

<b>Agenda Item:</b>	5.1
<b>Site:</b>	160 Newton Road, Burton Upon Trent, DE15 0TR
<b>Proposal:</b>	Erection of 2 detached dwellings, including alterations to existing vehicular access and alterations to car parking layout

### 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/2020/00323	
<b>Planning Officer:</b>	Lisa Bird	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	Dako Construction Ltd	
<b>Ward:</b>	Winshill	
<b>Ward Member (s):</b>	Councillor D F Fletcher	
	Councillor R A Faulkner	
	Councillor M Metcalfe	
<b>Date Registered:</b>	08/06/2020	
<b>Date Expires:</b>	31/07/2020	
<b>Reason for being on Agenda</b>	Called in by Ward Councillor Dennis Fletcher Previous application for the HMO was determined by Planning Committee, this application makes changes to the agreed HMO parking layout.	

## 1. Executive Summary

- 1.1 The application site is located on Newton Road in the Parish of Winshill. The site is within the Burton upon Trent settlement boundary which is identified in

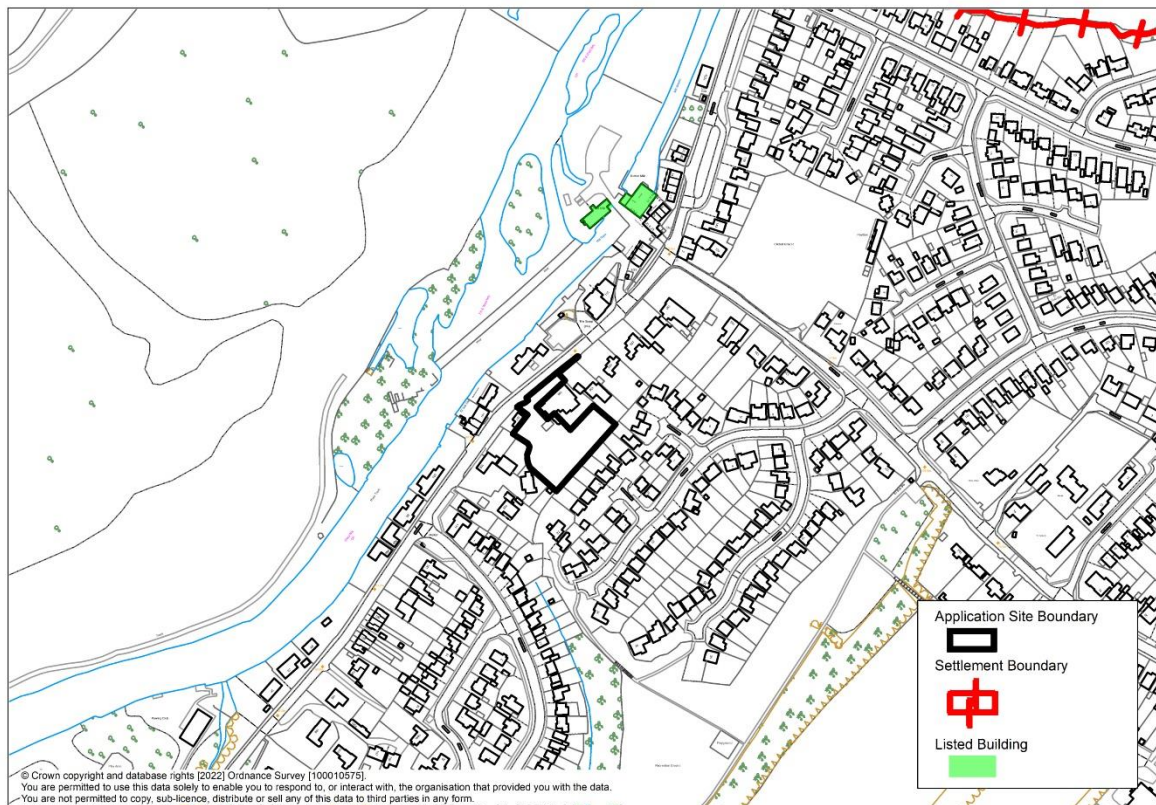
the Local Plan as being part of a Main Town. The application site forms the rear garden area of a 14 bedroomed HMO and the surrounding area is predominantly residential in character. There are some areas of known archaeological interest within the area. The River Trent is situated to the rear of the dwellings on the opposite side of Newton Road, however, the application site is within Flood Zond 1 which is at the lowest risk of flooding.

- 1.2 The application submission forms a detailed planning application for the erection of two detached two storey dwellings, including alterations to the existing vehicular access and alterations to the car parking layout. The parking arrangement serves the existing HMO, No. 161 Newton Road and the proposed dwellings.
- 1.3 Winshill Parish Council have objected to the proposals on the grounds of overdevelopment of the site, impact on visual amenities, impact on neighbouring properties, car parking dominating the site and impact on ecology.
- 1.4 There have been representations received from 11 No. local residents/interested parties over the duration of the application process. All of the responses are in objection to the proposals, raising similar concerns to those of the Parish Council and these are summarised and addressed in this report.
- 1.5 In overarching development plan terms, with the site being situated in a Settlement Boundary, identified as a Main Town (under Policies SP1 and SP2 of the Local Plan) the development proposals are acceptable in principle in sustainable location terms.
- 1.6 The scheme is considered to have no adverse impact on archaeological remains in the area. There is no conservation area nearby and the nearest listed building is screened from the site by intervening built form. It is also considered that the scheme would not adversely affect existing visual amenities.
- 1.7 In terms of residential amenities, the amended scheme demonstrates that the proposal complies with the requirements of the Separation Distances and Amenity SPD. Conditions are recommended particularly in relation to obscure glazing of side facing windows, subject to which there is considered to be no significant adverse impact on neighbouring properties in terms of overlooking or loss of privacy.
- 1.8 The County Highway Authority raise no objections in principle on grounds of highway safety.
- 1.9 The application is supported by an Ecological Appraisal, a Tree Survey, Arboricultural Impact Assessment and Method Statement and a Tree Protection Plan, which demonstrate no significant adverse impact on biodiversity and trees, subject to conditions relating to landscaping and ecological enhancement measures.

1.10 In light of the above conclusions on the planning merits of the cases, therefore, the applications are recommended for **approval** subject to the necessary conditions.

**Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.=**

### Map of site



## 2. The site description

- 2.1 The application site is located on the south-eastern side of Newton Road and forms the rear garden area of No. 160 Newton Road, formerly a residential care home, now used as a 14 bedroomed House in Multiple Occupation (HMO). The site also includes the access and parking area to the front of No. 160 Newton Road and the parking area to the rear of No. 161 Newton Road. The site area is approx. 0.28ha.
- 2.2 The area is predominantly residential in character with dwellings situated adjacent to all boundaries and on the opposite side of Newton Road, where there is also a public house to the north. Beyond the dwellings on the north-western side of Newton Road is the River Trent.
- 2.3 Newton Road rises to the north-east, and the garden area to the rear of the site is situated at a slightly higher land level than the parking area to the front,

otherwise the site itself gently slopes down towards the south-west. The two – storey dwellings to the rear of the site situated on Hanchurch Close and Kingsbury Close are situated at a higher land by between approx. 3 - 3.8 metres. The bungalow to the north-east of the site at No. 156 Newton Road is situated approx. 1 metre higher than the application site and the two storey dwelling at No. 168 Newton Road to the south-east of the site is situated at a lower land level by approx. 1.6 metres.

- 2.4 The boundaries of the site are made up of a mix of walling and fencing, with three Tree Preservation Orders present; TPO 309 protects two individual trees within the site and a group of trees to the southern end of the rear boundary; TPO 336 protects an individual tree to the rear of No. 161 Newton Road; and TPO 390 protects two groups of trees to both sides of No. 161 Newton Road. There are other trees to the boundaries of the site which are not protected by Tree Preservation Orders and are not worthy of being protected.
- 2.5 The site currently benefits from two access points, one adjacent to No. 156 Newton Road to the north, the other adjacent to No. 161 Newton Road to the south-west, with a front boundary wall approx. 0.5m in height, separating them. There are existing parking spaces to the front of No. 160 Newton Road along with a gravelled parking area to the rear of No. 161 Newton Road.
- 2.6 The site is situated within the settlement boundary for Burton upon Trent.

### **3. Planning history**

- 3.1 PA/00403/004 – Residential home for the elderly – Approved 21/07/1975
- 3.2 PA/00403/006 – Conservatory – Approved 17/01/1983
- 3.3 PA/00403/009 – Erection of a single storey extension – Approved 22/12/1997
- 3.4 PA/00403/010 – Erection of a rear conservatory and external alterations to existing sun lounge – Approved 19/06/2002
- 3.5 PA/00403/014 – Alterations to an existing vehicular access – Approved 09/12/2004
- 3.6 P/2017/00859 – Change of use from Class C2 Residential Institution to a House in Multiple Occupation including demolition of existing garage – Approved (Committee) 22/05/2018

### **4. The proposal**

- 4.1 Full planning permission is sought for the erection of two detached dwellings including alterations to the vehicular access and car parking layout.
- 4.2 Negotiations have taken place during the course of the application and the proposal has been amended from four three-storey dwellings to two two-storey dwellings, including the re-siting of the proposed dwellings.
- 4.3 The two dwellings are proposed to be situated to the rear of the access and car parking area for the HMO and will be set at an angle to the existing surrounding

dwellings and HMO. The dwellings are proposed to measure approx. 8.7m to the ridge and 5.1m to the eaves with a projecting front gable detail with a maximum height of approx. 7.2m. The dwellings are proposed to be approx. 8.4m wide by 9.4m deep with a single storey projection to the rear of approx. 3.8m.

- 4.4 The accommodation proposed within the dwellings comprises a lounge, snug, kitchen and dining area, study, shower room and utility room at ground floor level with four bedrooms, one of which is en-suite, and a family bathroom at first floor level.
- 4.5 Plot 1 is proposed to be constructed from red brick with anthracite cladding and grey clay roof tiles; windows and doors are also proposed to be finished in anthracite. Plot 2 is proposed to be constructed from red brick with grey clay roof tiles with anthracite coloured windows and doors.
- 4.6 The access to the site is also proposed to be amended, from the existing two access points to one centrally located access. This necessitates the removal of part of the existing front boundary wall, and the erection of 1m high boundary walls to close off the existing access points.
- 4.7 The parking layout to the existing HMO is also proposed to be amended. The application which approved the HMO in 2018 indicated some parking to the front of No. 160 Newton Road with the rest to the south-western side of the HMO. Due to the proposed access arrangements the parking to the front has been removed, except for 2 disabled spaces, with 18 spaces proposed to the side of the HMO, 9 either side of the access road leading to the proposed dwellings. Beyond this 2 parking spaces are proposed to the front of each new dwelling, with 3 spaces situated between the proposed dwellings.

#### List of supporting documentation

- 4.8 The following documents have been provided as part of the application:
  - Detailed Planning Application Form
  - Location Plan and Proposed Site Layout including Cross Sections
  - Proposed Elevations and Floor Plans
  - Topographical Survey
  - Design and Access Statement
  - Access Survey
  - Speed Survey
  - Transport Statement
  - Preliminary Ecological Appraisal
  - Tree Survey
  - Arboricultural Impact Assessment and Method Statement (including tree shading plans)
  - Tree Protection Plan
- 4.9 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	<p>Object to the original proposal for the following reasons:</p> <ul style="list-style-type: none"> <li>• The application is incorrect in that it states that it is for 5 No. new dwellings.</li> <li>• The application is contrary to Policy 7 of the Winshill Neighbourhood Plan as it would represent overdevelopment of the site and be out of character with the larger former nursing home. As such it would have a detrimental impact on the immediate area not least due to the scale and massing of the proposed dwellings.</li> <li>• The proposed dwellings would also harm the living conditions at neighbouring properties in Hanchurch Close by appearing overbearing and resulting in loss of sunlight/overshadowing to their rear private garden areas. There would also be a loss of privacy and loss of amenity due to vehicular movements close by.</li> <li>• The application is also contrary to Policy 8 of the Winshill Neighbourhood Plan in so far as the design does not reinforce the local architectural distinctiveness of the former car home and the access and car parking arrangements would dominate much of the site resulting in overdevelopment. As such the proposed design and layout is not well integrated with the character of the local built environment.</li> <li>• The suggestion in the Ecological Survey that the proposal would present an opportunity to increase the biodiversity and ecological value of the site is strongly refuted and is highly likely to have a negative impact following the construction of the dwellings and garden areas. Further the scale of the development will seriously detract from the amenity space available to the occupants of the now approved HMOs, which in the Council's view will not site comfortably in such close proximity to the proposed 5 bedroomed family dwellings.</li> </ul>

		<p>Following the submission of amended drawings, reducing the number of dwellings to 2, Winshill Parish Council maintained their objection stating:</p> <p>Whilst it is noted that the number of dwellings has been reduced from 4 to 2 the application is still contrary to Policy 7 of the Winshill Neighbourhood Plan as it would represent overdevelopment of the site and be out of character with the larger former nursing home. As such it would have a detrimental impact on the immediate area not least due to the scale and location of the proposed dwellings, which would also harm the living conditions at neighbouring properties in Hanchurch Close be resulting in loss of sunlight/overshadowing to their rear private garden areas.</p>
5.3	SCC Highways	No objection to amended scheme subject to conditions in relation to the visibility splay being provided and kept clear from obstruction and the car parking, turning and access being provided and drained to ensure no surface water runs onto the highway.
5.4	SCC Archaeology	No objection and no archaeological conditions required.
5.5	Severn Trent Water	No objection and no drainage conditions required.
5.6	Architectural Liaison Officer	No objection

Internal Consultees		Response
5.7	Tree Officer	Raised objections to the original proposal and concerns in relation to tree shading, however, following the submission of amended details no objection was raised subject to a condition requiring a tree protection plan and method statement.
5.8	Waste	No objection subject to a condition in respect of the provision of waste receptacles.
5.9	Environmental Health	Commented that the noise from additional vehicle movement would not be significant given that only two dwellings are proposed.

## 6. Neighbour responses

6.1 Eleven responses were received to the original proposal, with a further four responses to the amended scheme reiterating their original comments.

<b>Neighbour responses</b>	
Principle	<ul style="list-style-type: none"> <li>• The proposal represents overdevelopment of the site</li> </ul>
Design	<ul style="list-style-type: none"> <li>• The proposal is out of character with the former nursing home and will have a detrimental impact due to the scale and massing</li> <li>• The proposal does not integrate well and is dominated by the proposed parking</li> <li>• The car parking arrangements would dominate much of the site in contravention of the Design Guide SPD</li> <li>•</li> </ul>
Impacts on Amenity	<ul style="list-style-type: none"> <li>• The neighbouring dwellings will be totally overshadowed by the proposed dwellings and there will be loss of light to neighbouring gardens</li> <li>• The dwellings will have some directly overlooking windows causing existing dwellings loss of privacy</li> <li>• The proposal does not comply with the requirements of the Separation Distances and Amenity SPD.</li> <li>• Lack of consideration given to the impact of the proposal on the dwellings on Hanchurch Close</li> <li>• One of the properties on Hanchurch Close is home to a severely disabled child who has a sensory area within the rear garden, there are significant concerns that the proposal will remove the existing wildlife and seclusion, with the private land becoming publicly accessible</li> <li>• Noise from vehicles accessing the properties</li> <li>• Concern in relation to the length of time the construction works would take, which would cause noise and disruption.</li> </ul>
Highways Impacts	<ul style="list-style-type: none"> <li>• Speeding traffic along Newton Road is an issue, and there have been several serious car accidents in recent years, which have caused damage to boundary walls</li> <li>• Vehicles park on the opposite side of Newton Road, causing further restrictions to visibility.</li> <li>• Proposed new access means there will be only one access point.</li> <li>• There is no pathway on this side of Newton Road and pedestrians will have to wait in the access to cross over.</li> <li>• The number of parking spaces indicates that up to 28 cars could be using the access onto Newton Road several times a day and will exacerbate existing highway issues, causing more danger to this stretch of road.</li> </ul>



Trees	<ul style="list-style-type: none"> <li>• The proposal will result in the loss of a significant number of trees and foliage</li> <li>• There are protected and non protected trees within the site, particularly along the boundary. Some of which have fallen in recent years, there are therefore concerns in relation to the loss and safety of existing trees.</li> </ul>
Ecology	<ul style="list-style-type: none"> <li>• Loss of wildlife habitat, there are birds, bats and other species which are regularly present at the site; the site acts as a wildlife corridor for species to travel to other green spaces within Winshill</li> <li>• The Ecology Survey states that the proposal would present an opportunity to increase the biodiversity and ecological value of the site, this is strongly refuted and would likely have a negative impact.</li> </ul>
Other	<ul style="list-style-type: none"> <li>• Discrepancies in the application, location and block plan refer to four dwellings, but the Application Form refers to five dwellings.</li> <li>• Discrepancies in the documents which refer to the size of the application site.</li> <li>• If the application is approved the following points are requested: <ul style="list-style-type: none"> <li>- Control hours of operation for construction works</li> <li>- All side facing windows are non-openable and opaque</li> <li>- Bat boxes are located around the site</li> <li>- Hedgehog holes are places at suitable points in all fences and walls</li> </ul> </li> </ul> <p>Comments were also received in relation to devaluation of properties, and the ownership and maintenance of boundary walls and fences, however, these are not material planning considerations.</p>
Ward Member	<p>The plan would result in overdevelopment of the site and would be out of character with existing houses. It would have a detrimental effect on existing houses in Hanchurch Close, the height and close proximity of the proposed houses causing loss of light and privacy. An existing plan has 18 parking spaces. This development would add ten more spaces making 28 in all. The effect of this extra traffic entering Newton Road where the visibility is limited at the point of exit from the site would be considerable. Visitors to the site would often be required to park on Newton Road where there is already a problem with overspill parking from 'The Sump' public house. There has been no survey to ascertain the effect on wildlife. The design statement declares that there will be five homes whereas the plan shows only four.</p>

## 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  
SP16 Meeting Housing Need  
SP24 High Quality Design  
SP25 Historic Environment  
SP26 National Forest  
SP27 Climate Change, Water Body Management and Flooding  
SP29 Biodiversity and Geodiversity  
SP34 Health and Wellbeing  
SP35 Accessibility and Sustainable Transport  
DP1 Design of New Development  
DP3 Design of New Residential Development, Extensions and Curtilage Buildings  
DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology  
DP7 Pollution and Contamination  
DP8 Tree Protection

### 'Made' Neighbourhood Plans

### Winhill

6 – Housing Mix  
7 – Support for Creative and Innovative Infill Design  
8 – Support for Good Design  
11 – Parking  
14 – Connectivity with the existing highway

### Supplementary Planning Documents and other guidance

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

## 8. Principle of Development

### Relevant Policies

8.1 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.

8.2 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.

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

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

### **5 Year land Supply**

8.4 The most recent calculation uses figures as at 30<sup>th</sup> September 2021 and concludes there is 8.90 years of supply. Therefore the policies in the plan can be considered up to date.

### **Assessment**

8.5 Policy SP2 of the Local Plan identifies Winshill as being within the category of Burton upon Trent which is identified as a Main Town, and as such the principle of residential development would meet with the objectives of the sustainability policies of the adopted Local Plan. The Winshill Neighbourhood Plan does not identify the site for any specific designation (e.g. as Local Green Space) that would prevent the development of the site in principle. The site already benefits from a residential use due to the existing HMO, and the surrounding area is predominantly residential in character.

8.6 In principle the proposal is considered to be acceptable and in compliance with Policies SP1 and SP2 of the Local Plan and the NPPF.

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

### **Relevant Policies**

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 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.

- 9.3 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.
- 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 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.
- 9.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 9.7 Winshill Neighbourhood Plan Policy 7 relates to support for creative and innovative infill development, and states that infill development will be supported where it will provide additional housing capacity, fits with the overall character of the area and historic context, would be of appropriate scale in terms of plot size, layout and density and would not significantly impact on the amenity of neighbours. Proposals will be supported where they respect and make a positive contribution to the immediate area. Particular attention should be made to the design matters of building height, scale, mass, design, appearance and materials.
- 9.8 Winshill Neighbourhood Plan Policy 8 provides criteria for supporting good design, those criteria are:
- (a) Responding to the local context and the form of surrounding buildings;
  - (b) Taking account of landscape and topographical features and respect of local character;
  - (c) Reinforcing local architectural distinctiveness;
  - (d) Ensuring all components of the proposal, such as buildings, car parking, access routes, open space and landscaping are well related to ensure a well-integrated and attractive development;
  - (e) Ensuring the retention and enhancement of existing trees, shrubs, hedges and green space where possible;

- (f) Seeking to utilise locally sourced traditional materials to help to retain and enhance the local character of existing and new buildings and their environments;
- (g) Conserving and enhancing the special character and distinctness of the area and its amenity value to the community.

### Assessment

- 9.9 The proposal would result in the creation of two, two –storey dwellings situated to the rear of an existing HMO at No. 160 Newton Road, and dwelling at No. 161 Newton Road. The dwellings would be set back from the Newton Road by approx. 44m (to the closest point) and would in the main be screened from public vantage points by existing built form. Plot 2 will be partially visible from Newton Road via the new access, however, these views will be limited due to the existing HMO building and neighbouring dwellings as well as existing trees.
- 9.10 The layout of the site has been dictated by the site constraints, including the proximity of neighbouring dwellings, existing TPO'd trees, the amended access, and the parking requirement for the 14-bedroomed HMO. The new access particularly has resulted in parking spaces which were situated to the front of the HMO being relocated to the parking area to the south-west side of the building. The access to the proposed new dwellings is therefore via the parking area. Whilst this is not ideal, the parking area is not highly visible from Newton Road and the parking to the frontage of the HMO will be significantly reduced to only two spaces. There is currently a small strip of planting to the rear of the existing boundary wall with some space within the site to incorporate planting to the rear of the new boundary walls.
- 9.11 The access to the proposed dwellings would therefore consist of 9 parking spaces to both sides of the access road, these spaces are proposed to serve the HMO. A further 7 parking spaces are proposed to serve the proposed new dwellings, four of these will be situated at the end of the HMO parking, with the remaining three situated between the two dwellings. Landscaping to soften the parking area can be secured via a suitably worded condition. The proposal will therefore not result in a significant amount of frontage parking to Newton Road, however, there will be 25 parking spaces along the access to the proposed dwellings.
- 9.12 Infill development along this side of Newton Road is characteristic of the area, with two examples of this to the south of the site where multiple dwellings are accessed from small private access roads.
- 9.13 In terms of the design and scale of the dwellings, amended drawings were submitted during the course of the application, reducing the number and type of dwellings. Four three-storey dwellings were originally proposed (five were indicated on the application form, however, this was reduced to four prior to validation of the application) this has been reduced to two two-storey dwellings. Newton Road and the surrounding area is made up of a mixture of types and styles of dwellings and the design of the dwellings proposed is considered to be acceptable. Red facing bricks and grey clay roof tiles are proposed to be used which are in keeping with the local vernacular; some anthracite cladding is

proposed to Plot 1, given the colours of render and cladding in the area this is considered to be acceptable.

- 9.14 Alterations are also proposed to the front boundary wall, in order to create a new central access point and close off the existing access points. The alterations proposed are to be carried out in matching materials and are considered to be acceptable.
- 9.15 The concerns relating to the site layout and parking spaces dominating the site are noted, however, given the above it is considered that the design of the proposed dwellings is considered to be acceptable and would not result in any significant adverse impact to the visual amenities of the area. The proposal is therefore considered to comply with Policies SP1, SP24, DP1 and DP3 of the Local Plan, Policies 7 and 8 of the Winshill Neighbourhood Plan and the objectives of the East Staffordshire Design Guide.

## **10. Residential Amenity**

### **Relevant Policies**

- 10.1 The National Planning Policy Framework and Policies SP24, DP1 and 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 impact.
- 10.2 Policy SP34 of the Local Plan relates to health and wellbeing and states that development proposals shall enhance health, safety and a sense of wellbeing.
- 10.3 Policy DP7 of the Local Plan relates to pollution and contamination and states that development proposals will only be granted permission where they will not give rise to, or be likely to suffer from, land instability and/or unacceptable levels of pollution in respect of noise or light, or contamination of ground, air or water.
- 10.4 The Local Plan policies are supplemented by the East Staffordshire Design Guide and the Separation Distances and Amenity SPD, which provide standards for separation distances between dwellings, internal room sizes and amenity space standards.
- 10.5 Winshill Neighbourhood Plan Policy 7 which relates to support for creative and innovative infill development also states that proposals must not significantly impact on the amenity of neighbours.

### **Assessment**

- 10.6 The proposal would see the creation of two two-storey dwellings situated at angular positions within the rear garden area of the HMO at No. 160 Newton Road. The dwellings on Hanchurch Close and Kingsbury Close are situated at a higher land level than the application site as is the bungalow at No. 156 Newton Road. The dwelling at No. 168 Newton Road is situated at a lower land level than the application site. Given the angular positions of the dwellings

there would be no direct overlooking or loss of privacy to occupiers of neighbouring dwellings.

- 10.7 Plot 1 which is situated to the rear of the HMO also has a side elevation which faces towards the HMO at an indirect angle. The separation distance to this side elevation is approx. 17m which complies with the SPD. Whilst there are side facing windows in this elevation, these serve a utility room and a shower room at ground floor level and a landing at first floor level, and therefore a condition to ensure use of obscure glazing is recommended.
- 10.8 The other side elevation to Plot 1 faces at an indirect angle towards Nos. 6, 7 and 8 Hanchurch Close which are situated at a higher land level than the application site. There is a separation distance of approx. 23.5m to the rear of No. 6 Hanchurch Close, approx. 22m to the rear of No. 7 Hanchurch Close and approx. 23m from the two storey element of the proposed dwelling to the rear of No. 8 Hanchurch Close (all measurements taken from the closest point of the two storey element of the proposed dwellings), this exceeds the requirements of the SPD. The side facing windows are comprised of a snug at ground floor level and an en-suite bathroom at first floor level. The snug window will be well screened by the existing boundary treatment, and given the difference in land levels is not considered to result in any significant overlooking of the neighbouring properties. A condition is recommended to ensure use of obscure glazing to the en-suite window.
- 10.9 Plot 2 which is situated to the rear of No. 161 Newton Road has one side elevation which faces towards the parking area of the HMO. The other side elevation faces at an indirect angle towards Nos. 4, 5 and 6 Hanchurch Close which are situated at a higher land level than the application site. There is a separation distances of approx. 28.5m to the rear of No. 6 Hanchurch Close, approx. 27m to the rear of No. 5 Hanchurch Close and approx. 25m to the rear of No. 4 Hanchurch Close, which exceed the separation distance requirements of the SPD. The side elevation facing these properties contains a snug at ground floor level and an en-suite bathroom at first floor level. The snug window will be well screened by the existing boundary treatment, and given the difference in land levels is not considered to result in any significant overlooking of the neighbouring properties. A condition is recommended to ensure use of obscure glazing to the en-suite window.
- 10.10 No. 3 Hanchurch Close is situated adjacent to the south-west corner of the application site, is situated at a higher land level and is well-screened by the trees on the boundary.
- 10.11 No. 3 Kingsbury Close is located adjacent to the eastern corner of the application site and is situated at a higher land level. Given the angled position of the dwelling there would be no direct overlooking of private amenity space to this dwelling, with a separation distance of approx. 26m.
- 10.12 In relation to the bungalow at No. 156 Newton Road, the rear elevation of Plot 1 faces at an indirect angle towards the rear garden of this bungalow. The bungalow is situated at a higher land level than the application site with a Separation Distance of approx. 23m. A new 1.8m timber fence is proposed to the boundary with this dwelling.



- 10.13 In respect of the dwelling at No. 168 Newton Road which is situated at a lower land level than the application site, the rear elevation of Plot 2 would indirectly face the north-eastern corner of No. 168 Newton Road with a separation distance of approx. 19.8m (17m from corner to corner). Due to the angled position there would be no direct overlooking and the established trees to this boundary provides screening.
- 10.14 The Separation Distances and Amenity SPD provides guidance in relation to minimum requirements for internal room sizes and private amenity space. The internal room sizes meet the standards set out within the SPD. The SPD requires the private amenity space for each plot to measure 70 sqm, both plots exceed this requirement.
- 10.15 The garden space relating to the HMO will see a reduction, however, some space will remain to the rear of the HMO and to the side of the parking area adjacent to No. 161 Newton Road. The level of space provided is considered to be acceptable, given that the Separation Distances and Amenity SPD does not specify garden sizes for HMO's and there are publicly accessible open spaces within close proximity of the application site.
- 10.16 Concerns have been raised in terms of noise and disturbance to residential properties from vehicle movements within the application site. Whilst some of the parking spaces would be adjacent to the rear boundaries of Nos. 5 and 6 Hanchurch Close, the remaining parking spaces are separated from the neighbouring dwellings by the proposed new dwellings. There is existing parking to the rear of No. 161 Newton Road and this situation will not change. The Environmental Health Team have raised no objection in relation to the vehicle movements within the site, it is therefore considered that there will be no significant impact on the occupiers of neighbouring dwellings through noise and disturbance.
- 10.17 The ESBC Tree Officer initially raised some concerns in respect of shading of Plot 2 from the existing boundary trees, some of which are subject to a TPO. An Arboricultural Impact Statement and Method Statement were submitted during the course of the application which contain an assessment of tree shading on the proposed dwellings. Whilst this does demonstrate that Plot 2 will be in shade at certain times of day and at certain times of year due to trees being situated on both the south-eastern and south-western boundaries, it is not considered that this is significant enough to sustain a refusal. The shading both the rear and side garden areas, however, the shading plan provided indicates that these areas will not both be in shade at the same time.
- 10.18 Appropriate bin receptacles for the proposed dwellings can be secured via condition.
- 10.19 It is therefore considered that the proposal would result in no significant overlooking, loss of privacy or overbearing impact to occupiers of neighbouring dwellings, in compliance with Policies SP245, DP1 and DP3 of the Local Plan, Policy 7 of the Winshill Neighbourhood Plan and the Separation Distances and Amenity SPD.

## 11. Highway Matters

### Relevant Policies

- 11.1 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 consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 11.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 11.3 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.
- 11.4 Policy 11 of the Winshill Neighbourhood Plan provides car parking standards requiring a minimum of three spaces for each new 4 bedroomed dwelling.
- 11.5 Policy 14 of the Winshill Neighbourhood Plan relates to connectivity with the existing highway and states that access arrangements for all developments where feasible should be designed in a way which does not compromise safety for existing highway users, including pedestrians and cyclists. Wherever possible, new access points onto the main routes (including Newton Road) should be avoided.

### Assessment

- 11.6 The application includes alterations to the existing access, which currently has two access/egress points. A single central access is proposed in order to achieve a greater level of visibility when entering/exiting the site.
- 11.7 The agent has negotiated directly with the Highway Authority during the course of the application and amended details have been provided, including a Transport Statement, Access Survey and Speed Survey, along with alterations to the visibility splay. In order to achieve the necessary visibility a Certificate B has been served on neighbouring land owners at Nos. 155 and 156 Newton Road.
- 11.8 The Transport Statement identifies that the visibility of the existing accesses is limited with the northern access having 3m of visibility to the north and 70m to

the south, and the southern access having 35m of visibility to the north and 36m to the south. The proposal would centralise the access giving a visibility of 42m to the north and 43m to the south. Whilst this does fall short of the 52m and 54m requirement, it does result in a significant improvement over and above the southern access, and the extremely limited visibility of the northern access to the north. The Highway Authority have raised no objections to this, subject to the land owners being made aware of their responsibilities to maintain the visibility strip free from obstruction.

- 11.9 The Access Survey identifies that there were six vehicles belonging to residents with 14 vehicle movements that day. This corresponds with a statement provided by the applicant in relation to car ownership of the HMO residents. The HMO was occupied by 14 residents at the time of the survey, with only 6 vehicles used by residents.
- 11.10 The Speed Survey identifies that there were some incidences of speeding, however, the average speed along this stretch of road is 31mph.
- 11.11 The previous approval for the HMO in 2018 included 18 parking spaces. The proposed site layout provides 18 parking spaces for residents of the HMO, 2 spaces for the occupiers of No. 161 Newton Road (which is in the applicant's ownership) who benefit from no off street parking currently, and 7 spaces for the proposed new dwellings. This is considered to be acceptable given the level of parking secured for the HMO previously.
- 11.12 The Highway Authority have raised no objections to the proposal subject to conditions relating to the visibility splay being kept free from obstruction and the parking, turning and access being constructed and drained prior to the first occupation of the dwellings.
- 11.13 The proposal is therefore considered to comply with Policies SP1 and SP35 of the Local Plan, Winshill Neighbourhood Plan Policies 11 and 14 and the Parking Standards SPD.

## **12. Historic Environment**

### **Relevant Policies**

- 12.1 Paragraph 189 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.
- 12.2 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.
- 12.3 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.

## Assessment

- 12.4 The application site is within an area of known archaeology. The site is not within a Conservation Area and the nearest listed building is approx. 110m to the north-east of the application site, on the opposite side of Newton Road.
- 12.5 The County Archaeologist has been consulted in respect of the proposals and has raised no objections confirming that no archaeological conditions are required. The proposal is therefore considered to have no adverse impact on heritage assets including archaeology, in compliance with Policies SP25 and DP5 of the Local Plan.

## 13. Flood Risk and Drainage

### Relevant Policies

- 13.1 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.
- 13.2 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.

### Assessment

- 13.3 The application site is located within Flood Zone 1 which is at the lowest risk of flooding, a Flood Risk Assessment was therefore not required to support the application.
- 13.4 Severn Trent have confirmed that they have no objections to the proposals which would connect to the existing drainage system and no drainage conditions are required due to the minimal impact on the public sewerage system.
- 13.5 The proposal is therefore considered to comply with Policy SP27 of the Local Plan.

## 14. Housing Mix

### Relevant Policies

- 14.1 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.

- 14.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence.
- 14.3 Policy 6 of the Winshill Neighbourhood Plan states that particular support will be given to proposals which provide appropriate mix of house types, tenures and sizes, including 1 and 2 bedroomed homes, low cost market homes generally and homes that meet the needs of older and less mobile population.

### **Assessment**

- 14.4 The application proposed the erection of two four-bedroomed family homes. In this instance, given the number and size of the proposed dwellings, it is not considered reasonable for a mix of dwellings to be provided. The existing HMO is within the ownership of the applicant, and given the surrounding types and sizes of residential accommodation the proposal will meet the wider needs of family dwellings.

## **15. Trees and National Forest**

### **Relevant Policies**

- 15.1 Policy SP26 of the Local Plan supports the National Forest Strategy and expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest Planting guidelines.
- 15.2 Policy DP8 of the Local Plan relates to tree protection and states that within development sites proposals must ensure that new developments are designed to:
- Retain as many existing trees and other natural features as possible;
  - Minimise harm to existing trees and other natural features either in the short or long term;
  - Minimise conflict between trees and buildings in the future through the design, layout and construction of the development.

### **Assessment**

- 15.3 The site is located within the National Forest, however, the site is beneath the threshold required for consultation or additional tree planting.
- 15.4 Additional information in relation to trees within the site has been submitted during the course of the application. The Tree Protection Plan provided indicates five small trees within the site to be removed, these comprise three apple trees and two pear trees. The remainder of the trees are located to the perimeter of the site and are proposed to be retained and their root protection areas are shown on the drawing. A Method Statement has also been provided to demonstrate how the trees will be protected during construction.

- 15.5 The proposal does result in the loss of five smaller trees within the site, however, given the number of trees remaining, which includes trees protected by TPOs, and the constraints of the site, it is not considered reasonable to require additional tree planting within the garden areas created. It may be possible, however, for additional tree planting to take place along the boundaries of the site, this can be secured via a landscaping condition. As discussed in Section 10, the Arboricultural Impact Statement includes an assessment of tree shading on the proposed dwellings. Whilst this does demonstrate that Plot 2 will be in shade at certain times of day and at certain times of year, it is not considered that this will be so significant so as to cause conflict between trees and buildings in the future.
- 15.6 The ESBC Tree Officer has been consulted on the application and has raised no objections to the proposal. A condition is recommended to ensure that the development is carried out in accordance with the Method Statement.

## **16. Biodiversity**

### **Relevant Policies**

- 16.1 Paragraph 180 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.
- 16.2 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.
- 16.3 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.

### **Assessment**

- 16.4 An Ecological Survey has been submitted to support the application. It is noted that this contains a site plan indicating 5 dwellings rather than the 2 now proposed, however, this does not impact on the outcome of the survey.
- 16.5 The Ecology Survey identified the potential for impacts to breeding birds and bats. It is recommended that any works for trees to be removed are carried out outside of bird breeding season, or that a qualified ecologist undertake a breeding bird check prior to any such works.
- 16.6 One tree within the application site has been identified as a potential bat roost, this tree is not proposed to be removed, and a condition is recommended to ensure that no artificial lighting is to shine onto this tree.
- 16.7 The Ecology Survey did not identify any other protected species as being present within the site, however, potential ecological enhancements have been

identified, including the installation of bat and bird boxes within the fabric of the new dwellings, plant species of known wildlife value to be incorporated into the landscaping scheme and strengthening of the tree line boundaries to hedgerows. These details can be secured via suitably worded conditions.

16.8 Comments have been received in relation to the loss of habitat within the site and the amount of hardstanding proposed. The location of the parking area is similar to that approved under the 2018 permission for the HMO, and it is noted that permeable areas are proposed for the parking to the new dwellings. The remainder of the garden is largely laid to lawn.

16.9 It is therefore considered that the proposal complies with the requirements of SP29 and ecological enhancement measures can be secured via condition.

## 17. Conclusions

17.1 The proposal is considered to be situated in a sustainable location, within a Main Town as identified by policy SP2 of the Local Plan. The creation of residential dwellings in this location is therefore considered to be acceptable in principle.

17.2 The proposal will have no impact on heritage assets, as it is not located within a conservation area and the nearest listed building is screened from the site by intervening built form. The County Archaeologist has confirmed that there will be no impact on areas of archaeological interest.

17.3 The proposal would have no significant adverse impact in terms of the visual amenities of the area, with the proposed dwellings and parking area set back from the road and screened by existing built form. The alterations to the access would not result in any significant adverse impact to visual amenity.

17.4 The proposal complies with the necessary separation distances and as such is considered to result in no significant adverse impact on occupiers of neighbouring dwellings by way of loss of light or privacy, by being overbearing or in terms of noise and disturbance.

17.5 The impact of the proposal has been assessed by the Highway Authority and no objections have been raised, subject to conditions.

17.6 The impact on trees and biodiversity has been assessed and there is considered to be no significant adverse impact, subject to conditions in respect of landscaping, ecological enhancement measures, and lighting.

17.7 Having regard to the Planning Balance, therefore, the proposed scheme is therefore considered to be in line with the overall aims of the policies in the East Staffordshire Local Plan, the associated supplementary planning documents and the National Planning Policy Framework.

## 17.8 RECOMMENDATION

### **Grant Planning Permission subject to the following conditions:**

#### **Condition 1- Time Limit – 3 Yr Standard**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Condition 2 - Approved Plans**

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

001 NR, Rev H, 1:1250 Location Plan and 1:200 Site Plan including site sections dated as received on 23<sup>rd</sup> February 2022

002 NR Rev E, 1:100 Proposed Floor Plans and Roof Plan Plot 2 dated as received on 23<sup>rd</sup> February 2022

003 NR Rev E, 1:100 Proposed Elevations Plot 2 dated as received on 23<sup>rd</sup> February 2022

004 NR Rev E, 1:100 Proposed Floor Plans and Roof Plan Plot 1 dated as received on 23<sup>rd</sup> February 2022

005 NR Rev E, 1:100 Proposed Elevations Plot 1 dated as received on 23<sup>rd</sup> February 2022

SU2086\_2D-1, 1:200 Topographical Survey dated as received on 2<sup>nd</sup> June 2020

Preliminary Ecological Appraisal by Midland Ecology dated as received on 2<sup>nd</sup> June 2020

Arboricultural Impact Assessment and Method Statement by AT2 Tree Surveys dated as received on 21<sup>st</sup> July 2021

Tree Survey by AT2 Tree Surveys dated as received on 2<sup>nd</sup> June 2020

Tree Protection Plan Rev A by AT2 Tree Surveys dated as received on 21<sup>st</sup> July 2021

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 in accordance with East Staffordshire Local Plan Policies SP1, SP2, NP1, SP16, SP24, SP25, SP26, SP27, SP29, SP35, DP1, DP3, DP5, DP7 and DP8, Winshill Neighbourhood Plan Policies 6, 7, 8, 11 and 14, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, the Parking Standards SPD and the National Planning Policy Framework.



**Condition 3 – Materials**

All external materials used in the development shall be as set out on the plans and documents listed under condition 2 and as set out on the application form unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and their surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, Winshill Neighbourhood Plan Policies 7 and 8, the East Staffordshire Design Guide and the National Planning Policy Framework.

**Condition 4 - Details of landscaping**

No development shall take place until a scheme of landscaping, fencing and walling, including details of replacement trees has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policy SP24, Winshill Neighbourhood Plan Policies 7 and 8 the East Staffordshire Design Guide and the National Planning Policy Framework.

**Condition 5 - Implementation of Landscaping**

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and occupiers of adjacent buildings, and in accordance with East Staffordshire Local Plan Policy SP24, Winshill Neighbourhood Plan Policies 7 and 8, the East Staffordshire Design Guide and the National Planning Policy Framework.

**Condition 6 - Protection of Trees During Development**

All existing trees and hedges shown as being retained on the plans hereby approved shall be protected in accordance with the details set out in the Arboricultural Impact Assessment and Method Statement, listed in Condition 2 above. Such protection measures shall be erected before development commences and shall be retained at all times whilst construction work is taking place.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with East Staffordshire Local Plan Policy DP8 and the National Planning Policy Framework.

**Condition 7 - Implementation of Walling and Fencing**

Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 4 above shall be completed prior to the development first being brought into use.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP24 and DP3, Winhill Neighbourhood Plan Policies 7 and 8 and the National Planning Policy Framework.

**Condition 8 - Formation of Access and Visibility Splays**

Prior to the first occupation of the dwellings hereby granted permission the visibility splays shown on the approved drawings, listed under Condition 2, shall be provided and thereafter nothing exceeding 0.9m in height above adjoining the carriageway level shall be placed or allowed to remain forward of the splays.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and Winhill Neighbourhood Plan Policy 14.

**Condition 9 - Surfacing of Access, Parking and Turning Areas**

Prior to the first occupation of the dwellings hereby granted permission the access, parking and turning areas shown on the approved plan listed under Condition 2, shall be provided in a bound porous material to ensure no surface water runs onto the highway, 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, Winhill Neighbourhood Plan Policies 11 and 14 and the National Planning Policy Framework.

**Condition 10 - Removal of PD Rights (External Alterations & Curtilage Buildings)**

Notwithstanding the provisions of Classes A, B, C, D, E and G of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended, no new windows shall be inserted, no chimneys shall be erected, and no buildings or structures shall be erected within the curtilage of the new dwellings unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and their surroundings and the amenities of occupiers of the adjoining dwellings in accordance with East Staffordshire Local Plan Policies SP24 and DP3, Winhill Neighbourhood Plan Policy 7, the East Staffordshire Design Guidance.

**Condition 11 - Removal of PD Rights (Gates, walls)**

Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those approved by this consent) shall be erected within the curtilage of the dwellings unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and their surroundings and the amenities of occupiers of the adjoining dwellings in accordance with East Staffordshire Local Plan Policies SP24 and DP3, Winshill Neighbourhood Plan Policy 7, the East Staffordshire Design Guidance.

**Condition 12 - Slab levels**

Before the development hereby permitted is first commenced, details showing the existing and proposed land levels of the site including spot heights and the finished floor levels, ridge and eaves heights of all buildings hereby permitted with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings and an off site datum point, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP1 the East Staffordshire Design Guide, the Separation Distances and Amenities Supplementary Planning Document and the National Planning Policy Framework.

**Condition 13 - Obscure Glazing**

The ground floor windows in the north (side) elevation of Plot 1 and the first floor windows in the side elevations of Plots 1 and 2 shall be permanently glazed in a minimum of level 4 Pilkington obscure glass (or its equivalent) and shall have fixed (i.e. non-openable) lights/units at all times, unless the opening parts are 1.7 metres above the floor level of the room in which they are installed.

Reason: To safeguard the privacy of occupiers of the adjoining property in accordance with East Staffordshire Local Plan Policy DP3 and the National Planning Policy Framework.

**Condition 14 – Bin Receptacles**

Prior to the first occupation of the dwellings hereby approved the applicant/developer shall provide each property with waste collection bins/receptacles in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of appropriate waste storage facilities in accordance with East Staffordshire Local Plan Policy SP34, the National Planning Policy Framework and the East Staffordshire Waste Storage and Collection Guidance for New Developments.

**Condition 15 – Compliance with Preliminary Ecological Appraisal**

The development hereby approved shall be carried out in accordance with the recommendations contained in the Preliminary Ecological Appraisal, listed at Condition 2 above. Should any protected species be found during construction work must stop and the advice of a qualified Ecologist must be sought.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

**Condition 16 - Ecological Enhancement Measures**

No development shall take place until details of ecological enhancement measures (including bird nesting and bat roosting facilities and hedgehog gaps) to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the first occupation of any of part of the development and thereafter made available at all times for their designated purposes.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

**Condition 17 – Lighting**

No external artificial lighting shall be installed within the site unless planning permission has first been obtained from the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

**Informatives****Informative 1 - Pre-commencement Conditions**

The conditions identified below require details to be approved before commencement of the development.

Condition Nos. 4 and 16

This means that a lawful commencement of the approved development cannot be made until the particular requirements of these conditions have been met.

The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

**Informative 2 – Landscaping and Trees**

The applicant is advised that in complying with Condition 4 above regarding the submission of a landscaping scheme, the scheme should include plant species of known wildlife value, and additional tree planting to the existing tree lined boundaries to strengthen this into a hedgerow, along with additional planting to the site frontage, rear of the proposed front boundary walls.

**Informative 3 – Ecological Enhancement Measures**

The applicant is advised that in complying with Condition 16 above the bat and bird boxes should be incorporated into the fabric of the dwellings.

**Informative 4 - Ecological Responsibilities**

The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species are found during the development all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

**Informative 5 - Police Architectural Liaison Officer**

The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer:

Gates are recommended to the rear gardens of the new dwellings, these should be set no further back from the front elevation of the dwellings than 600mm.

Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

**Informative 6 - Public Sewer Crossing Site**

The applicant is advised that there may be a public sewer on or close to the site. Public sewers have statutory protection and may not be built close to, directly over, or diverted without consent. For further advice on this matter Severn Trent Water should be contacted on 01902 793883.

**Informative 7 – Visibility Splays**

The applicant is advised that the visibility splays required at condition 8 above must be kept free from obstruction at all times. This restriction applies to the land on the frontages of numbers 155 and 156 Newton Road shown on the approved drawings as being included in the visibility splays.

**Informative 8 - No Projection Over Highway Boundary**

The applicant is advised that no part of the boundary wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

**Informative 9 - Surfacing of Access, Parking and Turning Areas**

The applicant is advised that in complying with Condition 9 above materials with a high degree of porosity would be the most likely to be acceptable as they will reduce the amount of surface water run-off.

**Informative 10 - Vehicle Access Crossings**

The applicant is advised that a Section 184 Notice of Approval from Staffordshire County Council is required prior to the new access being constructed. A vehicle access crossings information pack and an application form for a vehicle access crossing (dropped kerb) are available on the County Council's website at [www.staffordshire.gov.uk/transport/staffshighways/licences/Vehicle-access/VehicleAccessCrossings](http://www.staffordshire.gov.uk/transport/staffshighways/licences/Vehicle-access/VehicleAccessCrossings). The application form can be completed online or downloaded, completed and sent to Network Management Unit, Staffordshire County Council, Staffordshire Place 1, Wedgewood Building, Tipping Street, Stafford, ST16 2DH or emailed to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk).

**Informative 11 - Engagement (Proactive)**

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.

**18. Background papers**

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

**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.

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