

<b>Agenda Item:</b>	5.3
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<b>Site:</b>	Land off Bluebell Way, Tutbury, Staffordshire
<b>Proposal:</b>	Erection of 8 dwellings and garages and associated highway, drainage and landscape infrastructure works

**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](#)

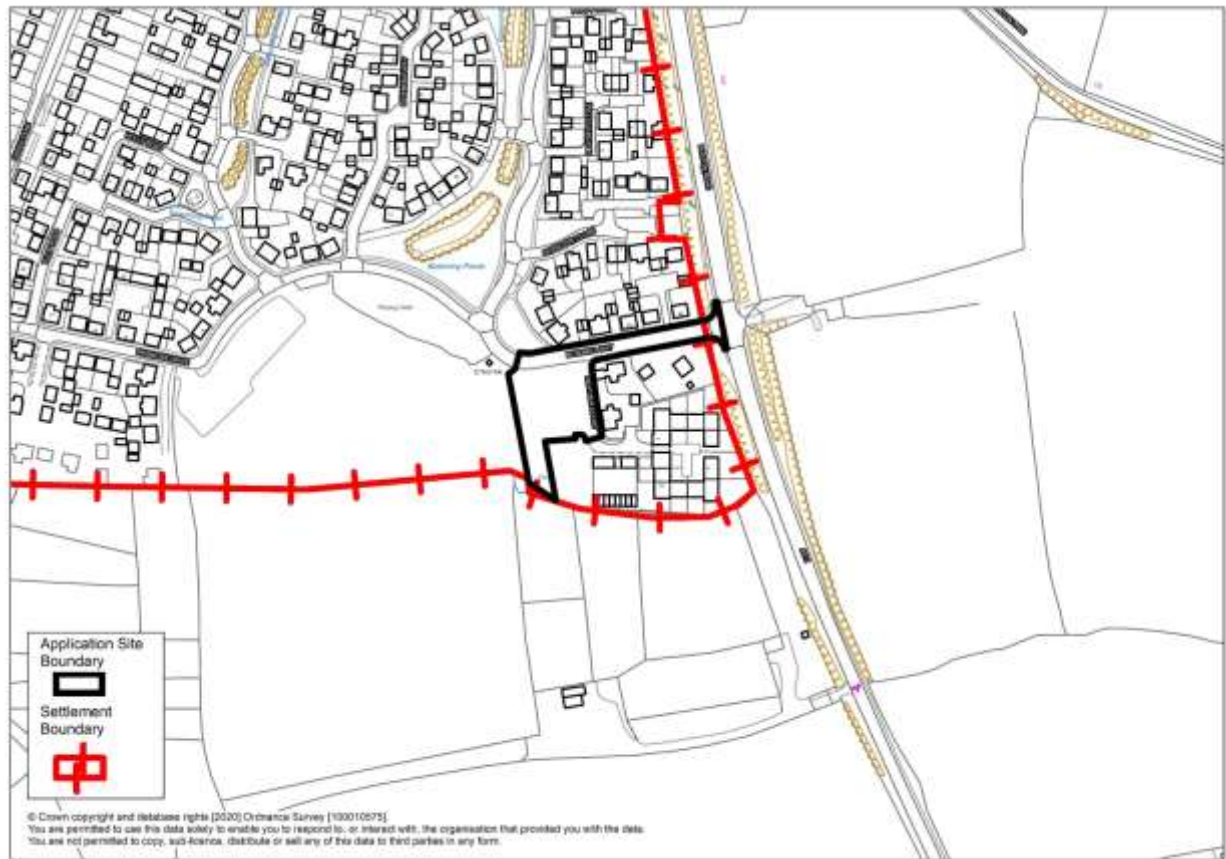
<b>Application Number:</b>	P/2020/00045	
<b>Planning Officer:</b>	Kerry Challoner	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	Mr T Broster - Peveril Homes Limited	
<b>Ward:</b>	TUTBURY	
<b>Ward Member (s):</b>	Councillor G Raybould Councillor S P Gaskin	
<b>Date Registered:</b>	29 January 2020	
<b>Date Expires:</b>	23 March 2020	
<b>Reason for being on Agenda</b>	The application is considered to be in the public interest.	
<b>Officer Recommendation</b>	Approval subject to conditions.	

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## 1. Executive Summary

- 1.1 This full application scheme relates to a development site of some 0.40 hectares off Bluebell Way on the Heritage Park development scheme in Tutbury. Permission is sought for the erection of 8 dwellings and garages/parking, with associated highway works and landscaping.
- 1.2 The statutory consultees have raised no objections that cannot be overcome by planning conditions. 40 No. responses have been received from local residents raising objections to the scheme and the Parish Council strongly object to the scheme on the basis of the scale and design of the dwellings and the previously allocated use of the land for a community purpose.
- 1.3 In relation to the previously allocated use of the site under the original planning permission P/2018/01046 the land was protected (by obligations within a S106 agreement) as land to be used to construct a community building, in the event an end user could be found. No end user could be found within the timescales within the S106 agreement, therefore under the terms of the S106 agreement the developer was required to make a financial contribution in lieu of the community building. The monies are to be allocated to community based projects within a 2 mile radius of Tutbury. The site therefore has no current allocation for development and this new application represents a new stage in the planning history of the site.
- 1.4 The site is located within the settlement boundary of Tutbury. The development would contribute positively towards meeting the boroughs requirement to provide additional housing to meet the needs of present and future generations. The proposal is situated close to existing services and facilities it is therefore considered a sustainable location for development and meets the requirements of Local Plan Policies, overall aims of sustainability including the criteria set out in Policy SP1.
- 1.5 This proposal would be in keeping with the locality and it is considered that 8 dwellings and associated garaging and parking can be assimilated into the site without compromising the character and appearance of the area or the residential amenities of surrounding properties.
- 1.6 Overall, the scheme is considered to be in accordance with the Local Plan, relevant supplementary planning documents and the National Planning Policy Framework.
- 1.7 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to conditions.
- 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 This application relates to a site of 0.40 hectares within the settlement boundary as defined in the Local Plan for the village of Tutbury. The site sits within the Heritage Park Residential development, which has been under construction for the last six years. The application site is fairly flat and featureless, and is located to the Southern side of Bluebell Way, one of the main routes into the Heritage Park development. The Eastern section of the application site includes an established access way leading to residential development to the East of the site. To the immediate West of the application site is an area of Public Open Space which will be delivered as part of the Heritage Park overall development.

## 3. Planning history

- 3.1 Application ref: **P/2011/00546** - Erection of 212 dwellings and associated garages, erection of 14 commercial units and a community building and the provision of public open space, allotments and a sports pitch, including the formation of two vehicular accesses- Approved subject to conditions in September 2011.
- 3.2 Application ref: **P/2014/01211** - Erection of 15 dwellings with associated garage blocks and access and formation of additional car parking spaces for the community building- Approved subject to conditions in November 2015.
- 3.3 Application ref: **P/2016/00717** - Outline application for the erection of 12 self build dwellings including access- Approved subject to conditions in December 2016.
- 3.4 Application ref: **P/2017/01058** - Construct scheme of 21 dwellings with associated garages - Approved in June 2018.
- 3.5 Application ref: **P/2018/01046** - Construction of 16 dwellings with associated garages and car parking, play area, knee rail to Public Open Space, detached Community Building and car parking, associated highway and drainage infrastructure - Approved subject to conditions May 2018.
- 3.6 Having regard to these approvals the community building has been subject to a number of variations over the life of the Heritage Park development, with the latest version being approved under planning ref P/2018/01046. The planning approval was subject to a Section 106 legal agreement, where schedule 4 provided two options in relation to the community building and garden 1) To construct the community building or 2) For the applicant to pay £250,000 to the Council - this money would be spent on community based projects within a 2 mile radius of Tutbury. Option 1 was time restricted to seven months from the date of consent. Option 2 requires the Borough Council to expend the monies within 7 years.. This schedule was included to ensure that an end user was found to operate and manage the building. The end user was not established within the time frame set in the S106 legal agreement, as such the developer has now paid the financial contribution set out in the second option listed above

to the Borough Council. This contribution, and how the monies will be spent is being dealt with as a separate matter, and therefore has no bearing on the planning merits of this current application.

#### **4. The proposal**

- 4.1 This application is a full proposal for the erection of eight dwellings, with associated garages and parking utilising the existing access off Bluebell Way. The scheme includes two terraces of three No. houses which are proposed to be three storeys in height fronting onto Bluebell Way. These properties would have three bedrooms and a cul de sac would be formed to the rear, utilising the existing vehicular access off Bluebell Way which serves existing residential properties to the East of the site. 2 No. two storey Coach House style properties would be located to the South of the proposed terraced properties, fronting into the cul de sac. The Coach House properties are 1 bedroom units located above garages (4 No. in total). In addition two garage blocks are proposed, which would ensure that all eight of the dwellings would each benefit from a garage space as well as a parking space.
- 4.2 The proposed dwellings are modern in appearance with gable features, reflecting the design approach taken in the adjacent housing development. The proposed materials have been submitted as part of this application and comprise of facing brickwork with tiled roofs over to match the surrounding residential development.
- 4.3 A landscaping scheme has been provided which indicates grass and shrub planting to the frontage and side of each dwelling along Bluebell Way and the access road to the East. Rear gardens would include a grassed area and would be enclosed by 1.8m high close board fencing.

#### List of supporting documentation

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

- Application form
- Location Plan
- Site Layout Plan
- Boundary Treatment Plans
- 'Brassington' Housetype plans and elevations
- 'Coach House' Housetype plans and elevations
- Garage/ twin Garage plans and elevations
- Soft Landscape proposed plans
- External Finish Schedule
- Planning and Sustainability Statement
- Residential Units Supplementary Information

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

#### **5. Consultation responses and representations**

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

Statutory and non statutory consultee		Response
5.2	Tutbury Parish Council	Tutbury Parish Council would like to strongly object to the application. The houses are three storey and are too high in relation to neighbouring properties and will not be appropriate. The land should be assigned for community use and more Open space will be lost to houses we have no evidence are required. The residents have lost a community space that was democratically voted for. The space should still be assigned for a community purpose.
5.3	SCC Highways	No objection subject to conditions requiring details of surfacing materials and surface water drainage prior to commencement of works along with the access, parking, turning and servicing areas to be provided prior to first occupation of the dwellings.
5.4	Severn Trent Water	No objection subject to a condition requiring drainage details to be provided prior to commencement of works on site.
5.5	Designing Out Crime Officer	No objections were raised.

Internal Consultees		Response
5.6	Environment Manager	No objections were raised subject the provision of appropriate refuse containers.

## 6. Neighbour responses

- 6.1 Neighbouring occupiers have been notified of the application and a site notice has been posted. 40 responses were received from 38 neighbouring occupiers and local residents. Objections can be summarised as follows:

Neighbour responses	
Principle	<ul style="list-style-type: none"> <li>The principle of the proposal is unacceptable due to the loss of a community facility and green space.</li> <li>The Borough Council have taken a cash payment preventing community facilities being provided.</li> <li>Dwellings on previously approved phases have not yet been completed and sold.</li> <li>The previously approved allotments and nursery have not been delivered by the developer.</li> <li>The open space and play area approved as part of the wider development has not been provided.</li> <li>The density of the development is too high.</li> </ul>
Impacts on Amenity	<ul style="list-style-type: none"> <li>Loss of light and privacy</li> </ul>

	<ul style="list-style-type: none"> <li>• Increased noise and disturbance.</li> </ul>
Highways Impacts	<ul style="list-style-type: none"> <li>• Inadequate parking is provided to serve the development.</li> <li>• A Construction Vehicle Management Plan is required.</li> <li>• The main roads within the wider development have not been completed.</li> </ul>
Ward Member	No responses were received.

## 7. Policy Framework

### 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
- SP4 Distribution of Housing Growth 2012 – 2031
- 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
- 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

### Supplementary Planning Documents/Guidance

- Housing Choice SPD (December 2019)
- East Staffordshire Design Guide
- Revised Parking Standards SPD
- Separation Distances and Amenity 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 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

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

### **5 Year land Supply**

8.3 The most recent calculation uses figures as at 30<sup>th</sup> September 2019 and concludes there is 6.30 years of supply. Therefore the policies in the plan can be considered up to date.

### **Local Plan**

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

8.5 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.

8.6 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

8.7 Having regard to the adopted Development Plan policies, the application site is located within the settlement boundary for Tutbury as defined in the Local Plan. As such, the scheme would adhere with the sustainability criteria within Policy SP 1 and the settlement hierarchy as set out in Strategic Policy 2 and 4 which encourages development to be focussed to the main towns. The site as such forms part of the windfall allowance within Tutbury as an infill development.

8.8 This application site previously had an approved use for community facilities but this designation no longer applies as a financial contribution was triggered (under planning permission ref: P/2018/01046) in lieu of the facilities which has now been paid by the developer (and this money will be allocated to community based projects within a 2 mile radius of Tutbury).

8.9 This current application is therefore a new stage in the planning history of the site and in terms of the principle of residential development, the scheme would comply with Local Plan Policies SP1, SP2 and SP4. It is nevertheless, also

necessary to assess the scheme in terms of its visual and residential impacts, drainage implications and highway safety.

## **9. Design and Impact on the character and appearance of the area**

- 9.1 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.
- 9.2 Strategic Policies 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.
- 9.3 Policy DP1 of the Local Plan re-iterates the design principles set by Policy 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.
- 9.4 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.
- 9.5 The site and the layout as proposed integrates the principles for sustainable development. The house types proposed would also achieve a standard of appearance in built form which would complement existing and ongoing development in the locality. The dwellings would be constructed in materials which would match the surrounding development.
- 9.6 The proposed layout makes efficient use of available land where houses of a suitable scale would appear well placed within their surroundings. The proposed landscaping includes amenity grass areas and shrub planting between the residential plots and adjacent pathways, in keeping with the open plan character of the surrounding development.
- 9.7 Overall, it is considered that the proposed design, landscaping and layout of the site are of suitable high quality and density to respect the character of the area and therefore accords with policies SP1, SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

## **10. Residential Amenity**

- 10.1 The National Planning Policy Framework 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.

- 10.2 The Separation Distances and Amenity Supplementary Planning Document was adopted in October 2019. This document sets out requirements for new residential development in order to ensure that proposals for new residential development provide an acceptable level of residential amenity for future occupiers whilst maintaining the existing amenity of existing neighbouring occupiers.
- 10.3 The proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them an unacceptable loss of light or privacy or any overbearing impacts. The density of the development also gives rise to adequately sized front and rear gardens in line with the requirements set out in the Separation Distances and Amenity SPD. The scheme is therefore compliant with the provisions of Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD and the NPPF.

## **11. Housing Mix**

- 11.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should 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.
- 11.2 The scheme would deliver 6 No.3 bed dwellings and 2 No. 1 bed dwellings which are considered to complement the existing mix provided across the Heritage Park development. In terms of housing mix, the proposed scheme is considered to be acceptable.

## **12. Sustainability (energy efficiency and low carbon)**

- 12.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. A number of criteria apply to ensure sustainable development.
- 12.2 The proposed dwellings will be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient. Whilst there is no specific design for solar gain it is considered that the proposed dwellings will be constructed to a high standard in terms of energy efficiency and will not result in a significant increased carbon footprint. It is therefore considered that the proposals would accord with Policy DP2 of the Local Plan.

## **13. Highway Matters**

- 13.1 The NPPF sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 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 revised 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 requirements of the Council's parking standards SPD would be met, with each plot having a parking space along with a garage.
- 13.5 The applicant has confirmed that vehicle electric charging points will be provided within the garages of each plot in order to ensure that the scheme supports the use of electric vehicles having regard to the Council's Parking Standards. A condition would require the vehicle electric charging points to be installed prior to first occupation of the dwelling concerned.
- 13.6 The County Highway Authority has considered the proposals and has concluded that the proposed access and parking arrangements are acceptable and the proposal would cause no material detriment to highway safety. Conditions also are recommended in line with the advice provided by the County Highway Authority.

#### **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.
- 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. Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology.
- 14.5 There are no Conservation Areas or Listed Buildings or other heritage assets within the immediate vicinity of the application site. It is not considered that the proposal will have any impact on views into, or those out of any designated areas, or affect any listed building or its setting. As such the statutory duties under Section 66(1) and under Section 72 are not engaged in this instance.

## **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 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.
- 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.
- 15.3 The site is not located within an identified flood risk area being in Flood Zone 1; nor is it an identified local flooding hotspot. Severn Trent Water Ltd have been formally consulted with regard to the proposal and have raised no objections subject to the submission and approval of a scheme for the disposal of foul and surface water.
- 15.4 In light of the above, it is considered that a suitable drainage strategy can be employed to adequately address the drainage requirements for the proposed development. The proposal is therefore considered to be compliant with Local Plan Policy SP27 and the NPPF.

## **16. Section 106 Contributions**

- 16.1 The application site forms an area previously allocated for a community building and garden which formed part of the larger residential development now known as Heritage Park. The requirement of the S106 agreement attached to the consent for the community building and garden included provisions for a payment of £250, 000 to be made should the management or end user of the building not be found within a time period of 7 months from the date of consent. This contribution has now been paid and the process for the monies to be spent on community facilities within a 2 mile radius of Tutbury is underway. The

Heritage Park development as a whole has attracted significant off site payments over a number of applications as set out in the planning history above, including £1,136,017.00 in Education contributions. The open space requirements have been met within the development and Highways commuted sums have been paid. Affordable dwellings have been provided on site and off site contributions of £317,512.00 have been made. In the planning balance of the overall scheme it is not considered fair or reasonable, given payments already made to require further contributions in relation to the additional 8 dwellings proposed.

## 17. Conclusions

- 17.1 This application site previously had an approved use for community facilities but this designation no longer applies as a financial contribution was triggered (under planning permission ref: P/2018/01046) in lieu of the facilities which has now been paid by the developer (and this money will be allocated to community based projects within a 2 mile radius of Tutbury). This current application is therefore a new stage in the planning history of the site to be dealt with on its own planning merits.
- 17.2 The site is located within settlement boundaries as defined in the Local Plan and as such is considered a suitable windfall site in principle subject to meeting technical requirements.
- 17.3 There are no objections from the County Highway Authority in relation to the detailed highway layout and parking provision. There are also no other technical issues, for example in relation to matters such as drainage which cannot otherwise be dealt with successfully by way of conditions attached to this approval.
- 17.4 It is also considered that the scheme would respect local visual and residential amenities. Furthermore, the scheme would not engage the statutory duties under Section 66(1) and 72 and therefore there would be no material impacts on the setting of heritage assets.
- 17.5 The proposals are considered to deliver a housing scheme on an available site within settlement boundaries. The scheme proposed is considered to meet the Council's standards and has met with no technical objections.
- 17.6 In light of the above assessment the proposal is considered to comply with the aims and criteria of relevant policies from the Local Plan, the Council's SPD's and the National Planning Policy Framework 2019.

### 17.7 RECOMMENDATION

Approve subject to the following conditions:

1. 3 Year commencement
2. List of Approved Plans (Standard Condition).
3. Materials as set out in the schedule submitted (Bespoke)
4. Details of Drainage for Foul and Surface Waters (Standard Condition).

5. Details of surfacing of access, parking and turning areas (Bespoke)
6. Details of surface water drainage (Bespoke)
7. Access, Parking and Turning Areas to be provided (Standard Condition).
8. Landscaping to be undertaken in the first planting season following the completion of the development (Standard Condition).
9. Boundary treatments to be provided before each dwelling is first occupied (Bespoke)
10. Provision and retention of bins to serve each dwelling (Bespoke)
11. Electric Charging Points (Bespoke)
12. Bat and Bird Boxes (Standard Condition).
13. Garage spaces to be retained for use of car parking into the future (Bespoke).

## **18. Background papers**

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

- The Local and National Planning Policies outlined in the report above.
- The documentation from the following planning files:
  - Papers on the planning application file reference P/2011/00546
  - Papers on the planning application file reference P/2014/01211
  - Papers on the planning application file reference P/2016/00717
  - Papers on the planning application file reference P/2017/01058
  - Papers on the planning application file reference P/2018/01046
  - Papers on the planning application file reference P/2020/00045

## **19. Human Rights Act 1998**

19.1 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.

## **20. Crime and Disorder Implications**

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

## **21. Equalities Act 2010**

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

For further information contact: Kerry Challoner  
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