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<b>Agenda Item:</b>	6.1
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<b>Site:</b>	Bank Close Cottage, Bank Close, Uttoxeter, Staffordshire, ST14 8BP
<b>Proposal:</b>	Erection of 2 No. detached dwellings and widening of existing highway and formation of vehicular access.

### Report of Head of Service (Section 151 Officer)

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

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#### [Hyperlink to Application Details](#)

<b>Application Number:</b>	P/2019/00770	
<b>Planning Officer:</b>	Emma Carrington	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	Mr Brian Hall	
<b>Ward:</b>	Town	
<b>Ward Member (s):</b>	Councillor G A Allen Councillor Mrs S J McGarry	
<b>Date Registered:</b>	23 July 2019	
<b>Date Expires:</b>	16 September 2019	
<b>Reason for being on Agenda</b>	Number of local representations received.	
<b>Officer Recommendation</b>	Approval subject to conditions.	

**Members will recall that a decision on this application was deferred at the meeting of the Planning Committee of 17 March 2020 in order for it to be arranged for an officer from the County Highway Authority to be available address and provide comments in relation to highway matters directly to members. This report is therefore brought back in its original form and an officer from the County Highway Authority will be available at the meeting to address any queries or issues that members may wish to raise. The officer report remains as presented on the 17 March 2020 Committee Agenda.**

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## 1. Executive Summary

1.1 The application site is a 1100m<sup>2</sup> (0.2 acre) parcel of land that currently forms part of the curtilage of Bank Close Cottage. Bank Close Cottage is a detached

dwelling which occupies a spacious plot at the end of Bank Close, Uttoxeter, a narrow lane off Balance Hill, that also has a pedestrian access from Churchill Close to the east of the site. The site lies within the settlement boundary for Uttoxeter as defined in the adopted Local Plan.

- 1.2 The application proposes the erection of two (2 no.) detached dwellings served off a new access point, and the widening of a section of Bank Close.
- 1.3 Uttoxeter Town Council have raised concerns over the access arrangements and there being a potential ransom strip and 15 No. representations have been received from local residents raising objections primarily on grounds of highway safety, impacts on residential amenities, the drainage implications and effects on wildlife. No objections have, however, been raised by internal or external consultees on technical grounds that cannot be addressed by conditions of any approval.
- 1.4 The application proposes the development of an area of residential garden space to provide two No. four-bed dwellings and associated car parking and amenity space. Bank Close would be widened along the stretch of road fronting the two new plots and Bank Close Cottage.
- 1.5 The site represents a sustainable location within the Uttoxeter Settlement Boundary where residential development is encouraged. The scheme is designed and laid out in a way to maintain sufficient amenity for all neighbouring properties and provide an adequate level of private amenity for the proposed dwellings and Bank Close Cottage. The scheme provides a suitable landscaping scheme to soften the development and would have no adverse impact on the character of the street.
- 1.6 The widening of the road would benefit the residents of the entire street and would mitigate any harm the additional units would have on the existing highway situation in Bank Close and on its junction at Balance Hill.
- 1.7 It is considered that the proposed scheme is acceptable and in accordance with the Policies of the Local Plan and its Supplementary Planning Documents, the Uttoxeter Neighbourhood Plan and the NPPF.
- 1.8 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to conditions.
- 1.9 **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 site is a 1100m<sup>2</sup> (0.2 acres) parcel of land that currently forms part of the residential curtilage of Bank Close Cottage. Bank Close Cottage is a detached dwelling which occupies a spacious plot at the end of Bank Close, Uttoxeter, a narrow lane off Balance Hill that also has a pedestrian access off Churchill Close to the east of the site.
- 2.2 The existing cottage is orientated with its side elevation facing Bank Close and its front elevation and principal outlook over its associated garden area where there are a number of outbuildings including detached garages. The site contains several trees and bushes. The boundary to Bank Close is a wall with fence atop and tall dense vegetation and trees. The access has a set of gates. The other boundaries of the property are a mix of fences and walls. The site is mostly flat although there is a slight slope down to Churchill Close.
- 2.3 Bank Close is an adopted highway, however it is a single lane cul-de-sac with a turning head to the east of the site. To the north on the opposite side of the street is a row of terraced properties with modest front gardens mostly used for parking of motor vehicles. The immediate neighbouring properties are all residential of varying sizes and designs including detached and semi-detached. Beyond the south of boundary of the site are allotment gardens.
- 2.4 The site lies within the development boundary for Uttoxeter but is not allocated or designated in any way.

### 3. Planning history

- 3.1 P/2016/01193 - Erection of a detached bungalow and detached garage and store and construction of vehicular access. Withdrawn. Reasons related to poor access.
- 3.2 P/2019/00074 - Erection of part two storey and part first floor front extensions to Bank Close Cottage, along with two front bay windows and porch, installation of rooflights to front and detached double garage and front wall and gates. Approved.
- 3.3 P/2019/00083 - Construct two detached dwellings and associated vehicular access. Withdrawn. Reasons related to poor access.

### 4. The proposal

- 4.1 This full application proposes the erection of two (2 no.) four No. bed detached dwellings served off a new access point, and the widening of Bank Close.
- 4.2 The properties would be two storey with hipped roofs and dormer windows to the front and rear elevations, which would provide the windows to the first floor accommodation. The properties would have an integral garage and at least two external parking spaces. The properties would be handed versions of each other and have a mixed pallet of materials with brick and render being used, similar to Bank Close Cottage. The design includes tall chimneys and a timber framed canopy porch would over the front door.
- 4.3 The dwellings originally had half hipped roofs and a front gable but following negotiations the front gable has been reduced to a hip.
- 4.4 The respective dwellings would be at slight angles within the plots and staggered to allow for 'best fit' given the shape and topography of the site whilst allowing for parking and turning areas to the front, and private amenity space to the rear and sides. The separation distance between the host property and the side of Dwelling 2 (Plot 2) is 15.9m and 16.9m between the side of Dwelling 1 (Plot 1) and No.15 Churchill Close. There will be 2.8m between the proposed dwellings which are each 10.5m wide. The distance between Dwelling 2 (the furthest forward of the two) and the front elevations of the terraced properties on the opposite side of Bank Close would be 22.5m.
- 4.5 There is proposed to be 1.8m high timber fencing to the side and rear boundaries of the plots and a low wall to the front. Dwelling 1 will have approximately 280m<sup>2</sup> of private amenity space to the side and rear and Dwelling 2 will have approximately 120m<sup>2</sup>.
- 4.6 As part of the development it is proposed to widen Bank Close for the entire frontage length of Bank Close Cottage, and the two proposed units (a total distance of 43.7m). This would result in this stretch of Bank Close being 6.0m in width and have a pedestrian footpath as well. This would allow for the setting back and realignment of the boundary to Bank Close Cottage and its access as well as the front boundaries and access to the proposed dwellings. The additional road way would be constructed to adoptable highway standards.

## 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	Uttoxeter Town Council	The Town Council request that:  (a) The Planning Application is considered by the Borough Council's Planning Committee. (b) The Planning Authority request that as a matter of some urgency SCC relooks at the access into/from the proposed development. (c) The Planning Authority reviews the application with respect to the ransom strip that is not included within the planning application.
5.3	SCC Highways	No objection subject to conditions
5.4	Severn Trent Water	No representations received.
5.5	ESBC Tree officer	Suggests that the beech tree is worthy of a TPO but raises no objection to the removal of the acer as this will also give more room for the beech to mature.
5.6	ESBC Environmental Protection	No previous contamination noted on the site. (Verbal comments)

## 6. Neighbour responses

6.1 Fifteen (15 no.) objections were received. Group together issues below

Neighbour responses	
Impacts on Amenity	Overlooking Overshadowing Noise from cars and domestic activity Noise and disturbance from construction Lights from cars leaving the site Impact on the character of area Loss of trees Inappropriate trees proposed (Scots Pine)
Highways Impacts	Access is narrow Insufficient space for emergency vehicles Insufficient parking Widening of road will result in parked cars Turning is poor Too much traffic for such a narrow lane with poor turning onto Balance Hill Construction traffic issues – no HGVs Highway safety – cars, pedestrians, public right of way
Drainage impacts	Drainage insufficient to cope with additional dwellings.
Other Issues	Impact on wildlife and environment

	Loss of trees
Ward Member	No representations received.

## 7. Policy Framework

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- SP1 East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP3 Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- SP16 Meeting Housing Needs
- SP24 High Quality Design
- SP25 Historic Environment
- 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

### Uttoxeter Neighbourhood Plan March 2017

- Policy D1 – Residential Design
- Policy D3 – Space between buildings
- Policy D4 – Heritage Assets
- Policy T1 – Sustainable Transport
- Policy T3 – Parking Standards

### 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.
- 8.2 The National Planning Policy Framework sets out a presumption in favour of sustainable development. It also re-emphasises that the starting point for decision-making is the development plan, and that where proposed development accords with an up to-date plan it should be approved. The Local Plan can currently be given full weight in the determination of applications as the five year housing land supply is 6.30 years as at 30th September 2019.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 The site is located within the development boundary of Uttoxeter as defined in the Local Plan. The Local Plan, Uttoxeter Neighbourhood Plan (UNP) and National Planning Policy Framework (NPPF) encourage the effective use of land provided that it is not of high environmental value. The NPPF states that development of residential gardens could lead to inappropriate development that may harm the local area but it requires Local Authorities to have specific policies to limit such developments; in this instance there are no specific policies of the Local Plan nor its SPDs that preclude the development of gardens for more residential development. The garden, whilst containing several domestic amenity buildings (sheds/garages) set within vegetation they are in a domestic setting and unprotected, meaning they have limited environmental value. The proposals will result in the development of the site with a more efficient use with minimal environmental impact. The UNP Policy H1 supports the development of land for residential purposes outside the Town Centre
- 8.7 Based on the above it considered that the principle of the development on this site is acceptable in this location and would meet the requirements of the NPPF as well as Local Plan Policies SP1, SP2, SP3, SP4 and SP16, Uttoxeter Neighbourhood Plan Policy H1, and the NPPF.
- 8.8 With the principle of the proposed development on the site established, the overall acceptability of the scheme rests on its compliance with other more specific policy requirements in respect of, design, highway matters, and impact on the amenities of adjoining properties, amongst other matters.

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

- 9.1 Policies SP24, DP1 and DP3 of the Local Plan, the East Staffordshire Design Guide, UNP Policy D1 and D3, and the NPPF seek to ensure that new development responds positively to the context of an area, and also exhibits a high quality of design, which corresponds to, or enhances surrounding development.
- 9.2 The layout submitted shows two No. detached handed dwellings with prominent two storey front projections situated deep within the site at a slightly oblique angle. Each served by three car parking spaces; two externally and one in the integral garage. The garage is ‘oversized’ to allow for storage and bicycle storage too. This layout provides sufficient setback from Bank Close for the new dwellings to not dominate the street scene or impact upon it significantly, whilst providing more than minimum separation distances between neighbouring dwellings and affording the properties a generous amount of private amenity space. This layout also allows for sufficient parking to be provided and Bank Close to be widened and footpath provided, which, based on the current dimensions of the street, is a significant improvement.
- 9.3 The buildings have been designed to complement the property at Bank Close Cottage and others in the area although the varying house styles and types of Bank Close and beyond should be noted. The mixed material palette of render and brick matches the style of the Bank Close Cottage whilst breaking up the elevations. During the course of the application the front gable has been changed to a hip to help reduce the impact of the most projecting part of the building in a bid to help soften the street scene, and is considered acceptable. Although based on the setback, proposed planting and prevailing mix of house types may not have been necessary. The hip helps to unify the building though which has half-hip gables and this hipped feature is now carried through the whole design.
- 9.4 Whilst it is unfortunate that existing trees and landscaping on the site will be lost to accommodate the new dwellings, the proposals do include compensatory landscaping for the new properties, including replacement trees to the boundaries.
- 9.5 The proposals would introduce new development with a design that respects neighbouring plots in terms of separation, layout and form, removes heavily shading trees, and widens the lane for the benefit of all that use it and as such, would add to the character of the street.
- 9.6 The layout shows that the site can be acceptably developed, taking into account the various constraints of the site whilst complementing the existing setting and introduce a much needed widened carriageway for the benefit of all parties that use Bank Close in compliance with Policies SP24, DP1 and DP3 of the Local Plan, the East Staffordshire Design Guide, UNP Policies D1 and D3, and the NPPF.

## **10. Residential Amenity**

- 10.1 Policies SP24, DP1, DP3 and DP7 of the Local Plan, the Separation Distances and Amenity SPD, the Design SPD, UNP Policies D1 and D3 and the NPPF seek to ensure that proposals for new residential development provide



adequate levels of amenity to neighbouring residents and future occupants of the site taking such things as light, separation, garden sizes, privacy and nuisance into consideration.

- 10.2 The site is adjacent to other residential properties on three of its four sides and, as mentioned in the ‘Proposals’ section, the separation distances between the neighbouring dwellings has been achieved in accordance with the Separation Distances and Amenity SPD as well as private amenity space for the proposed dwellings. Whilst the dwelling at Bank Close Cottage would lose private amenity space to facilitate the development, at least 370m<sup>2</sup> of private amenity space would be retained for the use of the occupiers. The scale of the properties is also considered consistent with those in the vicinity. Therefore it is considered that there will not be significant impacts in terms of overlooking, overshadowing or overbearing impacts. To mitigate the issue of any perception of overlooking between the front elevations of the proposed dwellings and the terraces of Bank Close, as well as to address the loss of the existing vegetation, there will be a robust scheme of landscaping associated with the new dwellings.
- 10.3 The increased activity from the site is not considered significant enough to have a detrimental impact upon neighbouring properties given the existing residential setting and increase of only two units; this relates to noise, general disturbance and vehicular movements. There has been a comment that there will be increased light pollution from vehicles exiting the property but this will be only short lived and an inconsequential amount of time during the hours of darkness.
- 10.4 Whilst access is covered in detail below, this matter has been highlighted by objectors to the scheme and is the source of much angst amongst local residents. It is acknowledged that Bank Close is very narrow and parking and access to the existing properties is problematic at times. This scheme however offers additional width to a significant proportion of the street and will therefore help to alleviate many of the issues highlighted such as providing additional manoeuvrability and passing space whilst also providing a pedestrian footpath. It is considered that the proposed widening would be of significant benefit to the existing residents of Bank Close.
- 10.5 It is considered that the scheme complies with Policies SP24, DP1, DP3 and DP7 of the Local Plan, the Separation Distances and Amenity SPD, the Design SPD, UNP Policies D1 and D3 and the NPPF.

## **11. Highway Matters**

- 11.1 Policies SP1 and SP35 of the Local Plan, UNP Policies T1, T2, T3 and T4 and the Parking Standards SPD state that new development will be accepted where it will not adversely affect the safe and efficient use of adjoining highways and requires developments to have a suitable parking provision to serve the development. The NPPF promotes the use of sustainable transport.
- 11.2 As stated above Bank Close is narrow and serves a number of residential properties, from which many objections on the matter of highways and access have been raised. On previous applications, County Highways have previously objected to development off Bank Close due to its general access and width. The material difference with this application is that it proposes an improvement to the width of Bank Close over part of its length.

- 11.3 While this does not improve the access onto Balance Hill, it does provide an improvement on the frontage of the development which will assist the development and benefit to occupiers of Nos. 17 to 29 Bank Close (in terms of manoeuvring space and ability of vehicles to pass). It is then a balance between harm and benefit.
- 11.4 Speeds on Balance Hill are generally low. It is relatively narrow, with on-street parking and as it becomes Leighton Road it bends away. There are no recorded injury accidents at this junction. The junction is already in regular use and already serves 17 dwellings.
- 11.5 As previously commented by County Highways the increased capacity and demand on Bank Close and its junction to Balance Hill by even one more property could have a negative effect on the highway, but, with the proposed improvement to the width, this adds significant weight to the benefit balance. A relatively small number of vehicle movements will be added to the road and junction; the junction is not inherently unsafe and further into Bank Close, movement is improved.
- 11.6 The likelihood of vehicles meeting at the junction is slightly increased. But vehicles on Bank Close must stop and vehicles on Balance Hill will likely to be at low speed and drivers would be able to see vehicles at the junction and would be able to stop or drive accordingly. Visibility along Bank Close is very good with over 70m visibility between the junction and the crest of the lane.
- 11.7 The likelihood of vehicles meeting with another one leaving Bank Close and another one entering Bank Close will also be slightly increased. Speeds in this situation will be very low. It will be more inconvenient than unsafe. Vehicles could meet in these circumstances now. The drivers will likely be local residents and thus behaving reasonably will adapt to the situation as they do now.
- 11.8 Additionally, vehicles meeting at the widened part of Bank Close will be able to pass which they cannot do now.
- 11.9 On balance it is considered that when weighing the benefit of the widening with the negative of additional use of the less than ideal junction it results in an overall neutral impact. The County Highway Authority raise no objections in principle.
- 11.10 Construction will likely cause problems as access will be difficult for large vehicles so a construction management plan will be requested by condition to detail how construction will be satisfactorily achieved without prejudicing the junction and access whilst taking neighbour amenity into account. The inability for large vehicles to access the site is not grounds for a refusal as many developments have been built with less than ideal access and innovative solutions will need to be employed.
- 11.11 The development proposes no improvement to the junction of Bank Close with Balance Hill. There is no scope to improve the junction meaningfully without additional land. This has been attempted by the applicant and their Agent and was promoted as an additional improvement as well as the widening of the lane, however, no progress could be made and this is the primary reason for the delay in the determination of this application.

- 11.12 In terms of the existing dwelling at Bank Close Cottage the parking capacity at the site would be 4 vehicles with 2 spaces on the driveway and 2 spaces within the new detached garage. The proposed dwellings would provide at least three spaces each with one being an integral garage although it is clear more cars could be accommodated on the drives.
- 11.13 With this in mind it is considered that the site would have sufficient parking provision in line with the Council's Parking Standards SPD and Policy T3 of the Neighbourhood Plan. A condition would be added to any decision which requires that the garages are retained for parking and not converted in the future.
- 11.14 Any indiscriminate parking along Bank Close and at the turning head near the site is a matter for the County Highway Authority or police to investigate in the normal manner. In determining this application planning cannot seek to pre-judge the behaviours of people for example the types of vehicles they own and the type of their private business.
- 11.15 Furthermore, the application site is in a sustainable location, relatively close to Uttoxeter Town Centre and sustainable modes of transport including Uttoxeter Train Station.
- 11.16 On the basis of the above assessment the application is considered to comply with Policies SP1 and SP35 of the Local Plan, UNP Policies T1, T2, T3 and T4 and the Parking Standards SPD and the NPPF.

## **12. Historic Environment**

- 12.1 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. Local planning authorities are under a statutory duty under Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to listed buildings and conservation areas, respectively.
- 12.2 Policies SP25, DP5 and DP6 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. Policy D4 of the Uttoxeter Neighbourhood Plan states that all new development must take account of its impact on heritage assets across the neighbourhood plan area – both designated and non-designated – seeking to protect and enhance them.
- 12.3 The application site is some 300m south of the Uttoxeter Town Centre Conservation Area with the railway line and Picknal Brook in between. The nearest listed buildings are within the Conservation Area; namely Nos. 23 & 25 Balance Street and Roman Catholic Church of St Mary, presbytery, wall and gate piers, all of which are Grade II listed. The site would not be visible from either the listed buildings or the conservation area and as such the proposals would have no adverse impact on the setting, appearance or character of the listed buildings or conservation area. It is therefore considered that the proposals will not have a detrimental impact upon the heritage assets, and thus Sections 66(1) and 72 have been properly engaged.

### 13. Flood Risk and Drainage

- 13.1 The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. 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.
- 13.2 Severn Trent Water has not made representation on the scheme but has commented on many similar schemes in the vicinity and Borough as a whole; to provide a consistent approach it is considered that the addition of a condition requiring the submission of details of foul and surface water drainage on any positive decision notice is reasonable.

### 14. Biodiversity

- 14.1 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.
- 14.2 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 14.3 The Design and Access Statement states that the applicant's tree survey has identified that all the existing trees on the footprint of the dwellings are conifers and upon site inspection this appears to be the case. One (1no.) Acer tree on the boundary of Bank Close needs to be removed to form the new entrance to the site but the Council's Tree Officer has no objection to this. The Beech tree to remain on site has been requested to be protected so the relevant procedure is being followed for a TPO (Tree Preservation Order) to be placed upon it (this is underway); this has been agreed with the Tree Officer.
- 14.4 It is planned to offset the removal of the Ash tree by the addition, of six (6no.) new trees along the North Eastern boundary of Plot 2 (to the rear of the neighbouring properties on Churchill Close), to increase privacy to both proposed development and to the existing neighbours. This is considered acceptable in principle.
- 14.5 It was originally proposed to plant two (2no.) of each of the following species:-
- Prunus avium, - wild cherry
  - Pinus sylvestris -Scots pine
  - Betula pendula, - silver birch.
- 14.6 It was not considered that a Scots Pine is suitable for a residential setting, so it was requested to be amended and the applicants have suggested replacement with a Hornbeam. This is considered acceptable.

- 14.7 The site is in a residential use and maintained as such so the risk of harm to protected species is minimal but the loss of the trees and vegetation is likely to have some impact upon the local wildlife so a compensatory condition will be applied as well as an informative to highlight to the applicants the potential risks involved. A condition of any approval will also require bat and bird box provision.
- 14.8 The application therefore satisfactorily complies with the NPPF and the Local Plan in respect of biodiversity and the natural environment.

## **15. Other Matters**

- 15.1 The site has not been identified as at risk from past sources of contamination so no remediation is considered to be necessary for the application and the Environmental Protection Team have no comments to make on the application. This is considered acceptable in accordance with Policy DP7 of the Local Plan and the NPPF.
- 15.2 Concerns have been raised with noise and disturbance during construction phase. However, for a residential development of this scale it is considered that there are insufficient grounds for a refusal based on noise grounds. Standard construction hours would apply and in the future the Council's Environmental Health Department can take action under their own powers if there are significant noise concerns at un-neighbourly hours following normal procedure if any complaints are received.
- 15.3 It has been mentioned that there is a historic right of way or right of access to the north east boundary to the allotments and this would act as a ransom strip. Whilst this is not a material planning consideration upon review of the deeds, land registry documents and historic maps no evidence of a right of way can be found within the site and as such does not prejudice this application.

## **16. Conclusions**

- 16.1 The application proposes the development of an area of existing residential garden space for two four-bed dwellings and associated car parking and amenity space. Bank Close would be widened along the stretch of road serving the two new plots and the existing property at Bank Close Cottage.
- 16.2 The site is within a sustainable location within the Uttoxeter Settlement Boundary where residential development is encouraged. The scheme is designed and laid out in a way to maintain sufficient amenity for all neighbouring properties and provide an adequate level of private amenity for the proposed dwellings and the host property. The scheme provides a suitable landscaping scheme including replacement trees to soften the development and would have no adverse impact on the character of the street.
- 16.3 The widening of the road would have benefits for the residents of the entire street and would offset any harm the additional units would have on the existing poor access and junction to Balance Hill.
- 16.4 On balance, therefore, in taking into the planning merits of the proposals as set out in this report it is considered that the proposed scheme is acceptable and is in accordance with the relevant Policies of the Local Plan and its

Supplementary Planning Documents, the Uttoxeter Neighbourhood Plan and the NPPF.

## **RECOMMENDATION**

16.5 **Approve** subject to the following conditions:

1. Three year time limit.
2. Approved drawings
3. Scheme for disposal of foul and surface waters.
4. Construction Management Plan including details of how to access site without HGVs on Bank Close.
5. Samples and details of all materials
6. Ecological enhancement measures (bat and bird roosting facilities)
7. Unexpected contamination mitigation
8. Widening of Bank Close prior to works on site.
9. Parking and turning areas provided in a bound material
10. Drives to the rear of the public highway to be surfaced in a bound and porous material 5m back from the carriageway edge
11. Any vegetation to not grow over the highway.
12. Implementation of landscaping including no Scots Pine trees to be planted substituted instead for Hornbeam
13. Walling and fencing implementation
14. Removal of PD rights for garage space – to be retained for parking of cars.

### **Informatives:**

1. Ecological responsibilities
2. Suitable tree for landscaping (not Scots Pine)
3. Engagement
4. Hard surfacing and high porosity.
5. The widening of Bank Close shall require a Highway Works Agreement with Staffordshire County Council.

## **17. Background papers**

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

- File for application ref: P/2019/00770

- Files for application refs: P/2016/01193, P/2019/00074 and P/2019/00083
- The national and local plan policy and supplementary guidance documents referred to in Section 7 of this report.
- Local Monitoring Report

## **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.

For further information contact: Emma Carrington  
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