

Agenda Item:	5.1
Site:	Land to the rear of, 5 Beech Drive, Stretton, Burton Upon Trent, Staffordshire
Proposal:	Erection of 3 detached dormer bungalows

Report of Head of Service (Section 151 Officer)

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

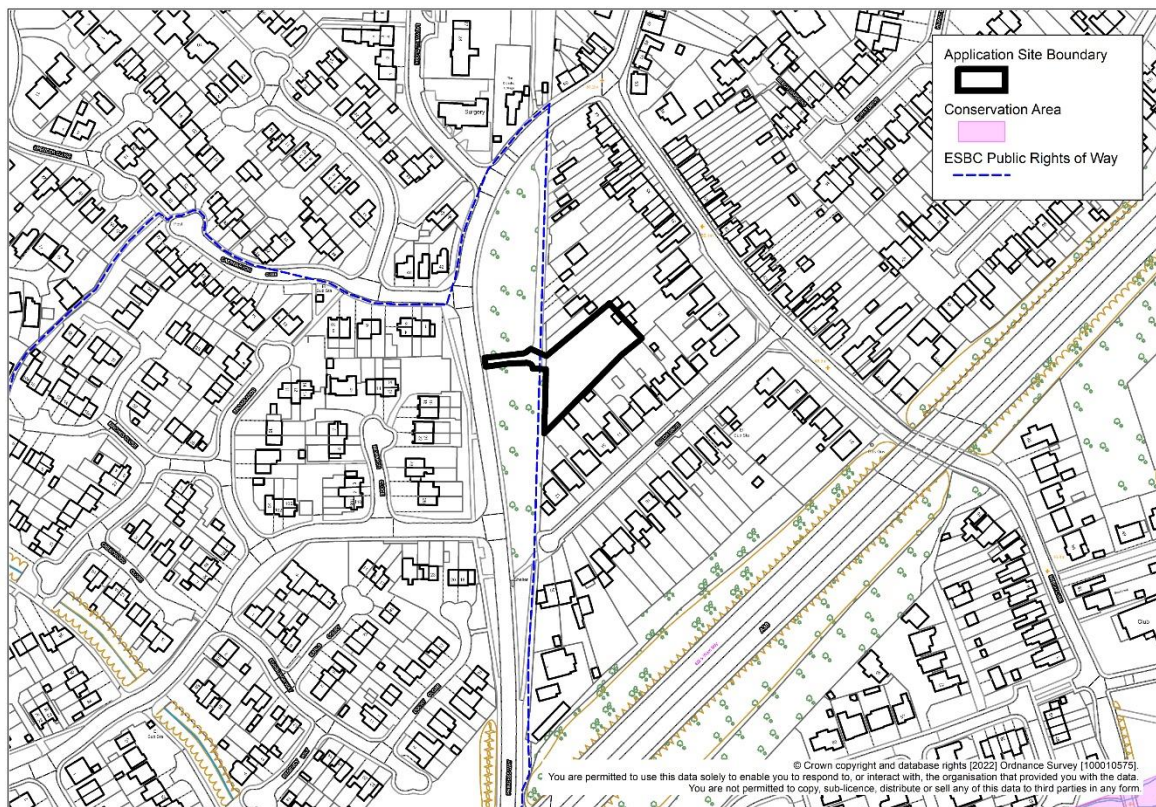
[Hyperlink to Application Details](#)

Application Number:	P/2021/01593
Planning Officer:	Gary Shilton
Type of Application:	Detailed Planning Application
Applicant:	Beech Drive Developments
Ward:	Stretton
Ward Members:	Councillor G Lamb Councillor J A Killoran Councillor V J Gould
Date Registered:	14 December 2021
Date Expires:	01 February 2022 An Extension of time has been agreed until the 2 September 2022
Reason for being on Agenda	The application has been called in by the Local Member, Councilor Killoran for the following reasons: the road was built as an access road for residents not a residential road In addition there have been significant objections from local residents meaning it is in line with the Council Constitution for the item be referred to planning committee for determination.
Officer Recommendation	Approve subject to conditions

1. Executive Summary

- 1.1 The application site is located in the parish of Stretton, between Beech Drive, Beech Lane and Princess Way. The site is within the settlement boundary of Burton upon Trent which is identified as a Main Town within the Local Plan. The site forms a former orchard which has been cleared of most trees. The A38 is situated to the south of the site with Princess Way to the west, separated from the site by an area of green space which has tree cover. An access road provides access to the site from Princess Way which accesses the rear parking areas of dwellings along Beech Lane. The access road also forms part of the public footpath Stretton 1.
- 1.2 The application submission forms a detailed planning application for the erection of three detached dormer bungalows.
- 1.3 9 objections from local residents have been received which have been summarised and addressed within this report.
- 1.4 The principle of the use of the site for residential purposes is considered acceptable given the location within the Settlement Boundary of Burton Upon Trent and is acceptable in sustainability terms.
- 1.5 The design and layout of the proposals is considered appropriate and the scheme is considered to have no adverse impacts with regards to flooding, biodiversity, heritage assets or archaeology.
- 1.6 The proposals demonstrate compliance with the requirements of the Separation Distances and Amenity SPD, and it is considered that there would be no significant adverse impact on occupiers of neighbouring dwellings in terms of overlooking or loss of privacy.
- 1.7 The County Highway Authority have raised no objections on the grounds of Highway Safety subject to condition including works to the private access.
- 1.8 The application is supported by a Preliminary Ecological Appraisal, Bat Survey, Tree Survey and Arboricultural Impact Assessment and Tree Protection Plan, which demonstrate that there would be no significant adverse impact on biodiversity and trees, subject to conditions relating to landscaping and ecological enhancement measures.
- 1.9 In light of the above conclusions on the planning merits of the cases, therefore, the application is recommended for **approval** subject to the necessary planning 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 to the rear of Beech Drive and previously formed an orchard associated with No.5 Beech Drive. The site includes a private access road to the west of the site, which is within the Borough Councils ownership. The access road is to the rear of No's 30-44 Beech Lane and provides access for off-road parking.
- 2.2 The area is predominantly residential in character with dwellings rear gardens situated adjacent to the north, east and southern boundaries. To the west is an area of Green Space with a private access road which is accessed from Princess Way. There is a public Footpath, Stretton 1 which runs north to south along the access road. A former railway line follows the route of the private access road.
- 2.3 The area is relatively level with Beech Lane to the east lower than the dwellings which are sited along the western side of this road and are therefore on a similar level to the proposed development site. The bungalows along Beech Drive to the south are also on a similar level to the application site.
- 2.4 The dwellings to the boundaries are a mix of bungalows to the south and east, some of which have been extended and some benefit from loft conversions, of which No.12 beech Drive has flat roofed dormers. The bungalows to the east have outbuildings sited along the eastern boundary. To the north of the site are the rear gardens and outbuildings of terraced two storey dwellings which are sited along Beech Lane. The rear gardens provide off road parking which is accessed from Princess Way along the access drive.

2.5 The boundaries of the site are made up of a mix of hedgerow species with a tree located in the north eastern corner of the site and a tree located within the rear garden of No.5 Beech Drive which overhangs the site. To either side of the proposed access are groups of trees within the area of green space which runs along Princess Way.

2.6 The site is situated within the settlement boundary for Burton upon Trent.

3. Planning history

3.1 No planning history is available for the site

3.2 Rear Service Road Planning History:
PA/13815/001 - Rear service road. Approved 10/10/1983

4. The proposal

4.1 Full planning permission is sought for the erection of three 3 bed detached dormer bungalows.

The proposal would utilise the private access road and highway access from Princess Way. Two dormer bungalows (plots 1 and 2) are proposed to the rear of the site backing onto the rear gardens of 28 and 29 Beech Lane with a third bungalow (plot 3) set at a right angle to the other dwellings at the front of the site to the rear of 11, 15 and 17 Beech Drive.

4.2 The dormer bungalows are proposed to measure approximately 9.3m (overall width) x 10.7m (overall depth, including a 3.5m single storey element) x 5.6m (overall height). The dwellings would have a pitched roof with a flat roof to the single storey rear element with lantern roof lights, two front facing pitched roof dormer windows and a pitched roof canopy above the front entrance. The dwellings would be constructed of red brickwork and grey Marley Modern roof tiles with white UPVC windows, black guttering and grey aluminium lanterns.

4.3 The accommodation proposed within each of the dwellings comprises of two bedrooms, one with en-suite, open plan kitchen, dining and living area, bathroom and storage at ground floor and one bedroom with landing area at first floor.

The proposal would provide 9 parking spaces with 7 set to the frontage of plots 1 and 2 and 2 to the side of plot 3 with areas of soft landscaping to the frontages of each plot and private enclosed rear gardens measuring. The garden amenity space would measure 154sqm for plot 1, 172sqm for plot 2 and 180sqm for plot 3.

4.4 The proposal includes a new gate to the front of the site between the access road and the development site.

4.5 Further information has been provided in the form of an Arboricultural Impact Assessment, Constraints plans, Tree Shadow Plan and Tree Protection Plan during the course of the application.

4.6 List of supporting documentation

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

- Detailed Planning Application Form
- Location Plan
- Existing and Proposed Block Plan
- Proposed Floor Plan & Elevations
- Existing Site Plan
- Proposed Site Plan
- Ecology Report
- Bat Survey and Supporting letter
- Arboricultural Impact Assessment
- Tree Shadow Plan
- Tree Impact Plan
- Tree Constraints Plan
- Tree Constraints New Layout Plan
- Tree Protection Plan

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 none statutory consultee		Response
5.2	Parish Council	No comments have been received
5.3	Staffordshire County Council Highway Authority	No objection subject to conditions in relation to rights of access, parking and turning areas and works to the public access. An informative has also been requested in relation to a section 184 notice for the works to the public highway
5.4	Staffordshire County Council Historic Environment Team	No objections subject to a condition for an Archeological Watching Brief
5.5	Peak & Northern Footpaths Society	No objections raised, subject to an informative in relation to a Public Right of Way (PROW) Stretton 1 crossing the site in relation to the use of the PROW and that the safety of users must not be affected by the development, nor during the work taking place.
5.6	Staffordshire County Council Public Rights of Way	No objection, however the application does not recognize the existence of Public Footpath No 1 Stretton Parish which runs across the access of the proposed development which needs to be brought to the attention of the applicant and that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

Internal Consultees		Response
5.7	Environmental Health	No objection subject to conditions in relation to land contamination and noise mitigation
5.8	Tree Officer	Raised an initial objection to the proposal as there was no arboricultural report or method statement submitted in relation to the trees sited on the edge of the site. Raised no objections to the report subject to a condition in relation to the method statement.
5.9	ESBC Waste	Waste would not be collected from the private road and bins would be collected from Princess Way, from a slabbed recess

6. Neighbour responses

6.1 Nine representations have been received objecting to the proposal which have been summarised below:

Neighbour Responses	
Design/ Character and Appearance	<ul style="list-style-type: none"> • Bungalows would have been better for the site
Impacts on Residential Amenity	<ul style="list-style-type: none"> • Loss of privacy due to existing hedgerow being insufficient • Noise and disruption due to development • Request that the trees currently screening the back of the houses remain
Highways Impacts	<ul style="list-style-type: none"> • Access road would be used for parking of football traffic obstructing access to the rear of the properties • Construction traffic obstructing access and Princess Way adversely affecting safety • Access should be from Beech Drive not inconveniencing Beech Lane residents • Sufficient parking on site for the dwellings • Access road is inadequate as it is a single track and two vehicles cannot pass • Increased vehicle flow on the private road, will cause the road condition to deteriorate quicker having a negative effect on residents • Responsibility for repairs to access road • There is no street lighting which can impact on visibility of and safety of walking residents • Obstructs turning circle near access to the site on the private access • The entrance to the private road would have to be widened • The orchard does not have a vehicular access to the land, the gate has simply been placed where the turning circle / give way section of the road • Sufficient room for refuse vehicles to turn around on the proposed site

	<ul style="list-style-type: none"> • Access road is for access to the rear gardens of Beech Lane • Clearing and cleaning the road and area during construction
Flood and drainage impacts	<ul style="list-style-type: none"> • There is no drainage on the road
Biodiversity/ Ecology	<ul style="list-style-type: none"> • Disruption to a green space • Negatively impact local bird life due to loss of trees. • Loss of trees on site and around the access
Other comments	<ul style="list-style-type: none"> • The boundary line is incorrect as it includes the access road which is a private road • If the access land has been sold by the Council then why were the Beech Lane residents were not consulted • Applicant does not have right of way over the access or ownership • Financial benefits to the applicants and not existing residents who are inconvenienced by the development. • Boundary maintenance/ownership issues • If permission is granted then the council HAVE TO GRANT permission for residents to develop their excess land at the rear of their properties • Planning permission to build at the end of Beech Lane gardens has been REFUSED by the council stating that the road is for access to already established properties and not new dwellings. • An increased risk to life for residents if the properties are built if emergency services cannot find them • Beech Lane residents should have bins emptied from the rear due to new route required for the new properties • Refuse cannot be collected from this area • Refuse collections from the access would obstruct access and visibility • Pressure on existing infrastructure such as GP surgeries • What address will these proposed properties have

7. Policy Framework

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2: Settlement Hierarchy

- SP4: Distribution of Housing Growth 2012-2031
- SP16: Meeting Housing Needs
- SP23: Green Infrastructure
- 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
- DP6: Protecting the Historic Environment: Other Heritage Assets
- DP7 Pollution and Contamination
- DP8 Tree Protection

Stretton Neighbourhood Plan

- S2 – Protecting Landscape Character
- S3 – Protection and Enhancement of Local Wildlife
- S6 – Flooding
- S7 – Protecting Archaeology in Stretton

Supplementary Planning Documents

- East Staffordshire Design guide
- Car Parking Standards Supplementary Planning Document (SPD)
- Separation Distances and Amenity Supplementary Planning Document (SPD)
- Housing Choices Supplementary Planning Document (SPD)
- Waste Storage and Collection Guidance

8. Principle of Development

Relevant Policies

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 11 of the NPPF states that for decision-taking this means:

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

- specific policies in this Framework indicate development should be restricted.

Paragraph 219 of the NPPF states that ‘due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given’

Local Plan

- 8.2 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.
- 8.3 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.

8.4 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

5 Year land Supply

8.5 The most recent calculation uses figures as at 31st March 2022 and concludes there is 8.83 years of supply. Therefore the policies in the plan can be considered up to date.

Assessment

8.6 Policy SP2 of the Local Plan identifies Stretton 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 Stretton 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 surrounding area of the site is predominantly residential in character.

8.7 In principle residential development of the site is therefore considered 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.

Assessment

- 9.6 This proposal would result in the formation of three dormer bungalows sited within an orchard which has been cleared. The dwellings would be set back from Princess Way. The dwellings would be screened from public vantage points along the highway due to intervening tree coverage, but would be readily visible from the public footpath Stretton No.1 which runs along the access road to the west of the site. The dwellings would be largely screened from the east and south due to intervening built form, which mainly consists of bungalows.
- 9.7 The parking would be set adjacent to the bungalows and would not dominate the frontage of the site. The boundary treatment, formed of a hedgerow along the western boundary would be retained with new gates replacing the existing, details of which can be secured by condition.
- 9.8 Infill development within the parish of Stretton is characteristic of the area, with an example which can be seen further down Princess Way, near the A38.

- 9.9 The design of the dormer bungalows is considered acceptable given the surrounding built form which mainly consists of bungalows, with an example of a dormer bungalow sited at the head of Beech Drive. Site levels have been provided which indicate that the heights of the proposed bungalows would be similar to those along Beech Drive.
- 9.10 The bungalows would be constructed from red facing bricks with grey tiled roofs, which is considered appropriate, a condition is recommended to ensure that the specific details of the materials are submitted for approval. 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 and DP1 of the Local 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 DP3 requires new residential development to have no materially adverse effects on neighbouring properties through issues including overlooking, loss of light to principal windows or private amenity space or create an overbearing impact and allow outdoor domestic activities to be undertaken in reasonable privacy
- 10.4 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.
- 10.5 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.
- 10.6 The Waste Storage guidance states that developers are required to provide adequate amounts of space for external storage of refuse. The guidance also states that where private roads are included within a development the council would not enter a private road for collection and the occupiers would need to bring their bins to a dedicated collection point adjacent to a public highway.

Assessment

- 10.7 The plans include existing and proposed ground levels and proposed floor levels of the development and the roof and eaves heights of neighbouring dwellings which indicate that the development would be a similar height to the dwellings

along Beech Drive. Given the layout of the site, orientation and separation distances between the existing dwellings and the proposed, the layout complies with the separation distances required by the Separation Distance and Amenity SPD and it is not considered that there would not be any direct overlooking or loss of privacy to the occupiers of neighbouring dwellings.

- 10.8 The Separation Distances and Amenity SPD provides guidance in relation to minimum requirements for internal room sizes and private amenity space (a dwelling with 3 bedrooms would require a minimum of 60sqm). The internal room sizes meet the standards set out within the SPD and the external amenity area would exceed the requirement. In addition to this the existing boundary treatments of hedgerows are considered sufficient to retain a reasonable level of privacy.
- 10.9 Environmental Health have commented that part of the development site is on former railway land which has the potential for contamination. As such they recommend a condition in relation to land contamination and remediation is attached to any grant of consent. Given the former use this is considered reasonable.
- 10.10 Environmental Health have also commented in relation to noise from the nearby A38 which lies to the south of the development and Princess Way and have recommend that a condition in relation to a scheme for noise mitigation is attached to any grant of consent. Given the proximity to the A38 and Princess Way this is considered reasonable.
- 10.11 This backland development would provide 3 dwellings within a residential area, given the proposed use and number of dwellings it is not considered that there would be a significant impact on the amenities of the occupiers of the neighbouring dwellings through noise and disturbance from the additional activity generated from vehicle movements and activity associated with residential use.
- 10.12 An amended plan has been submitted which indicates the area where the bins would be stored within the site which is to the left of the entrance way and would provide space for the storage for 9 bins. Appropriate bin receptacles for the proposed dwellings can be secured by condition to ensure correct disposal of refuse for the dwellings.
- 10.13 Comments have been received in relation to refuse collection from the access road, however this is a private access which the council would not collect from. The waste would be collected from a kerbside collection point. ESBC Waste have commented that the best case would be for a recessed slabbed area to be provided as a collection point, however this would be outside of the development site, given that waste is collected from kerbside locations along Princess Way, it is not considered in this instance that this is required for 3 dwellings.
- 10.14 Other comments have been received from objectors in relation to noise, disruption and clearing and cleaning the access from the development, which is better dealt with under separate Environmental Health legislation. In addition to this Environmental Health have requested a condition in relation to a noise.
- 10.15 It is therefore considered that the proposal would result in no significant overlooking, loss of privacy or overbearing impact on the occupiers of the neighbouring dwellings or the proposed dwellings, noise or contamination issues,

subject to conditions and is therefore in compliance with Policies SP24, SP34, DP1, DP3 and DP7 of the Local Plan and the Separation Distances and Amenity SPD.

11. Highway Matters

Relevant Policies

- 11.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should 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 Parking Standards SPD sets out standards of car parking for different uses including space size, accessibility and the quantity of car parking spaces required for different uses. The Standards in relation to three bedroomed dwellings requires two off road parking spaces per dwelling.

Assessment

- 11.4 The proposal would utilise an existing private access road which is owned by East Staffordshire Borough Council (ESBC) to provide access to the development. Given that the development is reliant on the use of the access road and an additional strip of land between the orchard and the existing access road, it is considered reasonable for a condition to demonstrate that the development would have a legal right of access over the land in question and for any works within this land to enable the development.
- 11.5 The Highway Authority has raised no objections to the proposal on highway safety grounds and have requested a condition for the existing access with the public highway to be widened to a width of 4.5m for a distance of 5m back from the carriageway to improve the access to the site which is considered reasonable and essential to ensure safe access and egress onto the public highway from the site. This would also require a Section 184 notice with the Highway Authority to widen the access, an informative in relation to this can be attached to any grant of consent.
- 11.6 The car parking standards SPD requires the provision of two off road parking spaces for a three bedroomed dwelling. This proposal would provide 3 spaces for each dwelling which would exceed the requirements of the SPD for the

provision of parking spaces. The spaces to be provided would meet the size standards of the SPD.

- 11.7 The Highway Authority have requested a condition in relation to proof of right of access, in this instance, given that the site is without any alternate means of access with the public highway this is considered reasonable. If the applicant is not able to obtain a legal right of access then any consent could not be implemented but this does not prevent the grant of any planning consent.
- 11.8 The proposed gated access into the site would replace an existing access gate, the details of which can be secured by condition, In addition to this a condition requiring that the gates open inwards is considered reasonable to ensure that the public footpath and the turning head of the access road is not obstructed.
- 11.9 Public footpath, Stretton 1 runs along the access road to the front of the site and crosses the access into the site opposite the proposed gated access into the site, which has not been acknowledged within the application form. There is no development proposed on the public right of way which follows the route of the access road which is already in use by others to allow vehicular access to the rear of dwellings along Beech Lane. The PROW Officer has raised no objections to the proposal stating that “the attention of the applicant should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path”. This can be done via an informative attached to any grant of consent and that it is the applicant’s responsibility for any damage to the path.
- 11.10 Comments have been received in relation to obstructing the access and Princess Way during construction which is better dealt with under the Highways Act or a Police matter. However given the site would have space to provide off road parking for construction vehicles/construction workers and storage of materials, it is considered expedient to condition a construction method statement to address issues in relation to parking of vehicles within the private access road during the construction process. In relation to the private access road being used for the parking of football traffic, this is considered a civil matter and not a planning consideration.

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.

- 12.4 Stretton Neighbourhood Plan policy S7 states that development proposals should demonstrate that they have taken into account the potential to impact upon above and below ground archaeological deposits and identify mitigation strategies to ensure that evidence which could contribute to our understanding of human activity and past environments are not lost. Lack of current evidence of sub-surface archaeology must not be taken as proof of absence and in all instances the Staffordshire Historic Environment Record (HER) held by the County Council should be consulted at an early stage in the formulation of proposals

Assessment

- 12.5 The application site is not within a Conservation Area. The nearest Conservation Area, Trent and Mersey Canal, is approximately 330m to the south and given the intervening development and separation distance it is not considered that there is any intervisibility between them.
- 12.6 The nearest Listed Building is an early 19th century Grade II Listed Farmhouse sited along Bridge Street in Stretton which is approximately 430m away to the north of the site. There is no intervisibility between this proposal and this listed building.
- 12.8 The separation distances with the heritage assets are such that the proposed development would have no impact on the setting of the conservation area or any listed buildings or their setting and Sections 66 (1) and Section 72 are therefore not engaged.
- 12.9 The County Archaeologist has been consulted in respect of the proposals and has stated that the site is immediately adjacent to the former (now dismantled) railway and that the Historic Urban Character Area (HUCA 24 Beech Lane and Beech Drive) highlights that there is a former Anglo Saxon cemetery near the Beech. The exact site is unknown however given the location of the application site between the former railway and a house named as The Beach on historic mapping, it does suggest that there is some potential for the cemetery being located within or near the application site. Therefore no objections have been raised subject to a condition relating to a watching brief. Subject to this condition the proposal is therefore considered to have no adverse impact on heritage assets including archaeology, in compliance with Policies SP25, DP5 and DP6 of the Local Plan and policy S7 of the Stretton Neighbourhood 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.
- 13.3 Stretton Neighbourhood Plan policy SP6 states that wherever feasible development proposals will be expected to incorporate sustainable drainage systems (SUDS).

Assessment

- 13.4 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.
- 13.5 Local Plan Policy SP27 and S6 of the Neighbourhood Plan both require developments to incorporate SUDS. The application form states that SUDS would be incorporated into the development for the surface water discharge which can be secured by condition.
- 13.6 The proposal is therefore considered to comply with Policy SP27 of the Local Plan and Policy S6 of the Stretton Neighbourhood Plan.

14. Affordable Housing and 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.

Assessment

- 14.3 The application proposed the erection of three three-bedroomed family homes, which would also be suitable for older people and those wishing to downsize. 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 on the site and given the surrounding types and sizes of residential accommodation the proposal will meet the wider need of family and older person dwellings.

15. Green Infrastructure and National Forest

Relevant Policies

- 15.1 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green

infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet.

- 15.2 Strategic Policy 26 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.
- 15.3 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.
- 15.4 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.
- 15.5 Stretton Neighbourhood Plan policy S2 states that development proposals should recognise and seek to protect and enhance the local historic environment character zones identified in Map 4 of which this site is part of Burton HUCA 24. Development proposals should seek to retain mature or historic hedgerows of recognised importance. Where feasible, these trees and hedgerows should be incorporated into landscaping schemes and where removal is necessary, a replacement of similar species and/or amenity value should be provided on the site.

Assessment

- 15.6 The site is located within the National Forest, however, the site is beneath the threshold required for consultation or additional tree planting under policy SP26.
- 15.7 Following the initial consultation with the Tree Officer an Arboricultural Impact Assessment (AIA) has been submitted which includes tree root protection areas, shadow plan, tree impact plan, tree constraints plan and a proposed layout plan with constraints. The Council's Tree Officer has raised no objections to the report and plans subject to a condition for the method statement for the works within the root protection areas as detailed within the AIA which is considered reasonable to ensure the long term retention of the trees and hedgerows as is a condition relating to the protection of the trees during development.
- 15.8 The AIA also recommends additional tree planting to the site which can be secured with a landscaping condition. The shadow plan indicates that there

would not be any overshadowing of the dwellings and would not be considered to cause conflict between the trees and the buildings in the future.

15.9 The proposal indicates the retention of the hedgerows around the site as part of the development which can be incorporated into any landscaping scheme. The removal of permitted development rights in relation to boundary treatments would secure their future retention as part of the landscape and the Green Wildlife Corridor which runs along the front of the site.

15.10 Comments have been received in relation to the loss of trees in and around the access, however given the alterations as proposed, as discussed in section 11 of this report, it is not considered that this would result in a further loss of trees around the access road. It is also noted that the trees within the orchard were not protected and no consent would have been required for their removal.

16. **Biodiversity**

Relevant Policies

16.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

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.

16.4 Stretton Neighbourhood Plan Policy S3 that any proposals for new development will be required to demonstrate how the design has taken into account its potential impact on local habitats and species. Developers will be required to ensure that appropriate measures are put in place to protect wildlife and enhance biodiversity and important habitats. Such appropriate measures may include for instance use of swift bricks, bat and owl boxes, and incorporating native local species in landscaping schemes

Assessment

16.5 An Ecological Survey has been submitted to support the application which was carried out prior to the orchard being cleared, however, this does not impact on the outcome of the survey. A bat survey has also been submitted which was recommended within the Ecology survey.

16.6 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.

- 16.7 The Ecology Survey identified one tree which had the capability of housing roosting Bats which was also identified within the Bat Survey. The supporting letter from the Bat Surveyor states that the tree was checked for roosting bats and was filled with expandable foam to prevent bats roosting within the tree prior to its felling. The site has been cleared of trees prior to a site visit taking place.
- 16.8 The submitted reports make recommendations to provide to bird and bat boxes to be installed in each dwelling and for hedgehog nesting boxes to be provided as ecological enhancement measures. A condition is therefore recommended to ensure that these ecological enhancement measures are implemented as well as plant species of known wildlife potential within any landscaping scheme to mitigate against the loss of habitat and impact on wildlife.
- 16.9 The bat survey also identifies that there is a Green corridor immediately to the west of the site and recommends a condition to ensure that no artificial lighting should spill from the site onto the western boundary which could affect the wildlife corridor. Which is considered reasonable.
- 16.10 It is therefore considered that the proposal complies with the requirements of SP29 and Stretton Neighbourhood Plan Policy S3 subject to conditions relating to the ecological enhancement measures and recommendations.

17. Other Matters

- 17.1 Comments have been received in relation to financial benefits to the applicants which is not a material planning consideration, neither is the future maintenance of the private access road.
- 17.2 One objector suggests that the access should be via Beech Drive rather than that which is proposed onto Princess Way. Whilst these comments are noted, for the reasons set out above it is considered that the scheme as proposed would be acceptable.
- 17.3 Comments have been received in relation to a refusal of planning permission for a bungalow within the rear garden of a dwelling along Beech Lane which would utilise the access road, however there has been no formal planning application in relation to this. In addition to this each planning application is dealt with on its own merits and does not set a precedent for future development utilising the access road.
- 17.4 Comments have also been received in relation to the future maintenance of the hedgerow boundaries which are indicated to be retained on the approve plans, however this is a civil matter. A condition can be attached to any grant of consent to ensure these boundaries future retention which benefits the local wildlife.

18. Conclusions

- 18.1 The proposal is considered to be in a sustainable location, within a Main Town as identified by policy SP2 of the Local Plan. The creation of residential dwellings within this location is therefore considered to be acceptable in principle.
- 18.2 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 raised no objections subject to a condition for a watching brief to any grant of consent.

- 18.3 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 trees and built form. The alterations to the access would not result in any significant adverse impact to visual amenity.
- 18.4 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.
- 18.5 The impact of the proposal has been assessed by the Highway Authority and no objections have been raised, subject to conditions.
- 18.6 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.
- 18.7 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, Stretton Neighbourhood Plan, the associated supplementary planning documents and the National Planning Policy Framework.

Recommendation

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

Condition 1 – Time Limit

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:

J3169-10 Revision B, Location Plan scaled at 1:1250 dated as received on 3 August 2022

J3169-11, Revision A, Existing & Proposed Block Plan scaled at 1:100 dated as received on 7 December 2021

J3169-12, Existing Site Plan scaled at 1:200 dated as received on 7 December 2021

J3169-13 Revision C, Proposed Site Plan scaled at 1:200 dated as received on 15 August 2022

J3169-14, Revision A, Proposed Floor Plan & Elevations scaled at 1:50 & 1:100 dated as received on 7 December 2021

Preliminary Ecological Appraisal by Elite Ecology dated as received on 7 December 2021

Planning Statement dated as received on 7 December 2021

Project Number 046 Version 1 Preliminary Roost Assessment dated as received on 7 December 2021

Supporting Letter from The Bat Surveyor dated as received 7 December 2021

AEL-18505-AIA, Arboricultural Impact Assessment by Apex Environmental dated as received on 17 February 2022

AEL-18505-TSP Revision A, Tree Shadow Plan scaled at 1:200 dated as received on 17 February 2022

AEL-18505-TIP Revision A, Tree Impact Plan scaled at 1:200 dated as received on 17 February 2022

AEL-18505-TCP Revision A, Tree Constraints Plan scaled at 1:200 dated as received on 17 February 2022

AEL-18505-TCNLP Revision A, New Layout Plan scaled at 1:200 dated as received on 17 February 2022

AEL-18505-TPP Revision A, Tree Protection Plan scaled at 1:200 dated as received on 17 February 2022

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, SP4, SP16, SP23, SP24, SP25, SP26, SP27, SP29, SP34, SP35, DP1, DP3, DP5, DP6, DP7 and DP8, Stretton Neighbourhood Plan Policies S2, S3, S6 and S7, the East Staffordshire Design Guide, the Separation Distances and Amenity Supplementary Planning Document, the Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

Condition 3 – Right of Highway Access and Access Road works

Prior to the commencement of any development or works on the site evidence of a legal right of access from the site to the public highway for construction works and for any and all occupiers of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority.

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

Condition 4 – Materials

No development shall take place until details and/or samples of all the materials to be used externally ensuring the product name and manufacturer have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

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, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 5 – Details of landscaping

No development shall take place until a scheme of landscaping and boundary treatments (i.e. hedgerows, fencing and walling), including 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, Stretton Neighbourhood Plan Policies S2 and S3, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 6 – 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 Policies SP24 and SP29, Stretton Neighbourhood Plan Policies S2 and S3, the East Staffordshire Design Guide 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, Stretton Neighbourhood Plan Policy S2 and the National Planning Policy Framework.

Condition 8 – Hedgerow Retention

The hedgerows around the perimeter of the site shall be retained for the lifetime of the development as indicated on the approved site plan, J3169-13 Revision C.

Reason: To safeguard wildlife habitats in accordance with East Staffordshire Local Plan Policy SP29, Stretton Neighbourhood Plan Policy S3 and the National Planning Policy Framework.

Condition 9 – Land Contamination

No development shall take place until a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:

a. A desktop study/Phase 1 Contamination Report shall be prepared and submitted for approval. This should document the previous history of the site and surroundings, identifying the potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. A Conceptual Site Model should be produced for the site which should identify all plausible pollutant linkages.

b. Where the phase 1 report has identified potential contamination, an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Council, as a phase 2 report, for approval prior to any site demolition, remediation or construction works.

c. In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed.

d. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.

e. The development shall not be occupied until a validation report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement if required as above.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Condition 10 – Archaeology

A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.

B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the

provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation in accordance with East Staffordshire Local Plan Policies SP1, SP25 and DP5, Stretton Neighbourhood Plan Policy S7 the National Planning Policy Framework.

Condition 11 – Noise Mitigation

Prior to the commencement of the development a noise impact assessment including a scheme of noise mitigation shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to the first occupation of the development and maintained as such for the lifetime of the development.

The scheme shall ensure compliance with both the recommend internal and external noise levels, highlighted in BS 8233:2014 *Guidance on sound insulation and noise reduction for buildings*. The noise assessment will need to demonstrate that the proposed mitigation will be sufficient to comply with the British guidance.

Reason: In the interests of the amenity of the future occupiers of the dwelling(s) in accordance with East Staffordshire Local Plan Policies DP3 and DP7 and the National Planning Policy Framework.

Condition 12 – Ecological Enhancement Measures

No development shall take place until details of the ecological enhancement measures as detailed within the approved Ecology report and Bat Survey (including bird nesting, bat roosting facilities and hedgehog nest boxes) 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, Stretton Neighbourhood Plan Policy S3 and the National Planning Policy Framework.

Condition 13 – 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, Stretton Neighbourhood Plan Policy S3 and the National Planning Policy Framework.

Condition 14 – Tree Protection Method Statement

No development shall take place until an Arboricultural method statement as detailed within the approved Arboricultural report listed at condition 2 above has been submitted and approved in writing with the Local Planning Authority. The

development shall then be carried out in accordance with the approved method statement.

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, Stretton Neighbourhood Plan Policy S3 and the National Planning Policy Framework.

Condition 15 – Protection of Trees during Development

All existing trees and hedges shown as being retained on the plans hereby approved shall be protected by 2m high fencing in line with the Tree Protection Barrier recommendations contained within British Standard 5837 (2012) 'Trees in Relation to Construction' as shown on the approved Tree Protection Plan under condition 2 above. Such fencing 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, Stretton Neighbourhood Plan Policy S3 and the National Planning Policy Framework.

Condition 16 – 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 17 – Construction Management Plan

No development shall take place until a Construction Management Plan, which shall specify the parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of plant and materials used during the construction of the development, appropriate wheel wash facilities and measures to prevent the deposition of deleterious material on the public highway and private access road, has been submitted and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be implemented and adhered to throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with East Staffordshire Local Plan Policy SP35.

Condition 18 – Alterations to Access

Prior to the occupation of the development the access from the private road onto the highway shall be laid out with a minimum width of 4.5m for a distance of 5.0m from the public highway, constructed to the appropriate Highway Authority

Standard, hard surfaced and drained to ensure no surface water runs onto the highway and shall be maintained as such thereafter.

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

Condition 19 – Surfacing of Parking and Turning Areas

Prior to the development being brought into use, car parking spaces and turning space shall be provided as shown on the approved plans under condition 2 and shall be provided in a bound porous material to ensure no surface water runs onto the highway. Once constructed the turning and parking areas shall thereafter 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, Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

Condition 20 – 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, Stretton Neighbourhood Plan Policy S2, the East Staffordshire Design Guidance.

Condition 21 – Sustainable Drainage Systems (SUDS)

Prior to the first occupation of the development hereby approved, Sustainable drainage Systems shall be incorporated into the development and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem in accordance with East Staffordshire Local Plan Policy SP27, Stretton Neighbourhood Plan Policy S6 and the National Planning Policy Framework.

Condition 22: Gated Access

Any entrance gates to the site as indicated on the approved plans listed at condition 2 shall open inwards away from the public footpath and private shared access road turning head.

Reason: In the interests of highway safety and the safe use of the Public Right of way Stretton 1, in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

Condition 23 – 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.

Informative's**Informative 1: Details of Proposed Materials**

The applicant is advised that in complying with 3 above regarding the submission of samples and details of all external materials, ensuring the product name and manufacturer is provided and must be submitted in writing to the Local Planning Authority as part of the relevant Discharge of Condition application along with correspondence confirming that date on which samples will be made available on-site and where they will be located.

Informative 2: Pre-commencement Conditions

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

Condition No's. 3, 4, 5, 9, 10, 11, 12, 14 and 17

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 3: During development conditions

The condition identified below require details to be approved during the development/works.

Condition No. 16

This means that a development may not be lawful unless the particular requirements of these conditions have been met.

Confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. 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 4: 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.

Informative 5: 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 within the site to compensate for the loss of trees.

Informative 6: Ecological Enhancement Measures

The applicant is advised that in complying with Condition 10 above the bat and bird boxes should be incorporated into the fabric of the dwellings.

Informative 7: 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 8: Vehicle Access Crossings

Please note that prior to the access being constructed, a Section 184 Notice of Approval from Staffordshire County Council is required. The applicant is advised that a Section 184 Notice of Approval from Staffordshire County Council is required prior to the new access being constructed. Please email nmu@staffordshire.gov.uk for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:

<https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>

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.

Informative 9: Public Right of Way

The applicant is advised that Public Footpath No.1 Stretton crosses the access road to the site and should not be obstructed or extinguished as a result of this development either during or after construction.

The applicant is further advised that users of the footpath are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. Although the access

route is private, the fact that the route is (crossed by) a public highway (footpath) takes precedence. The use by private vehicles is subordinate to the public's right and vehicles need to give way to pedestrians.

Informative 10: Party Wall Act and Ownership

The applicant's attention is drawn to the provisions of The Party Wall etc. Act 1996, which may have implications for this development.

You are advised that any grant of planning permission does not override private legal matters such as rights of access onto lands outside the applicant's ownership for the purposes of construction or maintenance.

19. Background papers

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

- The Local and National Planning policies outlined above in section 7

20. Human Rights Act 1998

20.1 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.

21. Crime and Disorder Implications

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

22. Equalities Act 2010

22.1 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: Gary Shilton
Telephone Number: 01283 508607
Email: dcsupport@eaststaffsbc.gov.uk