

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

13th July 2023

Application No:	SMD/2022/0458	
Location	Woodland View, Gorsty Hill, Tenford Lane, Tean, ST10 4EL	
Proposal	Reserved Matters application seeking approval of the details of scale, layout, appearance and landscaping for the erection of 3no dwelling approved under outline application SMD/2019/0778.	
Applicant	Mr and Mrs Collier	
Agent	Rob Duncan Planning Consultancy Ltd	
Parish/ward	Checkley	Date registered: 1 st August 2022
If you have a question about this report please contact: planning@staffsmoorlands.gov.uk		

REFERRAL

The application is before the committee because it was called in by Cllr Wilkinson for the following reasons:

- “1 Checkley Parish Council objected to both the outline and reserved matters based on local and national policies.*
- 2. The application has become controversial with many neighbours objecting.*
- 3. The original access was using land not in the applicant’s ownership so misled the council.*
- 4. I did request that the outline be called in.*
- 5. There is no mention of how the foul and surface water will be dealt with.”*

1. SUMMARY OF RECOMMENDATION

APPROVE subject to Conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site is in the countryside within a kilometre to the north-east of Upper Tean village and comprises former commercial storage buildings of blockwork and corrugated metal construction. It is a triangular shaped site at the end of a private lane which connects onto Tenford Lane, a country lane and “C” classified road to the north and the access to the site is at the end of the private lane. There are four dwellings on the north-east side of the private lane and one on the south-west side. There is an adjacent residential property to the north-east of the site and another adjacent residential property to the north-west. The land to the west, east and south of the site is open land and fields. There are a number of large trees and hedges alongside the site boundaries. The land within the site slopes upwards towards the east. The land is not in the Green Belt.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a Reserved Matters planning application following the granting of outline planning permission, with “access”, for three dwellings on 17th September 2020, under delegated powers. This is a complete redevelopment of the site with all existing buildings to be demolished. This new application seeks approval for the “Reserved Matters” which are the scale of development, the siting/layout of development, the design and appearance of the development and the landscaping of the site.

3.2 The plans were amended in December 2022. The final plans put forward show three traditionally designed detached two-storey redbrick and grey-tile dwellinghouses, built around a square shaped gravel courtyard or “farmyard” which would provide most of the parking for the development in the form of six shared parking spaces. The development would have a small traditional farmstead design and layout approach comprising a more dominant “farmhouse” type dwelling (Plot 1) facing the yard and two smaller more subservient barn-type dwellings placed side by side perpendicular to the farmhouse but also facing the yard. Each dwelling would have a separate rear garden. The largest dwelling would have four bedrooms and a height of 8.7 metres. This would be placed to the south of the yard facing the site entrance across the yard to the north. It would be the only dwelling with a private parking space not on the yard. It would have a traditional rural gable-sided design with a chimney above one of the gables and brick curved soldier course lintels, stone cills, corbelled eaves detailing, vertical timber-boarded front door, timber framed windows and on the primary elevation a bay window to add interest. The two “barn-type” dwellings (Plots 2 and 3) would have three bedrooms each and heights of 8.0 metres. They would have rural barn features such a smaller irregular positioned windows either side of a large central ground to eaves atrium type window in the “cart opening”. The smaller of the two would have a side lean-to. Other features include parapets on the roof sides, circular side feature blind-window, timber-framed windows and curved soldier courses.

3.3 The landscaping would comprise the planting of new trees in a similar position to some of the smaller trees to be removed. The larger trees would be retained. A new hedge is proposed along the western edge of the site alongside the rear garden of Plot 1. The hedge along the north boundary of the site is shown to be retained.

3.4 The application includes a Planning Statement and in February 2023, a Preliminary Bat Roost Assessment and Bird Survey Report, which assesses the impact on bats due to tree removal, was submitted. A finished version of this report was received on 23rd February which replaces the Outline plans with the Reserved Matters drawings.

3.5 On the 27th March 2023, an amended site drawing to show the proposed foul and surface water drainage was received in response to a request from Staffordshire Wildlife Trust and also because a condition attached to the outline planning permission requested this (although the condition requires this to be submitted before works commence rather than at the Reserved Matters stage). The drawings show a package treatment plant for the foul waste placed in the north-west part of

the site near the site access and adjacent to the west boundary (which would be below ground level) and also a rectangular soakaway for the surface water drainage placed close to the north boundary of the site to the north-west of the Plot 2 dwelling.

3.6 On the 30th March 2023, a proposed ground levels drawing was received in response to one of the conditions attached to the outline permission (requiring this to be submitted during the Reserved Matters stage). Also received were revised Elevational drawings. The drawings were revised to correct “some minor discrepancies in the way the plans were labelled” and show no changes to the actual dwellings.

3.7 On 13th June 2023, an updated Ecology Report and a Bat Activity Report were received. The Ecology Report focuses on surveys of bats, birds, great crested newts and badgers, as requested by Staffordshire Wildlife Trust.

3.8 Details of the application including the plans, drawings, reports, consultation responses and letters received from local residents can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=163164>

4. RELEVANT PLANNING HISTORY

SMD/2019/0778 Outline planning permission with all matters reserved except for access, for the erection of 3no. dwellings. Approved on 17th September 2020.

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

5.2 The following Local Plan policies are relevant to the application:

- SS1 Development Principles
- SS10 Other Rural Areas Strategy
- H1 New Housing Development
- DC1 Design Considerations
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodlands and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework (NPPF) Revised (2019)

5.3 The following chapters of the NPPF (2019) are particularly relevant to this application:

- 5: Delivering a wide choice of high quality homes
- 12: Achieving well-designed places

- 15: Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD's) and Guidance (SPG's)

Council's Design Guide (February 2018) SPD
Council's Space About Dwellings SPG

6. CONSULTATIONS

6.1 Notification letters were sent to five residential properties on the private lane (including the two adjacent properties) on 11.8.22. In addition, a site notice was put up on the private access road on 6.9.22.

Public response to consultation

6.2 In response to the first consultation in August/September 2022, letters of objection were received from five adjacent or nearby residential properties. Most of the letters raise concerns relating to planning matters already considered at the outline planning application stage. These primarily include increased traffic on the private lane which is considered by objectors to be unsuitable, narrow, lacks passing places and has poor visibility at the road junction and also deemed to be inaccessible and substandard for the use of emergency vehicles and therefore the proposal would harm the health and safety of all users of the lane. Furthermore, the objectors do not consider the site has ever been used for commercial purposes and allege business rates have not been paid for the use of the site for this purpose. Therefore, the site is not deemed to be "brownfield" and should have never been approved for housing. Foul drainage, sewage disposal and water provision/pressure is also questioned. It is also claimed that the red line site boundary includes neighbouring land belonging to neighbouring land owners and not in control of the applicant. Other points raised include that a Tree Report, details of drainage, Bat Report and Contamination Survey Report have not been included, wildlife will be harmed by three houses on the site and the site is in an unsustainable location for new housing.

6.3 The main planning-related points raised in the letters/emails in relation to the matters this new application seeks approval for i.e. scale, appearance, layout and landscaping of the development are as follows:

- The houses have the same design and are not in keeping with the other houses on the lane which all have a different design;
- The density and layout of development is out of keeping with the area i.e. a dense grouping of houses in area of spacious development;
- Due to the sloping land, the houses will become "skyline development" when viewed from Tean;
- The houses and parking provision have all changed from what was shown in the outline application;
- No indication of whether the size of the turning circle for emergency vehicles will be accurate;

- The Plot 1 house is obtrusive, will be visible from the lane and block views of the fields beyond;
- The brick is poor quality;
- The houses appear as typical of those on a large housing estate and therefore out of keeping with the area;
- Two parking spaces per dwelling is insufficient;
- The design does not include any renewable energy/sustainability measures or sustainable construction techniques;
- Plots 2 and 3 would have poor solar gain due to their orientation;

6.4 In response to the amended plans received in December 2022, letters of objection were received from three of the households that previously objected. The new points that were not previously raised are as follows:

- No provision for the charging of electric cars;
- The houses and parking provision have all changed from what was shown in the original Reserved Matters submission;
- The houses are still not in keeping with the surrounding area;
- The floorspace has increased but parking provision has not.

6.5 Two emails from previous objectors were received in response to the February 2023 Bat Report which local residents were consulted on (10/2/23). The points raised are as follows:

- The Ecology Report is based on the Ecology Report at outline stage which is out of date and that bat emergence and re-entry surveys should have been undertaken.
- A complete Ecological Assessment should be undertaken covering species other than bats
- Technical inaccuracies in the report
- A Bat Activity Survey should have been undertaken and at the correct time (Summer months).
- A survey of the buildings should have been undertaken and not just the trees.
- The plans have changed a lot since the last ecology survey was undertaken (at the outline stage).

6.6 In June 2023, local residents and objectors were notified on the updated Ecology Report, Bat Activity Report, amended site plan to show drainage information and the ground levels drawing. Three objections have been received, two of which are critical of the handling of the applications and the number of “cancellations” of the application to planning committee, but do not raise any points about the reports and other drawings notified on. The third letter states that the red line boundary on the site plan is incorrect and does not represent the Land Registry boundaries and that the package treatment plant encroaches into the objectors land.

The full text of public comments can be read at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=163164>

Staffordshire Fire & Rescue Service

6.7 Staffordshire Fire & Rescue Service also wrote in to state, *“To clarify the required access for the fire service access, I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg) and to provide a minimum 3.7 width of road in addition to a minimum gateway width of 3.1 metres.”*

Checkley Parish Council

6.8 The PC objects on the grounds that the application does not include details required to be submitted by the planning conditions attached to the outline permission (for example, a contamination survey report has not been submitted). The PC also considers that a Safe Pedestrian Access assessment should have been undertaken. The PC also adds that the application does not address sustainability and supports the objections of local residents.

SCC Highway Authority

In response to the original Reserved Matters submission – August 2022

6.9 No objection subject to a condition to ensure the parking areas are provided.

In response to December 2022 Amended Plans

6.10 **Recommendation Summary:** Conditional

Site Visit Conducted on: 05-May-2020

1. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan 00928_AL(0)16 A. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

REASON

To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Appendix 2; in the interests of highway safety.

NOTES TO PLANNING OFFICER

Application is for three dwellings. Plot 1 has 4 bedrooms. Plots 2 and 3 have 3 bedrooms each. Parking is shown in line with Local Plan standards. Access was approved under SMD/2019/0778. Proposal replaces former commercial uses on the site.

SMDC Environmental Health

6.11 no objection subject to the retention of the Environmental Health conditions (attached to the outline permission) being applied to any permission granted.

Staffordshire Wildlife Trust

6.12 SWT issued a holding objection in September 2022:

Bats

Permission SMD/2019/0778 requires further surveys, which have not been submitted.

Condition 12 states "A reserved matters application shall be supported by a bat assessment of all trees on the site identified for removal and shall include any relevant avoidance/ mitigation measures. The development shall proceed in accordance with the agreed details."

Badgers

Species other than bats were not investigated at outline stage. We understand that badgers are present in the wider area and use the lane to move between fields. The surrounding habitat up to the site boundary is suitable for badgers and any setts present have potential to be disturbed during construction. Retaining access for badgers through gardens will also be important. A check for badger evidence on and around the site within 30m of the boundary is required before determination.

Great Crested Newts (GCN)

There is a garden pond within 250m of the site, and several other ponds are present in the area. Newts have been reported on adjoining sites. Great crested newts have been recorded in the wider area, at Freehay Quarry, Upper Tean, and Great Gate. Given the ponds present and suitable habitat, GCN could be present on the site. It possible that GCN could be protected by ensuring that Reasonable Avoidance Measures are used during site clearance and construction; however we advise that a check of the pond and refugia on site is made at the same time as the bat tree survey, and potential presence and likely impacts are assessed before determination.

Drainage Scheme

While we appreciate that drainage information is a pre-commencement condition, this infrastructure could impact on other habitats, including areas potentially outside of the development boundary. Drainage requirements often impact on the layout and landscaping, so are relevant to consider at reserved matters stage. They are also an opportunity for sustainable solutions and habitat gains, if integrated early in the site design. Surface water drainage is important given the slope of the site, and as the area lacks mains foul drainage, a septic tank or package treatment plant is likely to be needed. Therefore, an outline of the type and location of drainage features would be desirable before determination.

We suggest that a simple SuDs solution for rainwater from the access road could be a shallow swale in the 'lawn' area on the eastern verge alongside the road. This

could also enable formation of a slight bank for the new hedge planting. All homes should also include water butts for further water storage and drought resilience.

Biodiversity Net Gain

Policy NE1 in the Staffordshire Moorlands Local Plan Adopted September 2020, expects that 'all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development. In circumstances where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with suitable compensation measures towards loss of habitat used only as a last resort where there is no alternative'

The landscaping is broadly suitable, providing a roughly similar amount of green area, although some will be gardens. We suggest that all areas of grass/ lawn outside of the formal lawn areas be sown with a native meadow mix which will be more biodiverse and also drought tolerant, as well as providing a more rural feel within the surrounding landscape. this could be cut shorter or longer giving a better habitat overall.

Boundary treatments will need to be permeable to small mammals- proposed post and wire fences are suitable.

6.13 On 1st March, SWT submitted revised consultation comments in response to the February 2023 Preliminary Bat and Bird Survey Report:

Summary – Holding objection– Further information required.

Required prior to determination:

- 1. Surface and foul drainage information*
- 2. Updated bat survey of buildings*
- 3. Badger and GCN assessment*

Secure via condition should approval be granted:

- 4. Detailed landscaping scheme*
- 5. Detailed drainage design*
- 6. Species protection/ mitigation/ enhancements*
- 7. Bat friendly lighting scheme*

Biodiversity Net Gain

Repeated the September 2022 comments but also added:

The revised layout 'Plans & Elevations as Proposed' 00928 – AL(0)16 Rev A dated 15/12/2022 appears to offer a similar or greater amount of green space compared to the existing site, therefore a net gain may be possible, as long as trees are replaced. We suggest that all areas of grass/ lawn outside of the formal lawn areas be sown with a native meadow mix which will be more biodiverse and also drought tolerant, as well as providing a more rural feel within the surrounding landscape. New hedgerows and planting should be native and wildlife friendly species. Boundary treatments will need to be permeable to small mammals- post and wire fences are suitable. Felled material from tree removal should be retained on site where possible within landscaped areas to form small log piles.

A detailed landscaping scheme should be secured via condition.

Drainage

Repeated the September 2022 consultation comments

Bats and Birds

The Preliminary Bat Roost Assessment and Bird Survey dated 6 February 2023 by Chris Smith found that trees to be felled did not have bat roosting opportunities. The recommendations within the report for replacement bird nesting features should be secured via condition. Also, a method of working to protect bats should they be found while felling trees should be put in place.

However the Preliminary Roost Assessment dated September 2019 by Elite Ecology, submitted for the outline application, is now out of date as it is over 2 years since the survey, and a updated check of the buildings on site is required as stated on page 32 of the report. The updated survey should also reflect the revised plans in terms of any potential impacts to bats.

Badgers

Repeated the September 2022 consultation comments

Great Crested Newts (GCN)

Repeated the September 2022 consultation comments

6.14 In response to the updated Ecology Report, Bat Activity Report received in June 2023 and the drainage and levels drawings, SWT removed the holding objection, commenting as follows:

SUMMARY – No objection subject to conditions.

Secure via condition should approval be granted:

- 1. Prior to commencement, method statements for precautions to protect: bats in trees and buildings, and amphibians.*
- 2. Prior to commencement, badger mitigation strategy*
- 3. Detailed landscaping scheme to benefit biodiversity as per previous comments.*
- 4. Prior to occupation, bat-friendly lighting scheme (if external lighting is proposed).*

Existing conditions applied by the outline permission secure drainage details, and nesting bird provisions.

Documents reviewed:

- Badger, Bat, Bird and Great Crested Newt Report dated March 2023 by Elite Ecology*
- Bat Activity Survey June 2023, Elite Ecology*
- Revised plans 00928-16 C and 00928-19 D*

Drainage and Spoil

Plan '00928-16 C Location plan revised' shows the illustrative location of a package treatment works and a soakaway, both within the site boundary. These appear suitable and will not impact any areas outside the site.

Submission of a detailed drainage scheme is secured via conditions 8 and 9 of the outline permission. This could consider providing a wetland area in place of the soakaway, and also water butts on each building for maximum benefit. 00928-19 D showing site sections A and B indicates areas of cut and fill which would appear to enable material to be reused within the site.

Bats

The Badger, Bat, Bird and Great Crested Newt Report and Bat Activity surveys found no bat roosts in the buildings. Provision of bat boxes for bat gains are set out, sensitive lighting is required as bats do fly and forage in the area. The recommended provision of new bat boxes has been secured already through condition 13 of the outline permission; the activity survey report provides more detail.

A method of working to protect bats while felling trees can be secured via condition.

Birds

The recent surveys found that wrens, blackbirds and collared dove were actively nesting in buildings to be demolished. Provision of a range of specific nest boxes and features is recommended. Nest boxes are secured via condition 14 of the outline permission, but could be updated to follow the more recent reports. Details could be shown on a detailed landscaping plan.

Nesting bird protection and is secured via conditions 13 of the outline permission.

Badgers

Surveys found badger use of the site within the site in proposed new garden areas, which would be impacted by proposed re-profiling. As recommended by the report, a badger mitigation strategy is therefore required to be submitted and approved before commencement of any clearance or development works, and implemented as agreed. A badger licence is likely to be required for works in the area, unless impacts can be avoided.

Great Crested Newts (GCN)

Surveys found the nearby pond had below average suitability for newts, and no amphibians were found on the site. Habitat is suitable and so precautions are recommended. To be secured via species method statements.

SMDC Waste Collection Service

6.14 No issues regarding waste collections.

Notes: Tenford lane properties are currently on bag collections. We will assess access when built to confirm wheeled bin collections.

Severn Trent Water

6.15 As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 The main issues relate to:

- Whether the proposed housing layout, scale, design/appearance and landscaping in terms of the impact on the character and appearance of the area, residential amenity and the ecological value of the area
- Whether the proposal applied for under this Reserved Matters application is in line with the outline permission for housing and the planning conditions attached to it.

Principle of Development

7.2 The principle of a housing development with three houses on the site has been accepted in granting outline planning permission in September 2020. The access to the site, using the existing private lane which the site is at the end of (deemed to be part of the "Access"), was also approved. Matters such as traffic creation, impact on highway safety and general impact on the ecological value of the area have also therefore been assessed and considered to be acceptable. It is therefore not necessary, to re-visit the principle of the development (including impact on local facilities and services), traffic, impact on the road network or impact on the wider environment. A significant amount of third party objection focuses on the justification for the grant of outline planning permission in the first instance, which was on the basis that the site was in established commercial use, rather than agricultural use, and was therefore "brownfield" land. Whilst it is acknowledged that objectors disagree with the conclusion that was reached in respect of these matters and the decision to approve the outline application, that permission is extant and the reserved matters application which is before the committee does not present an opportunity to revisit that principle of residential redevelopment.

7.3 This Reserved Matters application is solely concerned with the particular layout/siting, scale, appearance/design and landscaping of the proposed development.

The impact on the character and appearance of the area

7.4 Policy DC1 of the Local Plan requires all development to be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD and in particular, regarding character and appearance, new development should:

1. be of a high quality and add value to the local area, incorporating creativity, detailing

and materials appropriate to the character of the area;

2. be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance;

7.5 The site currently contains a number of grey untidy unattractive blockwork buildings purely of utilitarian appearance and including a large warehouse type building in the middle of the site which dominates its appearance. It is not

considered the replacement of these buildings with three two-storey dwellings, one with four bedrooms and the other with three, would result in an overdevelopment of the site given what is there already. The dwellings would be taller than the largest building on site. The largest would be on the lowest part of the site. The other two would be on the slope leading up towards the west but avoids being a significant distance up the slope. The siting together with the removal of some of the trees (including those on the south-west boundary), albeit the largest trees would be retained, would lead the proposed development to be more visible than the current buildings. However, although the proposed houses may be visible from views from outside of the site and private lane, there would be a sufficient level of screening to avoid a harmfully prominent impact on the landscape. The nearest public highway is Tenford Lane, 150 metres to the north. From this road, the houses would be sufficiently screened by a combination of trees, hedgerows and the presence of other houses and buildings around the private lane. The nearest public footpath to the site is approximately 700 metres to the west, on the edge of Upper Tean village. It may be possible to glimpse the houses from the path but due to the distance, they would be no more visible than existing houses off the private lane and although the houses would have heights of 8.7 and 8.0 metres, it is considered the development would not be harmfully visually intrusive in the landscape.

7.6 When the application was submitted in August 2022, there was no proposed removal of any trees. However, the amended plans of December 2022 resulted in the removal of some of the trees including some on the south-west boundary which faces the village (and nearest public footpath). However, the trees to be removed are “Category C” and “Category U” poor quality or dead/diseased/dying trees and all the better quality and larger “Category A” and “Category B” trees in the site would be retained (as shown in the Tree Report accompanying the outline application). The roots of the better quality trees both within the site and just outside of it would not be harmed by the development and tree protection fencing would be placed around those trees within the site (including those overhanging into it) to protect them from the construction process. Replacement planting is proposed including along the south-west edge, as shown in the amended site plan. A condition will be attached requiring appropriate trees to be planted in place of those removed in accordance with exact details of species, sizes and positions to ensure a sufficient level of screening and overall appearance of the site.

7.7 The particular style and design of the houses has been achieved via negotiation between the case officer and the applicant’s agent and has been the subject of amendments to reach the desired result. It is considered the scheme put forward to the Committee shows dwellings which reflect a traditional rural style and appearance, in the form of a “farm layout” of a dominant farmhouse and two subservient barn-type houses built around a square or rectangular yard and not a “suburban housing estate” appearance. The level of detailing is considered sufficient to achieve the desired design.

7.8 Overall, it is considered the proposed scale, design, siting and landscaping of the site as per the amended plans put forward would be sufficient to lead to a significant improvement in the appearance of the site in compliance with Policy DC1 and Section 12 of the NPPF.

The Impact on Residential Amenity

7.9 Local Plan policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.10 Policy H1 of the Local Plan (2020) seeks to ensure that all new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers of the dwellings whilst respecting the privacy and amenity of occupiers of existing dwellings; and that all new dwellings should aim to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space Standards.

7.11 The Space About Dwellings SPG outlines separation distances between dwellings, both proposed and existing, and details the minimum garden size for dwellings in order to provide a sufficient level of private amenity space.

Amenity of Existing Residents

7.12 The SPG requires minimum distances of 24.4 metres between rear elevations of houses and facing principal windows of other houses in the case of one of the houses being a 2-bed property (this is reduced to 22.0m in the case of both houses having three or more bedrooms) to ensure the privacy of existing residents is protected. The distances between the windows of the two nearest existing houses to the site to the nearest windows of the proposed dwellings is in excess of 35 metres. Furthermore, due to the irregular positional relationship between the existing and proposed houses, views from proposed into existing windows would only be possible at a very obscure angle, if any overlooking is possible at all due to the level of tree screening and land levels between the site and the two nearest adjacent residential properties. The proposal would not lead to any harm to either the levels of privacy of existing residents or light provision.

Amenity of Future Occupiers

7.13 With regard to private amenity space (in this case, rear gardens), the SPG requires mean lengths of 11.0 metres and minimum overall garden sizes of 65 sq.m, All of the rear gardens would exceed the size and length thresholds. Overall, it is considered that each dwelling would have sufficient private garden space in the interests of the residential amenities of the residents.

7.14 All of the dwellings would meet the standards for internal space provided in accordance with the governments Nationally Described Space Standards applicable to two-storey three and four bedroom houses and would therefore allow the future occupants satisfactory living conditions.

7.15 Overall, it is considered the scale, siting/layout and design of the development would not harm the existing or future residential amenities of the area and would comply with Policy DC1.

Details Submitted to Comply with the Planning Conditions Attached to the Outline Planning Permission.

7.16 Although the Reserved Matters planning application deals solely with matters relating to the scale, siting, appearance and landscaping of development, further details have been submitted with this application to tackle conditions attached to the outline planning permission which require further information to be submitted to the Council at the Reserved Matters stage.

7.17 Condition 12 of the outline permission requires a bat survey of all trees proposed to be removed from the site, as bats are a protected species and Policy NE1 requires developments to ensure that protected species are not harmed by development and that appropriate mitigation is provided. The application as originally submitted did not include a Bat Survey Report because at the time, it was intended to retain all of the trees (including the poor quality and Class U trees). However, amended plans proposed the removal of some of the less-than-poorer quality trees (and their replacement) and as a result, a February 2023 Bat Survey was submitted. Staffordshire Wildlife Trust (SWT) was consulted on the report and concurred with the findings i.e. that there were no bats using the trees proposed to be felled. However, SWT did comment that the survey report for bats in the buildings, submitted with the outline stage, was now out of date as the survey was undertaken in Summer 2019 and the report had a two year validity.

7.18 SWT also commented that an assessment of impacts on badgers and great crested newts should also be undertaken before the application is determined and that proposed foul drainage works could also impact on protected species (as septic tanks or package treatment plants requiring ground extraction will be needed due to the absence of mains foul drainage in the locality). However, SWT, when consulted on the outline planning application and did not raise any objection to the proposal at that stage. Conditions were attached to the outline permission in response to their comments at that stage and relate only to bats and birds and no other protected species.

7.19 Due to the consultation response by SWT at the outline stage, raising no objection subject to the bats and birds measures condition, there is therefore no requirement for the applicant to carry out any further protected species surveys, regardless of the comments at Reserved Matters stage. Nevertheless, the applicant has chosen to undertake an Ecology Survey which covers all the other species mentioned in the SWT comments (i.e. badgers and great crested newts) and has submitted a survey report together with an updated Bat Report (both in June 2023) which includes actual bat activity surveys covering the whole site including the buildings, despite them being deemed to have “negligible” potential to accommodate bats, at the outline stage and despite SWT not requesting such a survey at the outline stage. The issue with bats in trees has already been covered i.e. no evidence of bat use in the trees to be felled.

7.20 On 4th July 2023, SWT in response to the new reports, removed its holding objection, concurring that bats were not found anywhere on the site during the recent updated surveys and that appropriate mitigation can be provided via bat boxes already required by the outline conditions and further measures which could form

part of the landscaping scheme also required by a condition. Birds were discovered in the buildings but the outline conditions already require works to be undertaken at the correct time to avoid harm to nesting and to provide mitigation (bird boxes) and other measures which can be secured via the landscaping condition. Evidence of badgers was also found on the areas proposed for the rear gardens but the reprofiling of these areas can be undertaken without harm via a suitable mitigation strategy as part of an additional condition. A licence is required for works beforehand in any case where badgers have been present. There was no evidence of newts as the nearest ponds were deemed unsuitable. A method statement is required to ensure that no newts are affected by the construction works.

7.21 The impacts of the proposed surface water and foul drainage for the development is controlled by a condition attached to the outline planning permission which requires details of drainage to be submitted to and approved by the Council before works commence (not with the Reserved Matters Application). However, as SWT had requested details of drainage due to potential impacts on the ecology value of the site, the applicant has chosen to submit the drainage plans at this Reserved Matters stage, which include soakaways and a package treatment plant, both in the north part of the site. In response, SWT considered that the proposed drainage scheme was suitable and would not result in any harm to the ecological value of the site.

7.22 SWT mentions that a Net Biodiversity Gain (NBG) should be achieved for all development. Policy NE1 expects an NBG for all development. SWT consider that the proposal would increase the amount of green space on site. The Council considers that an NBG can be achieved via appropriate native planting as part of the detailed new/replacement planting and landscaping scheme which will be required by a planning condition attached to any Reserved Matters approval. Furthermore, two bat boxes and four bird boxes are required to be installed on the development as required in the outline conditions and also in accordance with locational details to be submitted to and approved in writing by the Council.

7.23 Other conditions attached to the outline planning permission which require further information to be submitted to and approved by the Council include the requirement of a ground contamination survey and remediation measures in the event that contamination is discovered (to be submitted and approved before works commence), the testing of any soil imported into the site to assist the development, details of vehicle parking and turning, surfacing and parking area drainage (to be submitted and approved before works commence), a Construction and Environment Method Statement (to be submitted and approved before the demolition of buildings) and also details of existing and proposed ground levels and the finished floor levels of the houses. This was submitted in March 2023 and is acceptable.

7.24 With regard to the parking condition, details of the parking and turning areas and their surfacing were submitted with this current Reserved Matters application. The amended site layout shows a yard area with six parking spaces, two for each of the dwellings. This is in accordance with the Council's parking standards for 3-bed dwellings of which there are two. The largest house has four bedrooms and the standards require three spaces for such dwellings. However, a third space for the largest dwelling lies to the side of this house. The parking provision is therefore

acceptable. Furthermore the local highways authority (SCC) does not object to the application in terms of highway safety and therefore deems the parking and turning areas and other parking and access details to be acceptable.

Responses to Letters from Local Residents

7.25 A significant number of objections letters have been received from the residents of the private lane. Most of the points raised relate to matters which were considered at the outline application stage where access was also determined. The unsuitability of the private lane for the traffic generated by three 3-bed or 4-bed houses, in terms of the health and safety of the users of the lane appears to be one of the primary concerns about this proposal. This was a matter determined at the outline stage but it is important to re-iterate that despite the local highways authority recognising that the junction of the private lane onto the public highway (Tenford Lane) is substandard, no objection was raised on the grounds of the impact on highway safety. It is considered that the impact on highway safety would be no worse from the traffic generated by three dwellings than it would be from the vehicle movements generated by either new commercial or agricultural uses or re-use of the site. This includes the health and safety of users of the private lane. It must be added that the commercial or industrial uses of the site would lead to larger and more unsuitable vehicles travelling along the entire stretch of the narrow private lane to get to and from the site which would more greatly compromise the health and safety of the residents of the lane than the use of the lane by cars from the three proposed dwellings.

7.26 There was also comments made from the residents about the lane being substandard for emergency vehicles due to its restricted width. However, this proposal will not worsen the situation. There has been five existing dwellings served by the substandard private lane for a considerable amount of time. If anything, the provision of just three more houses improves the situation as there is a large square or rectangular yard proposed allowing large emergency vehicles more room to be able to turn and leave the lane onto the highway in forward gear rather than having to reverse.

7.27 There are claims that the red line marking the application site encroaches over third party land not within the ownership of the applicant. However, the application forms for the outline application confirm that notice has been served on the owner of the lane. Any dispute regarding the red line encroaching other land is purely a legal/civil matter, not a planning matter. It is accepted that the red line shown on the site plan is not entirely consistent with the red line shown on the location plan but this does not create a problem as it is the red line on the location plan that defines the application site and this is consistent with the red line boundary on the location plan submitted with the outline application. In any case, a red-edge location plan is not required to be submitted with Reserved Matters applications as this is submitted with the outline application. As stated the red line is supposed to define the area of the site to be developed and not the legal ownership boundaries as shown on Land Registry drawings. No part of the proposed development encroaches beyond the formal red line of the location plan or the indicative red line of the site plan.

7.28 One of the objection letters claims that the package treatment plant encroaches onto neighbouring land. The applicants claim that the plant is entirely within their ownership but for avoidance of doubt will move the plant further away from the site boundary of the land claimed to be affected.

7.29 Several letters claim that outline permission should not have been allowed as the site is not deemed by the residents to have had commercial uses and deemed to be agricultural and therefore is not a brownfield site and therefore housing would be contrary to planning policies. The outline permission was claimed by one of the residents to be "fraudulent". However, the handling and determination of the outline application by the Council was investigated by the Local Government Ombudsman. The final decision of the Ombudsman was that there were no faults by the Council in the handling and determination of the application and therefore no faults in reaching its assessment that this was a commercial site and that the principle of housing on the site was therefore acceptable. As stated above, whilst it is acknowledged that objectors disagree with the Council's conclusions and decision in respect of the outline application, it remains extant and this application does not present an opportunity to revisit the principle of development.

7.30 In response to the Parish Council, the lane leading to the site is a private lane and there is no planning requirement that the applicant should undertake a Safe Pedestrian Access assessment.

7.31 In response to the comment that the brick used is poor quality, details of the exact type, colour and texture of brick have not been provided. A standard condition will be imposed on any Reserved Matters approval which requests full details of facing, roofing and surfacing materials along with boundary treatments, to be submitted for approval before any works above the damp proof course.

7.32 In response to the comment that the development does not include any renewable energy/sustainability measures or sustainable construction techniques, there is no mandatory requirement to provide this under the planning policies, despite the policies encouraging this. However, a condition could be imposed on any Reserved Matters approval requiring such measures to be provided in accordance with details to be submitted and approved as this is related to the design and appearance.

7.33 In response to the comment that Plots 2 and 3 would have poor solar gain due to their orientation (i.e. French windows facing north-east), this was made before the amended plans which show the dwellings on those plots including large atrium type windows and other primary windows facing south-west where it will receive sunlight. Plot 1 would also have a garden room and French windows facing south-east, also benefitting from solar gain to help energy efficiency.

7.34 In response to the comment that there is no provision for the charging of electric cars, this is now a mandatory requirement of the Building Regulations for new dwellings.

Planning Balance & Conclusions

7.35 The scale, siting/layout, design/appearance and landscaping of the development as shown on amended plans is acceptable in terms of the impact on the visual and residential amenities of the area and there is no conflict with the outline permission and the planning conditions attached to it. Furthermore, the Council is satisfied that although no specific details of the type of planting have been provided, the proposal would result in an increase in green space and that together with the replacement of trees to be removed, the landscaping of the site in this particular location, already benefitting from a number of large mature trees, would be acceptable, on the basis of the information provided for landscaping and with the safeguard of further planting conditions requiring more specific information in order to fully achieve a good level of landscaping and a Net Biodiversity Gain. The Reserved Matters application, as amended, is therefore recommended for approval subject to further conditions in addition to those already imposed onto the outline planning permission. The scale, siting/layout, design/appearance and landscaping of the development complies with the Local Plan policies and the government planning guidance contained in the National Planning Policy Framework (NPPF).

8. RECOMMENDATION

A. That planning permission be APPROVED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following amended approved plans:

**00928 16 C
00928 17 C
00928 18 C
00928 19 D**

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

2. The development hereby permitted shall not proceed above the damp proof course level until details of all bricks, tiles, hardsurfacing materials, boundary treatments and fenestration in terms of type, texture and colour have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:-

In the interests of the character and appearance of the area.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no further development as specified in Part 1 Class(es) AA,A, B, C, D, E and F or Part 2 Classes A to C shall be undertaken without express planning permission first being obtained from the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and to protect the residential amenities of neighbouring residents.

4. The development hereby permitted shall not be commenced until full details of soft landscape proposals including native planting and ecological mitigation measures have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables
- Mitigation measures for badgers

Reason:-

To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area and the ecological value of the area.

5. The mitigation measures required by condition 4 shall be retained for the lifetime of the development.

Reason:-

In the interests of the ecological value of the site.

6. The implemented planting scheme required by Condition 4 shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

Reason:-

To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

7. The development shall be undertaken in accordance with method statements with precautions to protect bats in trees and buildings and amphibians which shall be submitted to and approved in writing by the local planning authority and shall include details of external lighting.

Reason:-

In the interests of the ecological value of the site.

8. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan 00928 16C. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Reason:-

In the interests of highway safety.

9. The first action on commencement of development, prior to any further action (including any site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees and hedges to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and these shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

In the interests of the appearance of the site.

10. Before the use of the development commences, electric vehicle charge points shall be provided in accordance with details to be submitted and approved in writing by the local planning authority and shall be provided in accordance with the approved details.

Reason:-

To encourage the use of environmentally friendly modes of transport in the interests of climate change.

11. The development shall be carried out in accordance with a Sustainability Statement which shall include renewable energy/sustainability measures in the development and sustainable construction techniques and which shall be submitted to and approved in writing by the local planning authority before the commencement of the development.

Reason:-

In the interests of energy efficiency and climate change.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

Site Location Plan

