological Survey carried out by Ivy House Environmental, the sub strata is incapable of acting as a soak-away as it is clay, therefore all surface water from both the new-build and the existing field will need to be fully managed if regular and more intense flooding is to be avoided.</i> • <i>The choice of material for the driveways and the access road is completely inappropriate given the</i>

		<p><i>nature of the flooding issues in this part of the village. Permeable surfacing is required to ensure water run off on to Jacks lane is minimised where possible. This has become an issue from the Catholic Church site development on Hall Road where the original granted application specified the use of permeable driveway paving for all three properties. This was then changed via retrospective consent to non-permeable surfacing the village is now left with water running straight into the already overloaded system.</i></p> <ul style="list-style-type: none"> <i>The existing bank and hedgerow act as a natural barrier to surface water running down the field. Removing this barrier will exacerbate the flooding situation.</i> <p>Hedging – <i>The proposal to remove the hedge and replant does not comply with the guidelines laid out in the Marchington Neighbourhood Plan which states “If practicable, in terms of the depth of the proposed site, access is taken from a single point and the existing hedgerow is retained”. The removal of this established hedge would have a significant and detrimental effect on the appearance and character of the lane as well as to the wildlife and to those residents opposite the development.</i></p> <p>Siting of Houses – <i>Marchington Neighbourhood Plan states “the scale and design of the dwellings minimises overlooking and overbearing impact on the houses on Jacks Lane and Woodland Views”. Building large detached 2 storey properties, close to the development boundary mean this point from the neighbourhood plan has been completely disregarded.</i></p> <p><i>We also request that as well as the limits set out on construction hours advised by the Environmental Health Manager a point is made to ensure contractors vehicles do not park along Jacks Lane for the duration of the works.</i></p> <p><i>The major concern of Marchington Parish Council is the linking of these new properties into what has been described by Severn Trent previously as an already overloaded and not fit for purpose drainage system. We believe that until remedial works are carried out, no new properties should be built within the Parish and therefore this application should not be permitted at this time.”</i></p>
5.3	SCC Highways	<p>Commented the submitted details provided insufficient information. The County Highway Authority also pointed out that given that the gradient to the roadway is in excess of 7% therefore it will not be suitable for adoption and that</p>

		a Construction Vehicle Management Plan will need to be provided for review by the Highway Authority (a matter already the subject of a condition of the outline approval).
5.4	Environment Agency	Had no comments.
5.5	SCC as Lead Local Flood Authority	Pointed out drainage details would still need to be discharged in due course.
5.6	Severn Trent Water	Pointed out drainage details would still need to be discharged in due course.
5.7	SCC Archaeology	Confirmed confirm that the site investigation work has been agreed and the earthwork survey has been completed. The archaeological watching brief is still outstanding and should be completed in line with the agreed scheme.

Internal Consultees		Response
5.8	Environmental Health	Have no comments
5.9	Waste Management	Commented that they would expect the households to present bins on Jacks Lane and have in turn agreed the scheme proposed.

5.10 The summary of the consultation responses on the First Revised Submissions (which did include drainage specifications and layout revisions) is set out below:

Statutory and non statutory consultee		Response
5.11	Marchington Parish Council	<p>Comments that they would like the LPA to take into consideration when reviewing the application the following :-</p> <p>“Hedging – <i>The revision to include hedging on the Jacks Lane Boundary has been noted as a positive change by the Parish Council but we would request a covenant be placed on the-titles to the properties to ensure future home owners cannot remove the hedge at any time.</i></p> <p>Siting of Houses – <i>The re-design of the plot, with the inclusion of two bungalows and the reshaping of the roof profiles and plot positioning of the houses has been taken as a positive step forward, however, the raised elevation of the plot means the development overlooks the existing properties on Jacks Lane and the lack of smaller homes in the scheme is a disappointment.</i></p> <p>Site Drainage</p>

	<p><i>The Revised Site Drainage Plan appears to be almost identical to the original submission. The current plans still do not appear to consider the existing surface and foul water issues already experienced in this part of the village.</i></p> <p><i>Condition 11 of the decision notice for the outline planning permission of this site granted on 30th November 2016 P/2016/00978 states that :-</i></p> <p><i>“No development shall take place until details of a phased drainage scheme for foul and surface water disposal, that has been informed by an assessment of the hydrological and hydrogeological context of the development in relation to disposal of surface water and an assessment of the need for improvements to the public foul sewerage system necessary to ensure that there is sufficient capacity with the system to accommodate the development”</i></p> <p><i>In light of this the Parish would make the following comments:</i></p> <ul style="list-style-type: none"> - <i>There has still been no Hydrological and Flood Risk Assessment report as part of the planning application; therefore the applicants have not met Condition 11. We therefore request a Flood Risk Assessment is made as soon as possible.</i> - <i>There has been no consideration of the surface water runoff from the field to the rear of the development plot. It would be prudent to install a French drain along the rear site boundary to prevent this.</i> - <i>We do not believe the surface water attenuation tank proposed is large enough to cope with the runoff water from the development or that of the field directly behind. If the tank is not big enough then water will be forced back up the gullies, flooding the area around the new properties and flowing directly onto Jacks Lane.</i> - <i>Marchington Parish Council would prefer an ultra-low discharge SUDS, 0.05 L/s per property which would be much more beneficial to the village drainage. This would consist of each property having its own attenuation tank and rainwater harvesting linked to this system.</i> - <i>Who will be responsible for the ongoing maintenance of the attenuation tank as this is not specified in the planning documentation.”</i> <p>Marchington Parish Council also points out that they <i>“have held meetings with Severn Trent Water Ltd and the</i></p>
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		<i>Environment Agency regarding the ongoing flooding issues along Jacks Lane. The drains along Jacks Lane are already failing and cannot cope with current levels of rainfall with the road flooding even after a short periods of rain. Severn Trent have described them as overloaded and not fit for purpose. Marchington Parish Council still believe that until remedial works are carried out, no new properties should be added onto this system.”</i>
5.12	SCC Highways	Commented that the use of the highway drain as per the original drainage strategy to convey surface water run-off from the site would be unacceptable and therefore it would be necessary for the developers to seek approval to connect to the foul sewer of Severn Trent Water for the conveyance of surface water run-off from the development site.
5.13	Environment Agency	Advised that they “ <i>have no comments to make as the proposal is not in the floodplain</i> ” and pointed out that the issues relating to surface water management are for the Lead Local Flood Authority to comment on.
5.14	SCC as Lead Local Flood Authority	Stated that the original Drainage Strategy was not acceptable as proposed and pointed out that as the option of the use of the highway drain to convey surface water run-off from the development has been ruled out by the County Highway Authority, the Lead Local Flood Authority would now require the following: <ul style="list-style-type: none"> • Written confirmation from Severn Trent of the agreed point and rate of discharge to the Foul Sewer, following any necessary capacity assessment to ensure no increase in flood risk. • Maintenance arrangements for the proposed system, including attenuation tank.
5.15	Severn Trent Water	Commented on the original drainage strategy that they had no objections to the drainage proposals as the surface water was proposed to discharge to a land drain (which therefore was a Lead Local Flood Authority matter) but subsequently become re-engaged in the process in the light of the subsequent need for a connection into their network under Section 106 of the Water Industries Act (as set out below in paragraphs 5.16 - 5.26).

5.16 Further to the initial consultation responses of the County Highway Authority, Severn Trent Water and the Lead Local Flood Authority on drainage details (as outlined above at paragraphs 5.12-5.15), the applicants’ engineering

consultants proposed a series of revised schemes - all subject to review by the three statutory bodies - which finally settled on the scheme that comprised the on-site surface drainage waters being accommodated in an underground attenuation facility within the site and in turn Severn Trent Water accepting them into their foul water sewer system (via public highway lands) at a discharge rate of 2l/s (2 litres per second) as 'run-off' from the site. The highway drainage will also have new gullies on Jacks Lane connecting into the highway drain.

5.17 In turn, the final detailed comments of Severn Trent Water, the Lead Local Flood Authority and County Highway Authority on this final drainage proposal are set out below as follows :-

Statutory and non statutory consultee		Response
5.18	Severn Trent Water	Confirm that they are willing to accept a surface water discharge rate of 2l/s into their foul water system as run-off from the site by way of the applicants making a Section 106 (Water Industry Act) Connections application, whereby the sewer outside of the developers land (and thus within the public highway) would be adopted as a public lateral drain.
5.19	SCC as Lead Local Flood Authority	Confirm that the further to the submission of the amended plans and supporting calculations the drainage documents are now acceptable as the <i>“full Network design and results for the final design, for critical 1, 30, & 100 +CC return” periods have been demonstrated.</i>
5.20	SCC Highways	<p>Raise no objections to the scheme further to confirmation that Severn Trent Water will be accepting 2l/s surface waters into their foul system as run-off from the site and that Severn Trent Water are prepared to adopt the associated infrastructure (by way of a Section 106 application Water Industry Act).</p> <p>The County Highway Authority specifically advised in that in terms of its capacity that having consulted Amey Engineers the proposed attenuation scheme - in terms of tank and pipe size - to serve the development is satisfactory. The County Highway Authority further confirms that in relation to off-site works the plan showing the highway drainage with the new gullies on Jacks Lane connecting into the highway drain with the private run-off attenuated and going into the Severn Trent Water foul drain meets the principles established in the negotiations with the developers.</p>

5.21 It is pointed out that as this was a technical exercise in terms of the drainage system, no other parties/local residents were the subject of consultation on this process. The statutory bodies concerned were, however, made fully aware by Council officers of the responses of the Parish Council and local residents in

relation to concerns about the development exacerbating flooding concerns. The local councillors and the clerk to the Parish Council were also kept aware of the progress on the drainage system design by officers in correspondence from October 2018 onwards.

- 5.22 In May 2019, and further to the satisfactory resolution of the drainage scheme with the statutory undertakers, the Parish Council commented that :-

“Marchington Parish Council have requested that the Jacks Lane development is “called in” for review by the planning committee. The Parish Council is pleased that most of the concerns raised by residents and the council have been taken into consideration by the developer but nowhere does it state who will be responsible for the ongoing maintenance of the attenuation tanks and this is a real worry to the council.”

- 5.23 Local Councillor Phil Hudson then commented that *“I would therefore ask that this matter is called in and that the Planning Committee debate the issues and come up with a solution unless planning officers can come up with an answer and some written assurance from the developer regarding these concerns.”*

- 5.24 In turn, therefore, the applicants agreed to submit their surface water maintenance scheme for approval as part of the reserved matters application. The County Highway Authority, Severn Trent Water and Lead Local Flood Authority were again consulted and further to the incorporation of requested amendments have all confirmed that they believe the drainage scheme to be acceptable.

- 5.25 Further to the maintenance scheme submission, however, Marchington Parish Council commented as follows :-

“The Parish Council still has concerns over the size of the attenuation tanks for the development and the ongoing impact to the village.

The last thing as a council we want to do is make the flooding situation in the village worse, recent developments that have been granted permission along Stubby Lane (one via appeal) will also impact Marchington as waste from Draycott flows back to Marchington.

The drains in Marchington and particularly Jacks Lane are old, damaged and no longer fit for purpose, the additional foul and surface water that will be added to this already over loaded system from this development raises real concerns. In flood situations we have raw sewage mixing with the flood water which may raise the issue of health implications as well as the property damage.

The developer will be tapping into a broken system. We realise this is not the developer's fault but if the release from these five houses finally overloads the foul drainage or the surface water drains on Jacks lane, then the householders there may have a poor view of the authorities.”

6. Neighbour responses

- 6.1 13 No. representations were received in relation to the original submissions (which did not include drainage details) raising the following objections/concerns:

Neighbour responses	
Principle and composition of development	<ul style="list-style-type: none"> • It is questioned as to how the scheme can be considered given it was previously refused. • There are no opportunities for local first time buyers or residents wishing to downsize and provision for these type of properties should be catered in any approved application • Smaller houses are required not larger ones as there is already an adequate supply of larger housing in the village. Smaller homes attract younger residents
Drainage and Flooding	<ul style="list-style-type: none"> • Full proposals for the surface water drainage and foul sewage should be produced to ensure that the system has capacity to manage existing flooding and drainage problems • There will be increased surface water flooding risk due to hedgerow and bank removal at the site • The village already suffers from a disproportionate amount of issues with excess water and new buildings and the development will exacerbate this • Further building in the village will only make flooding worse • Laying more hard surfaces will increase flooding risk due to greater run off and the tendency to overload drains • The SUDS scheme does not cater for runoff from the field to the rear into the site • Existing sewers in the locality are old and require upgrading and therefore the proposal will overburden the system. • Overflowing drains causes flooding on surrounding highways which severely damages the road way causing multiple potholes and car damage • The application should not be determined unless conditions relating to a phased drainage scheme for foul and surface water disposal and a surface water management scheme have been met in full • It is questioned as to who monitors the surface water chamber once the development is complete.
Impacts on Visual amenities	<ul style="list-style-type: none"> • Fencing should be replaced by hedging to the boundaries of Plot 1 (its north west) and of Plots 5 (its north-west and south) to provide a natural buffer zone more sympathetic to the existing village environment and more harmonious for wildlife • Bungalows should be built instead as they would be more visually sympathetic and more in keeping with the ones opposite

	<ul style="list-style-type: none"> • The removal of the existing established hedge on Jacks Lane would detract from visual amenities. • The proposed hedges should be interspersed with trees to take <i>“the eye away from the new buildings”</i>
Impacts on Residential Amenity	<ul style="list-style-type: none"> • The overbearing nature of the four houses would be inappropriate on this site giving rise to overlooking of the dwellings adjoining and near to the site contrary to Policy SB1 of the made Marchington Neighbourhood Plan • The proposal would overshadow existing properties encroaching on privacy and leading to a loss of light • The scheme would give rise to the overlooking of the adjoining dwellings and their gardens. • The scheme would block a lot of natural daylight into adjoining properties during daylight hours • There would be a loss of outlook from existing dwellings due to the proposed buildings • Elevations of the properties (i.e. their floor levels) are too high and the site should be levelled to prevent overlooking • Extra noise and pollution would be generated from the development
Highways Impacts	<ul style="list-style-type: none"> • Jacks Lane is narrow without pavements and vehicles will have to pull in at various points to pass one another • More traffic will increase the risk of accidents both to vehicles and pedestrians • Potential problems will arise from inadequate parking provision for visitors on the site. Additional spaces should be provided to mitigate on-street parking.
Ecology	<ul style="list-style-type: none"> • Hedgerow removal would adversely affect the wildlife • It is necessary to retain the hedgerow in accordance with Policy SB1 of the Marchington Neighbourhood Plan
Other Matters	<ul style="list-style-type: none"> • It is questioned as to what plans are proposed to shore up the bank to stop adjoining gardens sliding into Jacks Lane • Residents seek that a formal consultation be put in place for the positioning of the end of the proposed pavement due to ownership • The Council needs to ensure all conditions are unequivocally imposed before any agreement to build is given

6.2 5 No. further letters of representation were received in relation to the revised scheme (which included details of drainage) in relation to which residents essentially state that their previous mentioned objections have not been

addressed by the revised scheme and therefore re-iterate many of the points set out above along with the following additional objections/concerns summarised below :-

- The application still does not appear to have taken any notice of the requirements for foul and surface water drainage as specified in original objections.
- There does not appear to be any provision for the management and maintenance of the Surface Water Attenuation Tank which should have a legally binding Management agreement, backed by an Insurance policy or Bank Guarantee for the year by year maintenance. This must be stipulated in any Planning Approval given.
- There must be a proper legal agreement in place to cover the maintenance of landscaping after 5 years
- The two detached bungalows now proposed on Plots 1 and 2 will be divided by a narrow alley which will gather fallen leaves and other debris and become unsightly.
- No garage is included for Plot 2 which should be stipulated to be incorporated into the overall design by the making the bungalows semi-detached.
- It is pointed out if Plots 1 and 2 were to be 2 bed roomed bungalows that would assist in providing housing for downsizing and the extra space may make room for garage for each property.
- It appears that the maximum number of properties are being crammed into the smallest area of the site (namely on Plots 1 and 2) meaning that the two No. bungalows will be overlooking the adjoining properties on Woodland Views.
- The land to the rear of the garage on the north-eastern boundary will end up as a rubbish area and will encourage more vermin. There currently several rats nesting at the rear of the gardens on Woodland Views.
- Whilst bungalows are better than an house (in relative physical impact terms) they will still block out a lot of natural light into the adjoining dwelling and its garden
- The views of the adjoining neighbours on Woodland Views would be greatly affected by the scheme and they would not have any outlook except for the brickwork of the bungalows and the proposed garage.

6.3 One of the letters again questions as to what provisions have been made to shore up the side garden of the adjoining property where the proposed new footpath joins the existing one on Jacks Lane at the side of the property on Woodland View to prevent the existing garden from sliding into Jacks Lane.

7. Policy Framework

7.1 The relevant national and local planning policies are set out below. Policy NP1 of the Local Plan sets out the role of Neighbourhood Plans and where relevant the policies of the made Marchington Neighbourhood Plan are addressed alongside Local Plan policies in the assessment of the proposal in Section 8 onwards.

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1 - Presumption in Favour of Sustainable Development
- SP1 - East Staffordshire Approach to Sustainable Development
- SP2 - Settlement Hierarchy
- NP1 - Role of Neighbourhood Plans
- SP3 - Provision of Homes and Jobs 2012-2031
- SP4 - Distribution of Housing Growth 2012 – 2031
- SP16 - Meeting Housing Needs
- SP24 - High Quality Design
- SP27 - Climate Change, Water Body Management and Flooding
- SP29 - Biodiversity and Geodiversity
- SP35 - Accessibility and Sustainable Transport
- 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' Marchington Neighbourhood Plan

- Policies DP1 - Sustainable Development Principles
- SB1(B) - Residential Allocation on Jacks Lane frontage (5 No.dwellings)
- DP2 - Infrastructure - Flood prevention & management
- H2 - Meeting the needs of all sectors of the population
- BE1 - Protecting and enhancing local historic character
- BE2 - Protecting and enhancing local non-designated heritage assets
- BE3 - Protecting and enhancing archaeological sites
- T1 - Development related traffic requirements

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

8. Assessment

8.1 The main issues in the determination of this reserved matters submission are considered to be as follows :-

- Principle of the development;
- Impacts on visual and residential amenities;
- Highway safety;
- Flooding and Drainage implications;
- Impacts on biodiversity;
- Contamination implications;
- Impacts on heritage assets;
- Other Matters.

9. Principle of Development

9.1 This reserved matters scheme proposes 5 No. dwellings as per the parameters set by the outline planning permission and falls within the settlement boundary of Marchington. As such the development proposal is in principle line with the aims of national and local policies for the delivery of sustainable residential development; these being Policies SP1, SP2 and SP4 of the Local Plan and Policies DP1 and SB1(B) of the Neighbourhood Plan.

9.2 In terms of housing types, the Neighbourhood Plan Policy H2 (Meeting the needs of all sectors of the population) states :-

“Subject to other Neighbourhood Plan policies, proposals for new housing development in Marchington will be supported in accordance with the development requirement set in the adopted Local Plan and where they include a range of house types, including one, two and three bedroom dwellings.

Subject to the design principles in Policies DP1, H3 and BE1, housing developments will also be expected to include an element of single level dwellings and to meet the needs of the elderly and people with disabilities.”

9.3 A number of representations contend that only bungalows should be built on the site and/or that smaller residential units should be provided. The Parish Council also request that small units would be preferable on the site. These points are recognised and the scheme was revised during the application process to include two No. single storey dwellings on plots Nos. 1 and 2; with each being of 3 No. bedrooms. In a development of only five dwellings - with the other three plots being of 4 and 5 No. bedrooms - it is considered that the housing mix/type(s) as now proposed meets with the aims of Policy H2 of the ‘Neighbourhood Plan.

9.4 A number of residents submissions also state that Marchington needs affordable housing on this scheme, however, as an site allocation for 5 No. dwellings the development falls below the affordable housing threshold (of 10 No.) set out in national guidance. In any event such a requirement could not be imposed at the reserved matters stage where there is no provision with an outline approval.

10. Impacts on visual and residential amenities

10.1 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.

- 10.2 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.
- 10.3 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.
- 10.4 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 compliment its surroundings.
- 10.5 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.
- 10.6 Overall Policy DP1 (Section B) of the made Marchington Neighbourhood Plan indicates that that there is need for “*demonstrating that new development has regard to the principles set out in the Neighbourhood Plan and be located to ensure that it does not adversely affect the following:*
- 1. *The amenity of nearby residents.*
 - 2. *The character and appearance of the local area in which it is located.*
 - 3. *Social, built, historic, cultural and natural heritage assets.”*
- 10.7 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.

- 10.8 In relation to visual impacts along Jacks Lane as envisaged at the outline stage the scheme will result in the removal of the existing mature hedgerow to the frontage of the site (and its proposed replanting back into the site on the frontage of dwelling plots). The Parish Council and local residents consider that the removal of this established hedge would have a significant and detrimental effect on the appearance and character of the lane as well as to the wildlife and to those residents opposite the development.
- 10.9 The Parish Council and local residents also comment that they consider this hedgerow removal to be contrary to the adopted Neighbourhood Plan which at Policy SB1 (B) states that *“if practicable, in terms of the depth of the proposed site, access is taken from a single point and the existing hedgerow is retained”*. It is pointed that out, however, (as it was at the outline stage) that even with the single access point (in line with the Neighbourhood Plan) it is not possible to provide the necessary visibility splays and highway improvements to facilitate the development of the site without the removal of the existing hedge and part of the banking. As such the retention of the existing hedgerow would not be practicable although the scheme as revised now shows the provision of the new hedge to the front boundary of the plots fronting onto Jacks Lane.
- 10.10 The Parish Council in its comments on the revised application acknowledge that the inclusion of hedging on the Jacks Lane boundary represents a positive change but state that they would request ‘a covenant’ be placed on the titles to the properties to ensure future home owners cannot remove the hedge at any time. Whilst the use of covenants fall outside the remit of the Planning Acts, a condition of any approval will ensure that once it has been provided the new hedgerow on Jacks Lane will have a requirement to become established to, and thereafter maintained at, a minimum height of 1.8 meters above ground level for the lifetime of the development.
- 10.11 The site is adjoined by existing residential development on two sides, with agricultural land to the west. The adjoining residential development is a mix of two storey properties to the north and single storey properties to the south. Adjoining dwellings and properties on Jacks Lane offer a variety of ages and styles and designs. Dwellings are predominantly set behind front gardens with frontage drives/car parking and integral garages.
- 10.12 In terms of the layout, this shows the proposed dwellings towards the front of their plots with the access road to the rear of the dwelling; the latter being in line with the requirements of the outline approval. It is noted that there are objections from residents to the scheme on the grounds that the layout would be overbearing and cause overlooking towards the dwellings on the eastern side of Jacks Lane and to properties adjoining the site. Residents cite the fact the dwellings on Jacks Lane are at a lower level to be an important factor in this impact.
- 10.13 In relation to the ‘*Siting of the Houses*’, the Parish Council comment on the revised scheme in that :-
- “The re-design of the plot, with the inclusion of two bungalows and the reshaping of the roof profiles and plot positioning of the houses has been taken as a positive step forward, however, the raised elevation of the plot means the development overlooks the existing properties on Jacks Lane and the lack of smaller homes in the scheme is a disappointment.”*

- 10.14 The concerns of the Parish Council and local residents in relation to the impacts on existing properties are noted, however, given that the front elevation of any dwelling on the application site would be positioned a minimum distance of 25 metres away from the front elevation(s) of the dwellings on the eastern side of Jacks Lane it is considered that the proposed dwellings would not have a level of overbearing, overshadowing or overlooking impacts that would be sufficiently detrimental to existing residential amenities so as to warrant a refusal of planning permission. With regard to the relationship with No. 1 Woodland View, it is considered that the revision of the scheme to provide for single storey dwellings on the plots (Nos 1 and 2) adjacent to the existing dwelling has necessarily mitigated the impact of the scheme such that it would not have any significant overbearing, overshadowing or overlooking impacts on the existing residents concerned. It is also considered that the proposed garage to serve Plot 1 would have an acceptable relationship with the existing adjoining properties.
- 10.15 With regard to the potential long term impacts of change to the properties on the development site (once occupied), these will be controlled by a withdrawal of permitted development rights by a condition of any approval.
- 10.16 In relation to the overall layout itself, it is considered that the provision of car parking as it is shown on the final layout would not significantly impact on the Jacks Lane street scene. The design, proportions and the construction materials of the proposed properties are considered to have due regard to the character of the locality which is visually dominated on this section of Jacks Lane by post war housing.
- 10.17 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 surrounding existing residents in the locality.
- 10.18 With regard to the construction phase, the Parish Council request that as well as the limits set out on construction hours by the ESBC Environmental Health Manager (as per the informative on the outline decision notice) a point is made to ensure contractors vehicles do not park along Jacks Lane for the duration of the works. The informative on construction hours will be attached to the reserved matters decision notice along with one drawing the applicant's attention to the concerns about construction vehicles parking on the public highway to inform their future submissions in relation to the submission of the construction management plan to discharge condition 9 of the outline approval.
- 10.19 It is therefore concluded that the scheme layout and building designs would be in line with Policies DP1 and SB1 (B) of the Neighbourhood Plan along with Policies SP1, SP24 and DP3 of the adopted Local Plan.
- 10.20 The application scheme also meets the sustainability approach for the new housing to incorporate improved fabric energy efficiencies and provides the necessary broadband connections and so is thus compliant with Policy DP2 of the Local Plan and Policy DP1 of the Neighbourhood Plan respectively. ESBC Environmental Protection raise no issues in relation to contaminated land mitigation and as such there are no concerns for future residential amenities.

11. Highway Matters

11.1 The NPPF in section 4 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.

11.2 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. 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.

11.3 Neighbourhood Plan Policy T1 (Development related traffic requirements) - states that;

“Development proposals in and around Marchington village that would generate a significant amount of movement or would create a traffic hazard on narrow twisting lanes must be supported by a Transport Statement or Assessment as appropriate which sets out details of the transport issues relating to the development including:

- the measures to be taken to deal with the traffic impacts of the scheme
- Opportunities for improving the pedestrian and cycle connectivity.

Where road improvements are proposed as part of any development they must be designed to be sympathetic to the rural character of Marchington.”

11.4 Local residents raise concern that the scheme would be to the detriment of highway safety. However, Staffordshire County Council Highways now - further to the provision of revised submissions - raise no objections in principle from a highway safety perspective. The development provides the necessary car parking facilities within the site in line with the Borough Council's revised car parking standards. A condition will ensure future retention of parking/garaging. There are also appropriate bin/waste removal arrangement in place for this private road which will be secure by condition.

11.5 The scheme also provides the necessary details - now also agreed to by the County Highway Authority - to extend the footway along Jack's Lane in line with the outline approval which will aid the integration of the development into the existing village and enable people to walk to facilities and to two bus stops, both sited on Bag Lane (which serve the 403 bus from Uttoxeter to Burton upon Trent). A retaining wall is to be provided along the Jacks Lane frontage to the

application site to reflect the gradient (upward slope) of the lands; with the precise details to be secured by a condition of any approval.

- 11.6 It is also pointed out that between the application site footway and the existing footway that a small link section will need to be constructed by the County Highway Authority under the Highway Acts. The County Council would be responsible for any bank retaining works outside the application site as a consequence.
- 11.7 It is concluded therefore that the application proposal complies with highway related development plan policies; namely Local Plan Policies SP1 and SP35 and Policy T1 of the Neighbourhood Plan. Further with its single point of vehicular access and maintenance access only to the retained farmland the proposals are in line with the (highway related) criteria of Policy SB1 (B) of the Neighbourhood Plan.

12. Flood Risk and Drainage Implications

- 12.1 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
- 12.2 Neighbourhood Plan Policy DP2 (Infrastructure - Flood prevention & management) states that :-

“Development should not increase the risk of flooding and/or exacerbate existing drainage problems.

In line with the requirements of national policy and advice from the Environment Agency and/or Staffordshire County Council proposals for new build development must be accompanied by a site-specific flood risk assessment.

All proposals must demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant. Information accompanying the application should demonstrate how any mitigation measures will be satisfactorily integrated into the design and layout of the development.

The flows from new development in the Marchington Brook catchment should not exceed the flow expected from a mean annual flood on the existing undeveloped site. Development proposals will be expected to incorporate rural sustainable drainage systems (RSuDS) which should be integrated with hard and soft landscaping, access and parking provided to serve developments.”

- 12.3 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. The application site at Jacks Lane is situated in Flood Zone 1.

- 12.4 Flood risk is a combination of the probability and the potential consequences of flooding from all sources - including rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.
- 12.5 The issue of potential exacerbation of flooding was a key concern in relation the outline scheme (ref: P/2016/00978) to which this reserved matters scheme directly relates - with flooding incidents being cited by local residents during 2016 - and the outline approval was the subject of two detailed conditions (11 and 12) on the final decision notice.
- 12.6 In relation to the current reserved matters scheme - and as outlined in the consultation summaries above - both the Parish Council and local residents (as outline in Section 5 of this report) have continued to raise objections/concerns to the scheme on the basis that the development will exacerbate existing flooding problems in the locality. The Marchington Parish Council (in their comments on the original drainage scheme) also pointed out that they *“have held meetings with Severn Trent Water Ltd and the Environment Agency regarding the ongoing flooding issues along Jacks Lane. The drains along Jacks Lane are already failing and cannot cope with current levels of rainfall with the road flooding even after a short periods of rain. Severn Trent have described them as overloaded and not fit for purpose. Marchington Parish Council still believe that until remedial works are carried out, no new properties should be added onto this system.”*
- 12.7 When assessing the surface water drainage strategy the first and preferred approach is to use soakaways, followed by discharge to watercourses or rivers followed as a last option the sewer network.
- 12.8 In relation to this reserved matters scheme, the Environment Agency advises that they have no comments to make as the proposal is not in the floodplain.
- 12.9 The issue of flooding impacts during the course of this application has thus been primarily a matter to be addressed by the Lead Local Flood Authority, although for associated technical infrastructure reasons the process has also necessarily involved Severn Trent Water and the County Highway Authority. Having regard to this process it was concluded at an early stage of the drainage submission details by the relevant statutory undertakers that the use of soakways was not acceptable at this site as the ground conditions were incompatible.
- 12.10 The applicants submissions have therefore for some time concentrated on achieving a scheme utilising highway drainage which have concluded ultimately with a proposed scheme providing for the surface drainage waters being accommodated in an underground attenuation facility within the application site and in turn Severn Trent Water accepting them into their foul water sewer system - via public highway lands (on which additional gullies are also to be provided) - at a discharge rate of 2 litres per second (2 l/s) as ‘run-off’ from the site.

- 12.11 All the relevant statutory bodies involved have now concluded that the proposed drainage works are acceptable and conditions will ensure that the scheme shall be completed prior to any development being first brought into use.
- 12.12 As such, whilst it is recognised that there remain local concerns about the impact of the scheme in terms of giving rise to increased flooding in the locality given that there are no statutory bodies raising any objections to the scheme (as per the final design) the Local Planning Authority is not in any position to seek to justify any refusal reason based on drainage impacts. Of course, in coming to this determination it is not the role of this developer or the development to resolve existing flooding problems that may exist; rather the onus is ensure there will be no consequential exacerbation of flooding. This is the position that has now been arrived at in the view of the statutory consultees who have interrogated the matter thoroughly in this application process.
- 12.13 With regard to the concerns expressed by the Parish Council about the long term maintenance of the attenuation facility, this was a matter already addressed by a condition (No. 12) of the outline planning permission which specifically states that :-
- “No development shall take place until confirmation of the responsible body who will maintain the approved surface water system over the lifetime of the development according to an acceptable maintenance schedule has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. “*
- 12.14 As such the developer could have opted to seek to progress that matter by way of a discharge of condition application. However, in the light of the concerns raised by the Parish Council the developers choose to submit the surface water maintenance schedule at this stage. In turn, as set out in this report further to amendments the County Highway Authority, Lead Local Flood Authority and Severn Trent Water consider the submission to be acceptable.
- 12.15 It therefore considered that the development scheme is at a position whereby it meets the criteria set out in Policy DP2 of the ‘made’ Neighbourhood Plan and Policies SP27 and DP7 of the Local Plan along with guidance of the National Planning Policy Framework. The necessary drainage provisions will be secured by conditions of any approval; with these conditions themselves agreed with the County Highway Authority, Lead Local Flood Authority and Severn Trent Water.

13. Biodiversity

- 13.1 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.

- 13.2 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.
- 13.3 Strategic Policy 29 lists criteria including retaining features of biological interest to ensure a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits. Policy DP8 of the Local Plan deals with the impacts on trees.
- 13.4 The scheme will not impact on any protected species. The development, however, will necessitate the removal of existing hedgerows; notably that along the Jacks Lane frontage, to which there have been objections from local residents on ecological grounds. It is recognised that in the short term that the loss of this hedgerow (necessarily for visibility splay provision) will mean that there will be some loss of wildlife habitats as a consequence. Nevertheless, compensatory hedgerow planting will be secured by condition with a new hedge to be required to the re-aligned front boundary (along Jacks Lane) along with a new hedge to the rear boundary of the site. In line with the comments of the Parish Council (see above at paragraph 10.10) it is also agreed that a condition should require that this compensatory hedge planting be maintained for the lifetime of the development; a matter which will be dealt with by way of condition (and not a covenant). These robust condition requirements are considered commensurate to ensuring that the scheme will not have any long term negative biodiversity impacts.
- 13.5 A condition of any approval will also require that hedge removal works are not undertaken during the bird breeding season unless otherwise agreed by the Local Planning Authority. A (retained) hedge/tree protection condition will also be put in place in relation to the construction phase.
- 13.6 Having regard to putting the above measures in place it is considered that the scheme would be compliant with Policies DP8 and SP29 of the Local Plan and the National Planning Policy Framework.

14. Heritage Impacts

- 14.1 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. 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.
- 14.2 Section 72 duty referred to above, case law (Barnwell Manor Wind Energy Ltd) 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 Neighbourhood Plan Policy BE1 (Protecting and enhancing local historic character) states inter alia that:-
- “A – Built development in and around Marchington village must protect, complement or enhance the historic rural character of the settlement and its hinterland, which is identified the Marchington Character Study and the Marchington Conservation Area Appraisal.*
- Applicants must explain in a Design and Access Statement or Heritage Statement, how the proposed development will protect, complement or enhance the historic rural setting of the Parish, including the Conservation Area and Listed Buildings, with regard to:*
- a) the scale and form of the development,*
 - b) the density of the development,*
 - c) the materials used in the development, and*
 - d) elevated views of Marchington village and its landscape setting (shown on the Proposals Map).*
- 14.7 Neighbourhood Plan Policy BE2 (Protecting and enhancing local non-designated heritage assets) states that:-
- “All development proposals will be required to take into account the character, context and setting of local non-designated heritage assets (see Appendix 1) including important views towards and from the assets. Development will be required to be designed appropriately, taking account of local styles, materials and detail. The loss of, or substantial harm to a locally important asset will be resisted, unless exceptional circumstance can be demonstrated.”*
- 14.8 Neighbourhood Plan Policy BE3 (Protecting and enhancing archaeological sites) states that:-

“Development proposals should demonstrate that they have taken into account the potential impact on above and below ground archaeological deposits and identify mitigation strategies to ensure that evidence which could contribute to the understanding of human activity and past environments is not lost.

In addition, measures should be taken to minimise impacts of development upon the historic landscape character of the Neighbourhood Plan area.”

- 14.9 In relation to archaeological matters, the County Archaeologists comment that whilst some works remain outstanding the scheme is being progressed in line with the mitigation scheme already put in place by a condition of the outline approval. A condition of any approval will require the necessary recording details to complete the archaeological mitigation.
- 14.10 The nearest listed building to the site - at some 168 metres away - is the Grade II listed Saint Anne's cottage which derives its setting from being experienced from Bag Lane where it holds the most prominence. These detailed proposals by reason of their scale will not negatively affect the setting to Saint Anne's Cottage given the separation distances and the specific historic setting context of the listed building concerned.
- 14.11 With regard to the relationship with the Marchington Conservation Area, the development would be visually separated by the remaining field area to the north-west of the site and it is considered that this development of the site with two storey and single storey properties as proposed would not detract from the wider setting of the conservation area.
- 14.12 The proposal will have no direct or adverse impact on the historic core of the village located north east of the site (the Conservation Area lies approximately 50 metres to the north-east). Two listed buildings in the vicinity of the site, Field House and The Old Vicarage are experienced in their own unique and particular settings, and there is limited inter-visibility between these and the proposal site. The site is screened by Woodland Views from the conservation area when approached along Jacks Lane. Therefore there are no direct views from the site to the main historic core of the village. The proposal will therefore not detract from their settings.
- 14.13 It is thus concluded that the proposal will not cause harm to the setting of any listed buildings or the village Conservation Area and the duties under Sections 66(1) and 72 have been complied with. The scheme therefore also meets the criteria of Policies SP25, DP5 and DP6 of the Local Plan and Policies DP1, BE1 and BE3 of the Neighbourhood Plan.
- 14.14 With regard to protecting and enhancing local non-designated heritage assets, given the separation distances from the nearest such properties on Jacks Lane and on Bag Lane - all in the conservation area - it is considered that the development will not have any detrimental impact on the character, context and setting of any (identified) local non-designated heritage assets; including important views towards and from those assets. The development therefore in this respect also complies with Policy BE2 of the Neighbourhood Plan and Policy DP6 of the Local Plan.

15. Other Matters

15.1 Concerns are raised the vehicular access arrangements will facilitate future development of the lands to the rear of the application site (in particular having regard to the width of the proposed access). Setting aside that the field access is actually required to be provided by the criteria of Neighbourhood Plan Policy SB1 (B), any future development proposal using that access would (if submitted) fall to be determined on its own individual merits in relation to the planning policies that prevail at that time.

16. Conclusions

- 16.1 This reserved matters scheme complies with the overall parameters of the outline approval under application ref: P/2016/00978 and represents a sustainable residential development in line with the aims of the housing delivery strategies set out in national and local planning policies
- 16.2 The proposal would not be likely to adversely affect the amenities of the occupiers of existing nearby dwellings, and would provide an acceptable level of amenity for the occupiers of the new dwellings. The proposal will not give rise to any long term environmental concerns and would also provide necessary mitigation in relation to biodiversity.
- 16.3 It is concluded that the proposal will not cause harm to the setting of any listed buildings or the village Conservation Area and the duties under Sections 66(1) and 72 have been complied with. The development is also considered to be acceptable in terms of its impacts on the streetscape of the locality.
- 16.4 There are no objections from the County Highway Authority in relation to the detailed highway layout or wider highway safety issues. There are also no other technical issues which could not be dealt with successfully by way of this approval or via the associated discharge of condition application process.
- 16.5 In progressing this application to this determination it is recognised that the Parish Council and local residents have continually raised concerns in relation to any development of the site exacerbating flooding in the locality due to the poor condition of the existing infrastructure. Severn Trent Water, the County Highway Authority and the Lead Local Flood Authority, however, now raise no objections to the revised drainage scheme. Further these statutory bodies are content that the applicants have put in place a satisfactory long term maintenance plan for the surface water system being proposed at the site. In reaching these conclusions there have been substantive negotiations along with appropriate technical reviews of the applicant's submissions.
- 16.6 Overall, therefore, the scheme is considered to be in accordance with the National Planning Policy Framework, the Local Plan and the Marchington Neighbourhood Plan.

RECOMMENDATION

- 16.7 For the reasons set out in the above report then **PERMIT** this reserved matters application subject to the following conditions:-

Condition 1 - List of approved plans including details of drainage and finished floor and land levels. (bespoke)

Condition 2 - Prior to the commencement of the development the details of the proposed retaining wall on Jacks Lane are to be agreed and implemented as per the approval. (bespoke)

Condition 3 - The development hereby approved shall be carried out in accordance with the submitted external materials details. (bespoke)

Condition 4 - The development shall be undertaken in accordance with the Written Scheme of Archaeological Investigation. (bespoke)

Condition 5 - All existing trees and hedges shown as being retained on the plans shall be protected by fencing in line with British Standards. (bespoke)

Condition 6 - No tree or hedge removal during bird nesting season unless otherwise agreed in writing. (bespoke)

Condition 7 - The widening of Jacks Lane to a minimum width of 5 metres and the provision of a 1.8 metre wide footway outside the application site to be completed before first occupation of any dwelling. (bespoke)

Condition 8 - The existing vehicular access shall be permanently closed as per the approved details (bespoke)

Condition 9 - Visibility splays of 2.4 metres x 43 metres shall be provided to the new vehicular access before first occupation and maintained thereafter. (bespoke)

Condition 10 - All garage spaces shall be provided before first occupation and be made available at all times for the parking of vehicles and cycles. (bespoke)

Condition 11 - Cycle store to Plot 2 shall be provided before first occupation and retained thereafter. (bespoke)

Condition 12 - Vehicle charging points shall be provided to the garages to the dwellings prior to the first occupation of the relevant dwelling and thereafter retained.

Condition 13 - The approved parking, turning and servicing areas shall be provided in accordance with the approved details before first occupation. (bespoke)

Condition 14 - The approved surface water drainage interceptor scheme shall be completed prior to first occupation and thereafter retained. (bespoke)

Condition 15 - No dwelling unit to be first occupied until written confirmation has been secured from Severn Trent Water Ltd that the agreed new connection to the company's combined system in Jacks Lane has been completed in accordance with the necessary Section 106 Application under the Water Industry Act 1991. (bespoke)

Condition 16 - Prior to the first occupation of any dwelling the surface water drainage system within the site (with a maximum surface water discharge rate of 2l/s) shall be completed in accordance with the approved details and thereafter retained. (bespoke)

Condition 17 - Prior to the first occupation of any dwelling the foul water drainage system shall be completed in accordance with the approved scheme and thereafter be maintained/retained. (bespoke)

Condition 18 - The approved boundary treatments shall be completed in accordance with the details shown on the approved plans before the relevant dwelling is first occupied. (bespoke)

Condition 19 - The approved bin presentation point(s) shall be provided before the relevant dwelling(s) is first occupied and retained thereafter. (bespoke)

Condition 20 - All existing trees and hedges shown as being retained on the plans hereby approved shall be protected by fencing in line with British Standards. (bespoke)

Condition 21 - Requirement for the approved landscaping to be implemented in first planting season. Once planted the replacement hedgerow on the Jacks Lane frontage of the site shall be allowed to grow to a minimum height of 1.8 metres above its ground level and once established shall thereafter be maintained/retained at that minimum height of 1.8 metres for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. (bespoke)

Condition 22 - The approval surface water drainage system shall once installed shall be maintained thereafter for the lifetime of the development in accordance with the approved maintenance scheme. (bespoke)

Condition 23 - Withdrawal of permitted development rights so that no dwelling(s) shall be altered or extended and no buildings or structures shall be erected within their curtilage(s) unless planning permission has first been granted by the Local Planning Authority. (bespoke)

Informatives

1. Standard engagement note

2. The conditions of outline planning permission ref: P/2016/00978 addressed by this Reserved Matters approval are as follows:

Condition 2: being the layout, scale and appearance of the building(s) to be erected.

The pre-commencement elements of the following conditions of the outline approval are addressed by this reserved matters submission:

Conditions 6, 7, 8, 10, 11, 13 and 14

The pre-commencement element of the conditions below have yet to be complied with and therefore need to be subject to an application(s) for discharge of condition(s):

Conditions 9 (construction management plan)

3. Conditions of this reserved matters approval 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 conditions of the outline/reserved matters approvals requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council.

5. The County Highway Authority advise that the applicant should be mindful that as part of the highway works to be carried out under a Section 278 Major Highway works agreement, surface water drainage for the new areas of impermeable surfacing treatments within the highway will need to be addressed.

6. The applicant is advised that the Environmental Health Manager recommends that construction hours be restricted to the following: -

- Mon-Fri (except Bank Holidays): 07:30 - 18:00
- Saturdays: 08:00 - 14:00
- Sundays/Bank Holidays: No Working

7. The applicants are advised that adequate provision must be made to prevent dust during construction from affecting neighbouring properties.

8. You are reminded to also comply with all parts of the relevant conditions of the outline approval ref: P/2016/00978. Specifically in relation to drainage condition 11 of that approval requires that *“no dwelling hereby permitted shall be first occupied until the drainage scheme for foul and surface water disposal approved by the local planning authority has been implemented and the works completed in accordance with the approved details and until confirmation of such, in respect of the foul sewerage system improvements have been obtained from Severn Trent Water Limited and a copy of that confirmation has been provided in writing to the Local Planning Authority.”* Your attention is also drawn to the informatives set out on the decision notice for outline approval ref: P/2016/00978.

9. You are advised to contact Severn Trent Water Ltd in relation to the new connection to the Severn Trent Water Ltd combined system in Jacks Lane as required by condition 11 above. The Section 106 application under the Water Industry Act 1991 should be made via Severn Trent Water Ltd’s Developer Services team by calling them on 0800 707 6600 or email them new.connections@severntrent.co.uk

10. The County Highway Authority advises that any soakaway shall be located a minimum 4.5m rear of the public highway/land adoptable as public highway.

11. You are advised that no gates to serve the dwellings hereby permitted shall open over the public highway.

12. The County Highway Authority advise that the access arrangements to the scheme will not be adopted.

17. Background papers

17.1 The following papers were used in the preparation of this report:

17.2 The Local and National Planning policies outlined in the report above.

17.3 The following papers were referenced in the preparation of this report:

- Papers on the Full Planning Application file reference: P/2015/00266
- Papers on the Outline Planning Application file reference: P/2016/00978
- Papers on the Reserved Matters file reference: P/2018/00002

18. Human Rights Act 1998

18.1 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.

19. Crime and Disorder Implications

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

20. Equalities Act 2010

20.1 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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