

<b>Agenda Item:</b>	5.2
<b>Site:</b>	Field North Of Chapel Lane, Rangemore, Burton-Upon Trent, DE13 9RR
<b>Proposal:</b>	Erection of 9 dwellings and associated garaging and parking (including local needs housing and first homes) and construction of vehicular access.

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

This report has been checked on behalf of Legal Services by Penelope James

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

<b>Application Number:</b>	P/2022/00705	
<b>Planning Officer:</b>	James Mattley and Naomi Perry	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	The Burton Property Trust	
<b>Ward:</b>	Needwood	
<b>Ward Members:</b>	Councillor Mrs J Jones Councillor B Ashcroft	
<b>Date Registered:</b>	5 August 2022	
<b>Date Expires:</b>	An extension of time has been agreed until 31 July 2023	
<b>Reason for being on Agenda</b>	Report back to Committee following challenge on the resolution from Tatenhill and Rangemore Parish Council	
<b>Officer Recommendation</b>	<b>Approve</b> subject to conditions and a legal agreement	

## 1. Background and Comment

- 1.1 This application to develop the land for 9 dwellings and associated garaging and parking (including local needs housing and first homes) and construction of vehicular access the installation was considered by planning committee on 25<sup>th</sup> July 2023.
- 1.2 The Committee resolved that the application be approved subject to conditions and a S106 Agreement securing Construction Traffic Routeing Plan and Affordable Local Needs Housing. The decision notice has not yet been issued.

- 1.3 Since that time a substantive complaint has been received from Tatenhill and Rangemore Parish Council with regards to how the matter was reported to planning committee. In particular concerns were raised in relation to the impact of the proposal on the conservation area and the absence of consultation with a historic environment specialist on the application. Previous iterations of a scheme for the site had been considered by the previous conservation officer as part of confidential pre-application discussions. These comments are provided below with a previous layout set out in Appendix 1.
- 1.4 Following legal advice the matter is brought before planning committee to make a decision on the application. The scope of the decision is very narrow and purely on those matters raised by the Parish Council which are material to the case, namely the impact on the conservation area. Whilst the complaint raised other matters it is only this specific issue which is before planning committee.
- 1.5 Consultation has taken place with the Conservation Officer and their response is presented in the table below. As a result of the comments from the Conservation Officer the scheme has been amended to remove the front rooflight on plots 7, 8 and 9, and replacement of the front rooflight on Plot 6, with a standard Velux rooflight to the rear slope. As a result the list of approved plans set out in condition 2 below has been amended.
- 1.6 A new National Planning Policy Framework (NPPF) was published in December 2023 however there are no changes to the policy considerations in regard to the Historic Environment.

Statutory and non statutory consultee		Response
1.7	Rangemore and Tatenhill Parish Council	<p>Concern in the way the July Committee decision was reached and the impact of the proposals on heritage, landscape and overall design.</p> <p>The Scheme is in a Conservation Area, a sensitive landscape setting, and is in a field and sticks out into the landscape on a key view and cannot be acceptable.</p> <p>The actual visual and heritage impacts have been ill considered by the LPA. There is no evidence (in the Officer Report) of any robust assessment of any kind by the Officer.</p> <p>The ESBC Planning Officers Report nor guidance at Committee articulated to members why the Rangemore CAAMP emphasizes the importance of protecting the keys views into the Village.</p> <p>The Committee Report is insufficiently detailed or directed on matters of heritage and landscape. There has been no consultation with English Heritage and no consultation with a Heritage Officer.</p> <p>In the earlier 2018 Officer Report for a separate site, the Officer’s assessment stated “This Policy (TRNDP) precludes clusters of more than 6 new dwellings in one place with which</p>

		<p>the proposals (for 4 dwellings) accord.” That Statement, referring to the Tatenhill &amp; Rangemore Neighbourhood Plan precluding the cluster of more than 6 dwellings in one place, is accordingly completely at odds with the Planning Officer Statement made in this application for recommending consent be granted for all 9 dwellings.</p> <p>The Officer Report failed to report to Members the material considerations to the Landscape Heritage given by the Planning Inspectorate in their Decision of another Application and Appeal made by the same applicant in the immediate locality, which are relevant.</p> <p>The Parish Council takes issue with this Officer Interpretation and considers that Rangemore, being a rural Village, as per the Village Map in the RCAAMP and Inset Map in the TRNP, encompasses all the residences of the Rangemore Community and includes the residents of Rangemore Hall dwellings and the several Wilmore Road dwellings as included within the Village Map Figure 1.1.</p> <p>The proposal for the inclusion of 3 Market Dwellings has not been fully substantiated and The Council must seek independent expert advice on the same to come to a properly Informed Decision of their need.</p>
1.8	Conservation Officer comments on pre-application scheme	<p>A notable aspect of the proposal is the inclusion of a short terrace of 4 properties. There are presently only 2 examples of terraces in the village, both short (one of 3 dwellings and one of 4), and the bulk of housing is semi-detached in form.</p> <p>Forest Gate Farm, opposite, mentioned in the conservation area appraisal as a significant unlisted building. This former farm sat apart from development along Chapel Lane at the time of the 1881 1st series OS mapping but has now been more robustly joined to the northern fringes of the village by more modern development, the application site would take development very clearly beyond the farm and into surrounding countryside, beginning to erode the relationship between the former farm and the surrounding agricultural landscape, essentially restricting that setting to the west and northwest.</p> <p>The existing permission for bungalows is somewhat at odds with the established character of the village, in terms of layout and orientation relative to the road but also in terms of scale within a village where it is acknowledged that two storey dwellings are the norm. Development at the north end of Chapel Lane does provide an opportunity to revisit this proposal and consider a better quality scheme which is both more holistic and better reflects the prevailing character and appearance of the conservation area.</p> <p>The current plan suggests a mix dominated by detached and short terraced properties within a village where it is semi-detached forms which are in the majority. Only 1 pair of semi-</p>

	<p>detached properties are proposed as part of the scheme and I would suggest that this does not well reflect the typical pattern of development which exists. An increased proportion of semi-detached properties should be relatively straightforward to achieve.</p> <p>Plots 1-4 are shown accessed by car from the rear. Private amenity space appears lacking, limited to small patio areas to the rear and I would foresee reasonable temptations for owners of such properties to want to enclose frontages robustly to provide a second area of private amenity, which would result in enclosure of the lane, limiting visibility of the buildings themselves and resulting in a defensive arrangement not reflecting the character of Chapel Lane where frontages are generally not fully enclosed. In addition rear parking courts are not common features within the conservation area, there is something akin to this in relation to the 4 terrace row at 2-8 Chapel Lane, however this isn't really a rear parking court as much as a perpendicular vehicular access.</p> <p>The red blocks all appear a little on the small side, particularly when compared to room sizes on the block plan which they overlay which appears to show 8 units arranged through the site, I would imagine that the footprint of most units would grow as part of detailed design. Whilst I see that the neighbourhood plan makes an allocation for "approximately 9" dwellings focused on Rangemore Village there is no requirement for this entire sum to be delivered on a single site, particularly if doing so results in cramped development.</p> <p>An increase in the number of semi-detached units and increased spacing between units could allow a reasonable degree of boundary treatment along the extended land frontage whilst still allowing the parking provision to each unit to be accessed direct from the lane without the need for rear parking courts, with parking at the side of each unit as it is already proposed in a number of cases.</p> <p>Design is really going to be a key point and needs careful consideration. It's not something that can necessarily be left to the end although I appreciate some desire to know that the applicant isn't proposing something with fundamental issues ahead of producing designs for each unit.</p> <p>There's a lot of potential for variety through the pallet of materials and features already present and noted within the village including porches, barge-boards and use of materials a wider array of materials on large units such as that proposed at the far north of the site. If such a large unit is proposed then the northern end is the place for it as it would need to be as far from Forest Gate Farm as possible to avoid competing with that property.</p> <p>It should be stressed that I would agree with Liz in that the site is simply the best of the 3 options originally presented, it's the one</p>
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		<p>which could be developed with the least adverse impact on the conservation area and its setting, but it's hard to see how development could avoid harmful impact entirely. I would highlight the checklist offered in step 4 of the current best practise guidance for assessing the setting of heritage assets (<a href="https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/">https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/</a>) which might offer some useful points to consider in terms of designing a scheme for this site. Any adequately justified proposal will need to demonstrate how it has taken every opportunity to maximise opportunities to enhance the conservation area and to minimise harm. One such 'enhancement' would be in securing a superior scheme for the southern part of the site than the bungalow scheme, but other opportunities for enhancement will need to be identified and secured if development is to be easy to justify and support.</p>
1.9	Conservation Officer on the application scheme	<p>I have been asked to review a recent approval under P/2022/00705, following concerns raised by the Parish Council that the Conservation Officer was not consulted during the original round of consultation.</p> <p>I have reviewed the submitted documentation and my response is as follows:</p> <p>The application related to the erection of 9 dwellings within the Rangemore Conservation Area. As such the scheme is assessed against Para 212 of the NPPF which states that: <i>Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably</i></p> <p>The site is located to the northern end of the conservation area (CA), where the settlement of Rangemore comes to and end. It is therefore considered an addition to the fringes of the CA and extends the built form of the village to the north.</p> <p>The Heritage Impact Assessment submitted for this application identifies Rangemore as a village with Medieval origins, but it remained largely a hamlet until the arrival of the brewer Michael Thomas Bass in the 1850s. The HIA states:</p> <p><i>'He then built or rebuilt a new Rangemore House, which became Rangemore Hall – the focal point of a large working and pleasure estate created by him and his son, Michael Arthur Bass, buying up the freeholds and leaseholds of the adjacent farms, farmland and woodland. The two men were philanthropists involved in local affairs and politics in the area, providing facilities for Burton where their main business interests lay. They also began to redevelop the hamlet of Tatenhill Gate</i></p>

	<p><i>to provide accommodation and facilities for the growing workforce of the estate and of the Hall. As well as new estate cottages for the workers, he funded a new church in 1866-7, All Saints, designed by William Butterfield, one of the most fashionable architects of the day; Butterfield later built the village school in 1874.</i></p> <p>Thus the historic and architectural significance of the Rangemore Conservation Area, while not an entirely 'new' planned estate of the late 19<sup>th</sup> century, is nevertheless characterised by the prolific development of the plan form following the arrival of the Bass family after 1850. This is an important consideration when assessing the impact of the new development on the character of the CA.</p> <p>The significance of the CA is thus primarily derived from the development phase of the 19<sup>th</sup> century, rather than its medieval origins. Thus Rangemore does not possess the same level of architectural and historic significance of a nucleated or linear medieval settlement pertinent to many of East Staff's rural CAs, where the plan form is characterised by a Medieval Church with associated manor house, C17 / C18 rectory, ranges of medieval timber framed buildings or C18 / C19 cottages aligned on their original toft / croft plot formations etc.</p> <p>In consideration of the above, it is important that the plan form and character of the proposed new dwellings to the north of the conservation area relate positively to the 19<sup>th</sup> century phase of development in the village. The proposals are for the erection of nine (9no.) dwellings – two pairs of semi-detached bungalows (for three elderly residents and one suitable for a resident with disabilities); one pair of semi-detached houses; and three detached properties.</p> <p>The submitted site / block plan shows a primarily linear row of properties that would compliment the existing settlement pattern of Rangemore CA. The first cluster of properties are set in courtyard plan, but this does not constitute harmful 'backland' development within the CA, as they are not large singular detached properties, they relate positively one to another and they are not set back significantly to the rear of the CA.</p> <p>The next properties are in laid out in linear form with a front line that is broadly consistent. The detached double bay garages are not a positive form of development and this would be an area that I would have sought to amend. However, this is the only negative aspect of the works with regards to the plan form and layout.</p> <p>Turning to the elevational built form, this is considered a high standard of design that is reflective of the 19<sup>th</sup> century estate village palette of materials; elongated chimney stacks, wall dormers, facing gables, ridge tiles, decorative bargeboarding with fret work, modest gable widths: all of the above amounts to</p>
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	<p>a commendable design code that is consistent with the prevailing character of the Rangemore CA. I do not identify any harm through the elevational treatment.</p> <p>I note roof lights are not aligned with the apertures below and are not carefully thought through. I would have sought to amend these to ensure they related cohesively with the fenestration patterns on ground and first floor, to ensure they were not unduly prominent.</p> <p>I note there is no detailed material design code submitted on the elevational plans. I would also have sought this in advance of any permission, rather than leaving this to the discharge of condition stage, due to the sensitivity of the proposal within the CA. However, I note a condition was placed as follows:</p> <p><i>No development shall commence on site until details and/or samples of all external materials, 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.</i></p> <p>I would only support the proposal if the roofing materials are of natural slate / clay tile, the windows are heritage style (flush and not stormproofed) and the window heads are stone or codestone.</p> <p><b><u>Conclusion</u></b></p> <p>In summary, there is considered to be a marginal degree of harm to views towards the open countryside when viewed from Chapel Lane. The harm is mitigated by the fact that the development is only taking place on one side of the new access road. If this proposal related to a CA which was defined by a much stronger sense of a medieval nucleated settlement, with all of the associated listed buildings, then this proposal would be amount to a greater degree of harm.</p> <p>However, as the village is characterised by the 19<sup>th</sup> century estate village plan form, then the new dwellings are considered broadly acceptable. They are primarily in linear form and they are a modest set of new dwellings designed in the arts and crafts style. It is regrettable that a stricter design code was not agreed prior to approval, but there is still a materials condition that must be discharged. If a volume house builder was to propose new dwellings in this location, with their conventional value engineered design code, this would be a different</p> <p>Thus, the marginal degree of harm caused to the open views when viewed from Chapel Lane, are considered to be counterbalanced by the provision of houses for the elderly and disabled, which are public benefits, in accordance with Para 208 and Para 212 of the NPPF. Thus the works are considered</p>
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		acceptable – subject to the material finishes – under the provisions of Section 72 of the Listed Building and Conservation Areas Act (1990)
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- 1.10 The scheme when reported to planning committee in July 2023 concluded that overall the scheme was considered to preserve the character and appearance of the Conservation Area to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The comments set out above from the conservation officer conclude that there is a marginal degree of harm, which is caused to the open views when viewed from Chapel Lane. However these are counter balanced by the provision of houses for the elderly and disabled which are public benefits in accordance with the NPPF.

## 2. Conclusions

It is considered that the post committee concerns raised by Tatenhill and Rangemore Parish Council have been addressed through seeking additional advice from a historic environment specialist. In considering the full planning balance it is concluded that the proposed scheme is 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.

## 3. RECOMMENDATION

- 3.1 As per the previous report on the application it is recommended that full planning permission be approved subject to the updated conditions and informatives as follows:

### 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:

Location Plan Amended 27/09/22 dated as received on 21/10/22;  
 Topographical Survey 7450/04 dated as received on 21/10/22;  
 Site Layout Plan as Proposed 6463\_03 Rev K dated as received on 28/06/23;  
 Site Block Plan 6464\_15 Rev I dated as received on 28/06/23; Plots 1-4 Floor Plans and Elevations as Proposed 6464\_04 Rev D dated as received on 02/08/22;

Plots 5 and 6 – Floor Plans and Elevations as Proposed 6464\_06 Rev F dated as received on 23/05/24;

Plot 7 Floor Plans and Elevations as Proposed 6464\_05 Rev H dated as received on 23/05/24;

Plot 8 – Floor Plans and Elevations as Proposed 6464\_07 Rev H dated as received on 23/05/24;

Plot 9 – Floor Plans and Elevations as Proposed 6464\_08 Rev F dated as received on 23/05/2024

Preliminary Ecological Appraisal and Outline Mitigation Strategy - Griffin Ecology, 11 August 2021 GE0191 Rev A;

Reasonable Avoidance Measures Griffin Ecology, 24th July 2022;

Heritage Impact Statement – Mercian Heritage Series 1799 October 2021;

Planning/Design and Access Statement May 2022; and

Tree Condition Report Arboricultural Impact Assessment Root Protection Plan Method Statement - Forester and Arborist Services Ltd Revised Layout 12.10.22

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, heritage assets, the amenities of neighbouring properties, the safe and efficient use of the adjoining highway, ecology and flood risk in accordance with East Staffordshire Local Plan Policies Principle 1, SP1, SP2, SP4, SP16, SP17, SP22, SP25, SP26, SP27, SP29, SP35, DP1, DP3, DP5 and DP7, Tatenhill and Rangemore Neighbourhood Plan Policies SP1, SP3, SP4, HE1, HE2, LC1, LC3, DC1 and IN3, Minerals Local Plan for Staffordshire Policies 3.3 and 3.5, East Staffordshire Design Guide, Separation Distances and Amenity Supplementary Planning Document, Housing Choices Supplementary Planning Document, Waste Storage and Collection Guidance, the Car Parking Standards Supplementary Planning Document, Parish Design Guide, Rangemore Conservation Area Appraisal and Management Plan and the National Planning Policy Framework.

### **Condition 3 – 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, and the National Planning Policy Framework.

**Condition 4 – Materials**

No development shall commence on site until details and/or samples of all external materials, 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, SP8, SP24, SP25, DP1 and DP3, Tatenhill and Rangemore Neighbourhood Plan Policy DC1, Rangemore Conservation Area Appraisal and Management Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

**Condition 5 – Levels**

No development shall commence on site until such time as precise details of the finished ground levels on the site and the finished floor levels of the dwellings in relation to existing datum points had been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To safeguard the character and appearance of the buildings and their surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP25, DP1 and DP3, Tatenhill and Rangemore Neighbourhood Plan Policy DC1, Rangemore Conservation Area Appraisal and Management Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

**Condition 6 – Details of Landscaping**

Notwithstanding the submitted details no development shall commence on site until a scheme of hard and soft landscaping and boundary treatments (i.e. hedgerows, fencing and walling), has been submitted to and approved in writing by the Local Planning Authority.

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.

Any scheme of walling and fencing shall be completed prior to the development first being brought into use.

Reasons: To safeguard the visual amenities of the area and to ensure that a landscaping scheme to enhance the development is provided, to ensure that an approved landscaping scheme is implemented in a speedy and diligent way and

that initial plant losses are overcome in accordance with East Staffordshire Local Plan Policies SP24 and SP8 Tatenhill and Rangemore Neighbourhood Plan Policy DC1, Rangemore Conservation Area Appraisal and Management Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **Condition 7 – Tree Protection and Site Specific Method Statement**

No development shall commence on site until a site specific method statement outlining the method of working, including details of a 'no dig' / hand dug method to the rear of the garage for Plot 8 to protect the Root Protection Area of Tree T3, tree protection plan(s) to include protective vertical barriers and ground protection to form a construction exclusion zone in accordance with British Standard 5837 'Trees in relation to construction' has first been submitted to and approved in writing by the local planning authority. All works thereafter, be implemented in accordance with the approved method statement.

Reason: To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area in accordance with East Staffordshire Local Plan Policy DP8 and the National Planning Policy Framework.

### **Condition 8 – Visibility Splays**

No development shall commence on site until details of the visibility splay available at the junction of Chapel Lane with Tatenhill Lane shall be submitted to and approved in writing by the Local Planning Authority. The visibility splays once approved shall be provided and kept clear of all obstructions to visibility greater than 0.9m above the level of the carriageway level 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 and the National Planning Policy Framework.

### **Condition 9 – Estate Road Design**

No development shall commence on site until details of the estate road design which shall be to adoptable standards shall be submitted to and approved by the Local Planning Authority and once approved shall be completed to that standard immediately following the occupation of the final dwelling.

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 the National Planning Policy Framework.

### **Condition 10 – Parking and Surfacing**

Prior to the first occupation of any residential unit hereby approved, the parking (including one space in each garage for Plots 8 and 9) shall be hard surfaced, (and marked/lined for parking for Plots 1-4 inclusive) and made available in accordance with the Site Layout Plan as Proposed 6463\_03 Rev J dated as

received on 23/03/23 and shall be retained for the parking of a vehicle thereafter. The parking spaces shall be drained to ensure no surface water runs onto the highway and once occupied 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 and the Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

### **Condition 11- Surfacing and Drainage**

Prior to the first occupation of any residential unit hereby approved the access and turning areas will be laid out, constructed, hard surfaced and drained to ensure no surface water runs onto the highway and once occupied 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 and the National Planning Policy Framework.

### **Condition 12 – Highways**

Prior to the first occupation of any residential unit hereby approved the estate road, turning and footway leading to that respective property shall be constructed to at least base course level to adoptable standard in accordance with the approved details and properly drained and maintained in a safe and usable condition until the site is completed.

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 the National Planning Policy Framework.

### **Condition 13 – Recycling/ Bin Receptacles**

Prior to the first occupation of the development hereby approved, each dwelling shall be provided with appropriate external storage containers for refuse and recycling collection. The containers must be available for use before commencement of the council's waste collection service.

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 SP1, SP24, SP35, DP1 and DP3, the East Staffordshire Design Guide, the East Staffordshire Waste and Collection Guidance and the National Planning Policy Framework.

### **Condition 14 – Compliance with Ecological Reports**

The development hereby approved shall be implemented strictly in accordance with the reasonable avoidance measures stated in section 5.2. of the supporting document: Reasonable avoidance measures (RAMS)- Great Crested Newt;

Land at chapel lane, Rangemore, Burton on Trent, Staffordshire; Griffin Ecology, 24th July 2022.

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

### **Condition 15 – 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.

### **Condition 16 – Land Contamination**

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person in accordance with 'Land Contamination Risk Assessment ('LCRM') which was published in 2020'. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

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 17 – Removal of PD Rights (Gates, walls)**

Notwithstanding the provisions of Part 2 (Class A) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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, DP3 and SP8 Tatenhill and Rangemore Neighbourhood Plan Policy DC1, Rangemore Conservation Area Appraisal and Management Plan, and the East Staffordshire Design Guidance.

### **Condition 18 – Removal of PD Rights (Extensions, alterations etc)**

Notwithstanding the provisions of Part 1 (Classes A-H) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) the dwellings hereby permitted shall not be enlarged, improved or altered, nor shall any building, enclosure, swimming or other pool, hard surface, plant or structure required for a purpose incidental to the enjoyment of the dwellinghouse be erected or installed 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 and to ensure the key view is protected (plot 9) in accordance with East Staffordshire Local Plan Policies SP24, SP8 and DP3, Tatenhill and Rangemore Neighbourhood Plan Policy LC1 and DC1, Rangemore Conservation Area Appraisal and Management Plan and the East Staffordshire Design Guidance.

### **Condition 19 - Ecological/Biodiversity Enhancement (Bespoke)**

Prior to the first occupation of any dwelling hereby approved, a scheme of on-site ecological/biodiversity enhancement shall be completed, the exact details and specification of which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and thereafter retained in the approved form.

Reason: In the interests of mitigating the impact of the development on protected species and their habitats and securing a net-gain in biodiversity in accordance with the National Planning Policy Framework.

### **Condition 20 - Surface water drainage design and Foul Drainage (Bespoke)**

No development shall commence until a scheme for foul and surface drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and thereafter retained in the approved form.

Reason: To ensure adequate foul water drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7 and the National Planning Policy Framework.

### **Condition 21 – Energy Efficient and Renewable Energy details**

Prior to any development above the damp proof course, details of energy efficient measures to be incorporated into the development (such as solar panels, ground source heat pumps etc.) shall be submitted to and approved in writing by the

Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of renewable energy in accordance with Policies SP1 and SP35 of the Local Plan, the Tatenhill & Rangemore Neighbourhood Plan and the National Planning Policy Framework.

### **Condition 22 - M4 (2) Compliance**

The bungalows hereby approved shall be completed to the Building Regulation 2010 Standard M4 (2) before their first occupation.

Reason: In accordance with East Staffordshire Local Plan Policy SP16, East Staffordshire Housing Choice Supplementary Planning Document and the National Planning Policy Framework.

### **Informatives**

#### **Informative 1: 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 2: Pre-commencement Conditions**

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

Condition No's. 3,4 5, 6, 7, 8, 9 and 20

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's 10,11,12, 13 (16 if applicable) and 19

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: Details of Proposed Materials**

The applicant is advised that in complying with 4 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 5: Landscaping and Trees**

The applicant is advised that in complying with Condition 6 above regarding the submission of a landscaping scheme, the scheme should include plant species of known wildlife value and address the comments provided by the National Forest Company.

**Informative 6: Highways**

This estate road and drainage layout will require approval under Section 7 of the Staffordshire Act 1983 and will require an agreement under Section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'. There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for this design/layout will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that they may be taking on the responsibilities and liabilities of the highway authority with regards to

maintenance, snow clearance etc and advised to take advice on public liability insurance against claims associated with those responsibilities.

### **Informative 7: 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.

### **Informative 8: Footpaths**

The applicant's attention is drawn to the Public Right of Way (PROW). The use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place. The applicant must be made aware of the need to safeguard people using public rights of way and that no public rights of way are damaged, widths altered, gates erected across their width (unless authorised by the Highway Authority) or obstructed by any other means either during or as a result of development. If a temporary obstruction of public rights of way is unavoidable, no development must take place until a temporary closure order has been made and a suitable temporary alternative route(s) made available.

## **4. Background papers**

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

- Local and National Policies as outlined in section 7 of the main report (July 2023).

## **5. Human Rights Act 1998**

5.1 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.

## **6. Crime and Disorder Implications**

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

## **7. Equalities Act 2010**

7.1 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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