

Agenda Item:	6.3
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Site:	Land adjacent to Rose Avenue, Stretton, DE13 0DQ
Proposal:	Reserved Matters application relating to P/2016/01219 for the erection of 4 detached dwellings including details of appearance, landscaping, layout and scale

Report of Head of Service (Section 151 Officer)

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

[Hyperlink to Application Details](#)

Application Number:	P/2020/00131	
Planning Officer:	Emma Carrington	
Type of Application:	Reserved Matters	
Applicant:	Overfield Developments	
Ward:	Stretton	
Ward Member (s):	Councillor G Lamb Councillor Mrs J A Killoran Councillor V J Gould	
Date Registered:	18 February 2020	
Date Expires:	Extension of time agreed until the 3 June 2020	
Reason for being on Agenda	<p>1. The application has been called in by Cllr Killoran for the following reasons:</p> <p>On behalf of the residents of Rose Avenue (2 already have approached me)</p> <p>They are particularly concerned about flooding</p> <p>This area was flooded during the last wet weather we encountered, and there is a deep concern that more houses will make the poor drainage even worse.</p> <p>Also concerns about the access road, which is little more than a dirt track. Big puddles, lots of mud etc., more vehicles using it will make it worse.</p>	

2. The scheme seeks permission for approval of reserved matters relating to an outline that was previously granted for residential development on the site by Planning Committee.

1. Executive Summary

- 1.1 The application seeks approval for reserved matters following the grant of outline application P/2016/01219 for 4 detached dwellings.
- 1.2 The reserved matters for consideration are Appearance, Landscaping, Layout and Scale for 4 No. dwellings. The means of Access was included at outline stage and approved as part of that scheme. This allowed access from Rose Avenue via Claymills Road.
- 1.3 Statutory consultees have raised no objections to the proposal as it is considered that the submitted reserved matters details accord with the outline approval.
- 1.4 Three letters of objection have been received from neighbouring properties. The Parish Council has raised objections and Councillor Killoran has called the application in to be heard at Planning Committee due to concerns about the proposed development.
- 1.5 It is considered that the scheme is in accordance with the details of the approved outline consent and complies with the provisions of the relevant adopted development plan policies and the National Planning Policy Framework.
- 1.6 It is not considered that the proposal will have an adverse impact on the residential amenities of nearby residents, have a detrimental impact on highway safety, or increase the risk of flooding either on the application site or elsewhere.
- 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 The application is situated on the east side of Rose Avenue, Stretton. The site consists of approximately 0.3 ha of overgrown shrub/grassland and has the appearance of a small paddock area.
- 2.2 Rose Avenue is an unmade private road that serves 11 dwellings. These dwellings are located on the western side of the road on the opposite side of the proposed development. The surrounding properties are a mix of single storey or 1.5 storey dwellings. A relatively new dwelling is located to the south of the application site. Rose Avenue links the development to Claymills Road to the south of the site, which has good links to the A38/A5121.
- 2.3 The land has varying site levels, with the flattest part being directly adjacent to Rose Avenue. The land then slopes quite significantly away from Rose Avenue down to the watercourse to the east. This forms part of the flood basin for the river Dove outfall stream that forms the eastern boundary of the site. Further to the east beyond the watercourse is floodplain and open countryside.
- 2.4 The site falls in to all three Flood risk zones, with Flood zone 1 at the top where the land is flattest, gradually falling in to Flood zone 2 and Flood zone 3.
- 2.5 The application site is wholly contained within the settlement boundary for Burton upon Trent.

3. Planning history

- 3.1 12 April 2017- P/2016/01219 – Outline application for residential development of 4 dwellings including details of access – Approved with conditions

4. The proposal

- 4.1 The application is a reserved matters proposal for the erection of 4 detached dwellings with integral garages, private garden areas and driveways/parking spaces, following the grant of outline planning permission at the planning committee in April 2017.
- 4.2 The matters reserved for subsequent approval were appearance, landscaping, layout and scale. Access was approved at the outline stage with each plot having direct access on to Rose Avenue
- 4.3 The submitted plans show two different house types, each with 4 bedrooms, an integral garage and parking provision within driveways for at least two cars.
- 4.4 The design of the proposed dwellings is 1.5 storey to the front section, with a 2.5 storey section to the rear due to the lower ground level at the back of the site, and are of a more contemporary design than some of the more established properties in the area.
- 4.5 Each property benefits from a large rear garden area that exceeds the minimum policy requirements of 70 m². A landscaping scheme is included to show retained trees, new hedge and shrub planting.
- 4.6 The properties are located at the front of the site on the higher, more level part of the site in Flood zone 1. The garden area to the rear slopes down into Flood zones 2 & 3.

List of supporting documentation

- 4.7 The following documents have been provided as part of the application:
- Reserved Matters Application form received 06/02/2020
 - A copy of the outline decision notice for P/2016/01219
 - Drawing 114590 07 Plots 1 & 2 - 1:100 elevations and floor plans received 06/02/2020
 - 114590 11 – 1:1250 site location plan received 06/02/2020
 - Drawing 114590 13 Plots 3 & 4 – 1:100 elevations and floor plans received 11/05 /2020
 - Drawing 14590 14 – 1:100 site plan and sections received 11/05/2020
 - 14950 15 – 1:100 street scenes received 11/05/2020
 - 14590 16 – 1:200 landscaping plan (including block plan) received 11/05/2020
 - 14590 17 - 1:100 full site section received 11/05/2020
- 4.8 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

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

Statutory and non statutory consultee		Response
5.2	Parish Council	Stretton Parish Council would like to register an objection

		<p>to the above application.</p> <p>The Parish Council feel that the entire development should be re-evaluated due to the current flooding issues of the land contained in the application and to areas surrounding the Rivers Dove and Trent.</p> <p>The Parish Council appreciate that the applicant will include measures in the application to alleviate flooding from the land included in the application but this will only increase flooding pressures further up river.</p> <p>With the removal of the weir on the River Dove it would seem to have exacerbated the flooding of land adjacent and towards Rolleston on Dove. Therefore this could be further worsened with flooding measures on natural flood land.</p> <p>Stretton Parish Council do not consider development at this location to be viable and practical, and would urge that a reassessment of the application and its implications locally to be made.</p> <p>Stretton Parish Council hope that the above is taken into consideration when assessing this application and making a decision.</p>
5.3	SCC Highways	<p>There are no objections on Highway grounds to this proposal as the development is in accordance with the details and conditions approved on the outline application.</p> <p>Rose Avenue is a private road. The above comment relates purely to the effects of the development on roads for which Staffordshire County Council is the Highway Authority</p>
5.4	SCC Flood Risk Team	<p>As a non-statutory proposal, we have no comments to make.</p>
5.5	Environment Agency	<p>No objections were raised. The Environment Agency is satisfied with the layout of this development and is satisfied that the submitted drawings to support the reserved matters application meets the requirements imposed by condition attached to the Outline application P/2016/01219.</p>

6. Neighbour responses

6.1 Three letters were received

Neighbour responses	
Principle	Concerns raised that the conditions on the outline approval will not be taken on to consideration.

Impacts on Amenity	Concerns raised about noise and disturbance during construction
Highways Impacts	<ul style="list-style-type: none"> - Rose Avenue is in a poor state of repair, narrow, with no passing places. Four additional dwellings will increase traffic flow and increase highway safety issues - Lack of footpath will increase risks to residents and with no street lighting this situation will be made worse - How will bin lorries access the new dwellings and where will bins be put on collection day. Existing properties put bins on the application site frontage - Will there be access for emergency vehicles - No turning places on Rose Avenue - The bus stop at the end of Rose Avenue creates queues on Claymills Road which will be exacerbated by four new dwellings using the access - Entrance on the Claymills is not wide enough for two vehicles to pass - Nowhere to store building materials plant during construction so will be left in the road causing obstruction - Visitors to the new properties will park in the lane blocking driveways
Flood and drainage impacts	<ul style="list-style-type: none"> - The site floods raising concerns about site drainage and flow of flood water
Ward Member	Cllr Killoran raised issues in a call-in letter as set out above.

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
- NP1: Role of Neighbourhood Plans
- SP3: Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- SP5 Distribution of Employment Growth 2012 – 2031
- SP6 Managing the Release of Housing and Employment Growth 2012 – 2031
- SP16 Meeting Housing Needs
- SP22 Supporting Communities Locally

- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP28 Renewable and Low Carbon Energy Generation
- 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
- DP8 Tree Protection

'Made' Neighbourhood Plans

Stretton Neighbourhood Plan

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

Supplementary Planning Documents

- Car Parking Standards SPD
- Separation Distances and Amenity SPD
- Housing Choice SPD
- East Staffordshire Design Guide SPD

8. Principle of Development

8.1 The NPPF paragraph 10 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

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

- approving development proposals that accord with the development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

8.3 Paragraph 47 of the NPPF states that `Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on

applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.

- 8.4 Paragraph 59 of the NPPF states that ‘To support the Government objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without delay’.

9. 5 Year land Supply

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

10. Local Plan

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

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

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;

- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 The principle of developing this site for residential purposes has already been established through the granting of outline planning permission in 2017. There have been no material changes to the policy requirements since permission was originally approved, and the reserved matters application is seeking to establish that the detailed design, layout, appearance and landscaping as proposed are acceptable, and comply with the requirements of the outline approval.

10.4 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:

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

10.5 The site is wholly within the settlement boundary for Burton upon Trent and is therefore within the area identified as being appropriate, in principle, for residential development. The rear garden boundaries of the site abutt the settlement boundary, but the main built form of the development is set away from the settlement edge.

10.6 The principle, therefore, of developing this site for residential purposes is acceptable, complies with the policies in the local plan and the requirements in the NPPF. In addition, the site already has outline planning permission for four dwellings, and the principle has been accepted.

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

- 11.1 Paragraph 124 of the NPPF states that ‘ The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 11.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 11.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.
- 11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
 - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
 - (d) Repetitive house types should be avoided;
 - (e) The cramming together of large numbers of detached properties should be avoided.
 - (f) High proportions of frontage car parking will not be acceptable.
- 11.6 The application site currently consists of vacant, overgrown grassland. The land is level adjacent to Rose Avenue but slopes steeply away to the rear down in to the basin that forms part of the functional flood plain.
- 11.7 The character of Rose Avenue is residential, with a mix of single storey and 1.5 storey properties that front Rose Avenue, and with vehicular access directly on the unmade lane. Rose Avenue is a private unadopted no through road, with no

public footway or street lighting. Access to Rose Avenue is from Claymills Road, which is an adopted highway.

- 11.8 The proposed development seeks approval for the detailed design and layout of the four dwellings approved in principle under outline application P/2017/01219. The layout is in keeping with the indicative scheme submitted at outline stage. The proposed dwellings are all detached, and have a frontage to Rose Avenue. This is in keeping with the existing properties in the area and retains the linear form of surrounding development.
- 11.9 The properties are designed on two levels due to the steep slope of the site. The front of the site is level with Rose Avenue, where the properties are 1.5 storey high and have the appearance of a dormer bungalow with roof lights in the front roof plane. The height of the properties from the road frontage on plots 1 & 2 is 7.2 metres to the ridge, and 6.2 metres to the ridge for the properties on plots 3 & 4.
- 11.10 At the rear, the site levels drop down and the ground level and layout of the properties also drops to reflect this variation. The height of the properties when measured from the rear ground levels is 10.2 metres for plots 1 & 2 and 9.9 metres for plots 3 & 4. This change in levels is, however, not evident from the street scene.
- 11.11 The scale and design of the proposed dwellings are considered to be in keeping with the character of Rose Avenue and the existing properties in the area. There are two house types which are of a similar design. The front elevations are relatively simple, with a central feature window, two small windows either side, and two roof lights. Each property has an attached garage with the doors facing Rose Avenue. Most of the habitable rooms face the rear of plots looking towards the rear garden areas.
- 11.12 The small landscaped garden areas to the front and side of the dwellings are retained by walls, and access to the lower garden areas to the rear will be achieved by building steps to the side of each property.
- 11.13 No construction materials are specified at this time, but a condition on the outline approval requires these details to be approved prior to the commencement of the development. This will ensure that the chosen materials reflect the character of the area, and will help the development integrate into the existing development.
- 11.14 The character of the proposed new dwellings will also be retained over time, as a condition on the outline approval takes away the normal permitted development rights for extensions and alterations to the approved dwellings, and restricts the erection of ancillary buildings in the garden areas, such as sheds and other outbuildings.

12. Residential Amenity

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

- 12.2 The proposed dwellings are located on the opposite side of the road to existing properties on Rose Avenue, with the exception of the more modern dwelling to south.
- 12.3 The separation distances between the frontage of the new dwellings and the existing dwellings on Rose Avenue are considered to be sufficient to prevent any issues of loss of light or overlooking. Any habitable room windows in the frontage of the new properties are either at ground floor level or are roof lights which are positioned such that they will not result in any significant loss of privacy.
- 12.4 There are no properties to the rear of the application site as the land to the east, beyond the rear boundary is open countryside.
- 12.5 Immediately to the South of the application site is a new dwelling which has been constructed on a similar building line. There are no windows proposed in the side elevation of the dwelling on Plot 1 and the separation distance from the dwelling to south is sufficient to prevent any loss of amenity either due to overlooking, loss of light, or by being overbearing.
- 12.6 In relation to any loss of amenity due to noise and disturbance, conditions have been imposed on the approved outline to address this matter. A noise assessment was submitted and agreed by the environmental protection officer and a construction phase management plan also needs to be agreed before any development can commence. This will help to protect the residential amenities of surrounding neighbours during the construction phase. This also includes defining measures for the storage of materials and equipment within the site.
- 12.7 It is considered that the development will not have a significant adverse effect on the amenities of the surrounding residents. The scale, siting and design of the new properties will ensure that the development will not be overbearing, will not reduce light to habitable rooms and will not create any overlooking. The conditions on the outline approval will ensure that no inappropriate extensions are built that will reduce residential amenity in the future, either for existing or future occupiers. The conditions in relation to the noise assessment and construction management plan on the outline application will help to ensure that any disturbance due to noise and general construction activities will be kept to a minimum and will help to retain the level of residential amenities currently enjoyed.

13. Sustainability (energy efficiency and low carbon)

- 13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:
- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
 - incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy

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

13.2 The conditions imposed on the outline approval include details to be submitted to demonstrate that the development will be constructed in a sustainable manner, which shall include details for water and energy saving measures

13.3 In addition, the Flood Risk Assessment submitted with the outline application includes sustainable drainage methods, which also require approval before development can commence on site.

13.4 The conditions on the outline approval will therefore ensure that the proposed development is sustainable in relation to energy efficiency and low carbon.

14. Highway Matters

14.1 The NPPF in section 9 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

14.2 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.

14.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.

- 14.4 The proposed development will be served from Rose Avenue which is accessed from Claymills Road. Each property will have its own individual access, a garage space and at least two parking spaces on the driveway.
- 14.5 The means of access is considered to be appropriate to serve the proposed development. The details of the access were approved at outline stage, and is therefore not a matter for consideration under the current reserved matters application. However, the development does provide adequate levels of parking, with each property having at least 3 parking spaces which is the required minimum for a property with 4 bedrooms. It is considered that the development can accommodate an appropriate number of vehicles within the application site. It is also noted that there is a bus stop at the end of Rose Avenue that provides accessible public transport options.
- 14.6 No objections have been raised by the County Highway Authority, as the development is in accordance with the approved details on the outline application.

15. Historic Environment

- 15.1 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.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 15.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 15.5 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to

protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.

- 15.6 Policy 8 of the Stretton Neighbourhood Plan seeks to protect identified local heritage assets from inappropriate development proposals, unless the public benefit of the proposal outweighs the harm to the heritage asset.
- 15.7 The nearest conservation area, The Trent and Mersey Conservation Area is approximately 250 metres away.
- 15.8 The nearest listed building is St Mary's church in the centre of Stretton approximately 885 metres away.
- 15.9 Given the significant separation distances between the proposed development to the Trent and Mersey Conservation Area and to the associated listed buildings and the intervening built form, it is considered that the proposal would result in no impact to the setting, significance, character or appearance of the heritage assets. As such, Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not engaged.

16. Flood Risk and Drainage

- 16.1 Paragraph 155 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flooding elsewhere'
- 16.2 The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 16.3 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 16.4 Policy S6 of the Stretton Neighbourhood Plan also expects development proposals to include Sustainable urban Drainage Systems.
- 16.5 As described above, the site falls within all three recognised Flood zones 1, 2 & 3. The development has been specifically designed so that any built development is located within Flood zone 1. The site then falls in to Zones 2 & 3 the closer to the river Dove outlet the site gets.
- 16.6 A Flood risk Assessment was submitted with the outline application, to demonstrate that the development would not be at risk of flooding due to the built form being located in Flood zone 1, and with floor levels that would ensure that the risk of flooding was minimal. Flood resilience measures were also included in the FRA, to include specific construction methods.

- 16.7 A limit on permitted development rights, as attached by condition to the outline consent will also ensure that the development does not encroach in the more at risk areas of the site in Flood zones 2 & 3.
- 16.8 Other measures include Sustainable Urban drainage systems, and low key post and rail fencing in the higher flood risk areas.
- 16.9 A drainage condition was also included on the approved outline application. As such, the applicant will have to provide acceptable drainage details before works can commence on site.
- 16.10 The environment agency raised no objection at outline stage, and have no objections to the current application for approval of reserved matters. The proposed scheme would therefore meet with the requirements of Local Plan Policies SP27, Stretton Neighbourhood Plan Policy S6 and the NPPF.

17. Landscape

- 17.1 One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. The NPPF states that local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.
- 17.2 Strategic Policy 30 states that development proposals will be expected to demonstrate that they have taken into account the Landscape Character Assessment for Staffordshire and consist of a scheme which reflects the landscape character and where possible enhances the landscape quality.
- 17.3 Policy S2 of the Stretton Neighbourhood Plan seeks to ensure that trees and hedges are retained and incorporated in to a development where feasible.
- 17.4 The site is currently an undeveloped area of overgrown grassland. There is a hedge on the front boundary and some small groups of mature trees on the northern and eastern boundaries. No trees are to be removed to facilitate the development, but the front hedge will be removed and replaced in smaller sections as shown on the submitted plans.
- 17.5 The majority of the site, being in Flood Zones 2 & 3 will remain undeveloped nor manicured as formal garden area, and will be retained as it is. The settlement edge will remain untouched, with no development close to the rear boundary. Therefore it is not considered that the development will lead to the loss of any significant landscape areas, or have an adverse impact on the character or appearance of the countryside beyond the settlement boundary.

18. Biodiversity

- 18.1 Paragraph 175 within Section 15 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.

- 18.2 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.
- 18.3 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.
- 18.4 Policies S3 and S4 of the Stretton Neighbourhood Plan seek to protect wildlife species and their habitats and recognised wildlife corridors and ‘stepping stones’. Measures should be incorporated in new development proposals to protect and enhance the wildlife value and features of a site.
- 18.5 The outline application was accompanied by a protected species survey which included mitigation measures to ensure that no protected species or their habitats would be affected by the proposed development.
- 18.6 As the majority of the site is to remain undeveloped, it is considered that the retention of existing trees and the areas around the Dove outlet will still provide opportunities for biodiversity and species protection, and retain undisturbed wildlife corridors and ‘stepping stones’ as identified in the Neighbourhood Plan.
- 18.7 Conditions on the outline approval seek to ensure that the measures in the protected species survey are carried out and biodiversity enhancement measures carried out in accordance with details yet to be approved.
- 18.8 It is considered that the impact on protected species will therefore be minimal and that the development accords with current policy requirements, the Stretton Neighbourhood Plan and the NPPF.

19. Other matters

- 19.1 The outline approval P/2017/01219 was granted subject to conditions relating to the following
- Time limits for commencement
 - Approval of materials
 - Approval of drainage details
 - Removal of permitted development rights
 - Construction management plan
 - Noise report
 - Ecological report
 - Landscaping
 - Sustainable construction methods
 - Site levels

- Refuse collection facilities

These conditions form the basis of the planning permission for this site and therefore should not be repeated on the reserved matters application.

20. Conclusions

- 20.1 The development of this site for residential purposes is acceptable in principle and this has been established by approval, subject to conditions, of outline application P/2017/01219.
- 20.2 The details submitted with the reserved matters application are in accordance with the principles of the outline application, and demonstrate that the site can be developed without any adverse impact on residential amenity, highway safety, heritage assets or the character and appearance of the area.
- 20.3 The dwellings will provide an acceptable standard of accommodation for future occupiers that has adequate parking and access provisions and a more than adequate level of private outside space.
- 20.4 The development complies with the relevant policies in the East Staffordshire Local Plan, Supplementary Planning Documents, the NPPF and relevant policies in the Stretton Neighbourhood Plan.

20.5 RECOMMENDATION

20.6 Approve Reserved Matters subject to the following conditions:

1. Compliance with the approved plans (Standard condition No: 00002)

The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission:

- Drawing 114590 07 Plots 1 & 2 - 1:100 elevations and floor plans received 06/02/2020
- 114590 11 – 1:1250 site location plan received 06/02/2020
- Drawing 114590 13 Plots 3 & 4 – 1:100 elevations and floor plans received 11/05 /2020
- Drawing 14590 14 – 1:100 site plan and sections received 11/05/2020
- 14950 15 – 1:100 street scenes received 11/05/2020
- 14590 16 – 1:200 landscaping plan (including block plan) received 11/05/2020
- 14590 17 - 1:100 full site section received 11/05/2020

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP35, DP1, DP2 and DP3, the East Staffordshire Design Guide, and the National Planning Policy Framework.

2. Surfacing of parking/drive in a bound material (Standard condition No: 00004a)

Prior to the first occupation of the dwelling/use of the development hereby granted permission the access, parking and turning areas shown on the approved plans as listed under condition 1 above shall be provided in a bound porous material and thereafter shall be made available at all times for their designated purposes.

Reason: As recommended by the Highway Authority in the interests of highway safety, and to ensure porous materials are used where appropriate to reduce the risk of flooding in accordance with East Staffordshire Local Plan Policies SP1, SP27 and SP35 and the National Planning Policy Framework.

3. Retention of garage/parking spaces (Standard condition No: 00004d)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage accommodation provided in connection with the development hereby approved shall be made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.

Reason: To ensure adequate off-street parking exists to serve the development to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

Informatives

1. Engagement Informative

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

21. Background papers

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

- The local and national policies and guidance as set out in section 7 above.
- The plans, forms and reports submitted with outline application P/2016/01219.
- The Stretton Neighbourhood Plan

22. Human Rights Act 1998

22.1 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.

23. Crime and Disorder Implications

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

24. Equalities Act 2010

24.1 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
Telephone Number: 01283 508695
Email: dcsupport@eaststaffsbc.gov.uk