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| Agenda Item: | 5.2 |
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| Site: | Field North Of Chapel Lane, Rangemore, Burton-Upon Trent, DE13 9RR |
| Proposal: | 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 Sherrie Grant

[Hyperlink to Application Details](#)

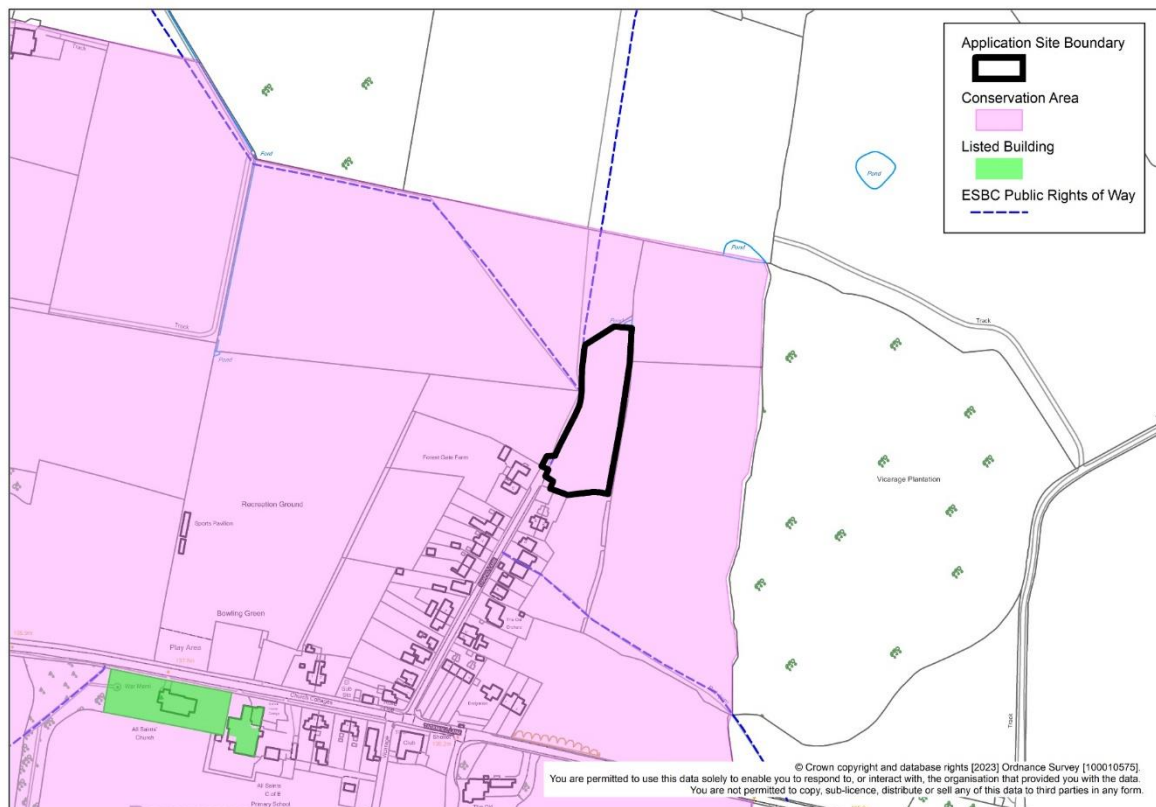
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| Application Number: | P/2022/00705 | |
| Planning Officer: | James Mattley | |
| Type of Application: | Detailed Planning Application | |
| Applicant: | The Burton Property Trust | |
| Ward: | Needwood | |
| Ward Members: | Councillor Mrs J Jones | Councillor B Ashcroft |
| Date Registered: | 5 August 2022 | |
| Date Expires: | An extension of time has been agreed until 31 July 2023 | |
| Reason for being on Agenda | Due to level of public representation. | |
| Officer Recommendation | Approve subject to conditions and a legal agreement | |

1. Executive Summary

- 1.1 The site comprises 0.42 hectares of agricultural land, located to the north of Chapel Lane. Immediately to the south of the site are residential properties on Chapel Lane. The north, east and west is agricultural land.
- 1.2 Public Footpath No. 13 runs along Chapel Lane and would be located to the south of the site at the point of the access with Chapel Lane.
- 1.3 The site is located within the Rangemore Conservation Area, within Flood Zone 1, within the Mineral Safeguarding Area for Gypsum and within the permitted working area for Fauld Mine.

- 1.4 The application submission relates to the erection of nine dwellings with associated garaging and parking and construction of a vehicular access from Chapel Lane. Four units are proposed as elderly/disabled persons bungalows, two units as starter/first homes and three units as open market dwellings, which will be secured by way of a legal agreement.
- 1.5 There has been 34 letters and a petition signed by 45 signatures from local residents objecting to the scheme.
- 1.6 The site lies within the Neighbourhood Plan Area of Tatenhill and Rangemore and provides a range of units which satisfies the requirements of Policies HE1 and HE2 of the Neighbourhood Plan. Six of the nine units, satisfy local needs dwellings (four elderly person/disabled homes and two starter homes), and the three open market dwellings are required to help fund the other six units. The principle of residential development is therefore considered to be acceptable.
- 1.7 The scheme would not significantly affect important mineral resources and would not adversely affect the operation of Fauld Mine.
- 1.8 The design and layout of the scheme is considered to be appropriate, the scheme is considered to preserve the character and appearance of the Rangemore Conservation Area. There would be no significant adverse impact on occupiers of neighbouring dwellings in terms of overlooking or loss of privacy or in terms of noise and disturbance, or any adverse impacts with regards to flooding.
- 1.9 The impact of the proposal has been assessed by the County Highway Authority and subject to the imposition of conditions, no objections have been raised with regards to highway safety. The County Footpaths Team raise no objections to the proposal subject to notes to the applicant.
- 1.10 The impact upon trees, archaeology, ecology, biodiversity, drainage and agricultural land classification have been assessed and there is considered to be no significant adverse impacts, subject to the imposition of planning conditions.
- 1.11 The application is supported by a Heritage Statement, Planning and Design and Access Statement, an Arboricultural Impact Assessment, a Tree Report, a Tree Protection Plan and an Ecological Appraisal Reasonable Avoidance Measures – Great Crested Newts.
- 1.12 In light of the above conclusions on the planning merits of the cases, therefore, the application is recommended for **approval** subject to the necessary planning conditions and the signing of a Section 106 legal agreement to ensure that that the local needs dwellings are retained in perpetuity and construction routeing plan.

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

Map of site**2. The site description**

- 2.1 The site comprises 0.42 hectares of agricultural land, located to the north of Chapel Lane. Immediately to the south of the site are residential properties on Chapel Lane. To the north, east and west is agricultural land.
- 2.2 Public Footpath No. 13 runs along Chapel Lane and would be located to the south of the site at the point of the access with Chapel Lane. Public Footpath No. 14 abuts the site to the west.
- 2.3 Public right of way Footpath No. 13 Tatenhill Parish runs across the access road and then northwards along the western boundary. Public footpath no. 14 Tatenhill Parish joins footpath Tatenhill 13 about halfway up the proposed site boundary and runs away to the north east.
- 2.4 The site falls within the Mineral Safeguarding Area for Gypsum and within the permitted working area for Fauld Mine. The site is also located within the Rangemore Conservation Area and within Flood Zone 1.

3. Planning History

- 3.1 P/2019/00525 - Planning Application No. ES.19/02/504 M - Southern extension to Fauld Mine to extract gypsum and anhydrite beneath land to the east of Newchurch, including consolidation of the existing planning permissions (ref. ES.10/04/504M, ES.13/05/504M, ES.13/06/50 – No Objection – 15/05/19
- 3.2 P/2016/01724 - Erection of two pairs of semi-detached bungalows and construction of vehicular access – Approved – 12.01.08

- 3.3 P/2013/00870 - Planning Application to continue the development of Fauld Mine without complying with planning condition 3 of planning permission ES.09/14/504 M dated 24 December 2009 to allow mining operations to cease on 31 August 2028 at Fauld Mine – No Objection – 30.07.13
- 3.4 CM/16573/022/JI - Variation of Condition 3 of planning permission ES.08/05/504M to read - unless otherwise agreed in writing with the Mineral Planning Authority, all extraction operations hereby authorised shall cease by 31st December 2018 or when all workable mineral has been extracted, whichever is sooner – No Objection – 20.10.09
- 3.5 CM/16573/019/JPM - Application for a new scheme of conditions relating to the 15 year periodic review of permission CM/16573/001 – No Objection -04.09.08
- 3.6 CM/16573/001 - Underground mining of gypsum and anhydrite – Conditional Approval 0 15/01/87

4. The proposal

- 4.1 Full planning permission is sought for the erection of 9 no. dwellings, with associated garaging and parking and construction of a vehicular access.
- 4.2 The scheme comprises:-
- Plots 1-2 and plots 3-4 are a pair of semi-detached 2 bedroomed elderly/disabled persons bungalows. All 8 no. parking spaces are provided in a courtyard style arrangement to the front of the plots;
 - Plots 5 and 6 are proposed to be semi-detached starter homes or first homes to be sold at 70% of the open market value. Plot 6 is of 3 bedroomed configuration and plot 7 of 2 bedroomed configuration. Parking is provided to the front of these plots; and
 - Plots 7, 8 and 9 are proposed as detached open market dwellings of four bedroom configuration. Plots 8 and 9 would have detached garages.
- 4.3 Vehicular access is proposed from the south of the site off Chapel Lane.
- 4.4 During the course of the application, the following amendments and additional information have been submitted:-
- Garage removed from Plot 7 and additional parking space provided to the sites frontage;
 - Bungalows on Plots 1-4 have been re-positioned in an 'L' shape and additional hedgerow planting;
 - Reduced the size of Plot 9 and amended the house type to reflect that of Plots 7 and 8;
 - Reduced the width of the access road to 5 metres, to provide a greater separation from the existing hedgerow to the western boundary;
 - The area of canopy of three larger trees on the northern and eastern site boundaries are now excluded from the application site and will remain in the ownership of the Estate;
 - Adjustment to accurately reflect the Public Right of Way;

- Amendment to the siting and angle of Plot 9 to reflect the ‘key view’
- Amendment to the parking layout for Plot 7 to provide additional planting
- A plan indicating an area of 1,000 sqm of planting;
- Removal of the package treatment plant from the scheme;
- A revised Tree Report and Tree Protection Plan;
- Confidential Cost Plan and Viability Information; and
- A details of a route for construction traffic.

During the course of the application, re-consultation has been undertaken with the Staffordshire County Council Highway Authority, Staffordshire County Council Footpath Officers and the National Forest.

List of supporting documentation

4.5 The documents listed below were provided as part of the final application submissions; with those originally submitted having been revised/updated and supplemented - and others superseded - during the application process reflecting the amendments to the scheme and the need to respond to the requirements of statutory consultees and officers of the Local Planning Authority.

- Detailed Planning Application Form;
- Location Plan;
- Topographical Survey;
- Proposed Site Plan;
- Proposed Block Plan;
- Proposed Floor Plans and Elevations ;
- An Ecological Appraisal;
- A Heritage Statement;
- A Planning and Design and Access Statement;
- An Arboricultural Impact Assessment;
- A Tree Report;
- A Tree Protection Plan; and
- Reasonable Avoidance Measures – Great Crested Newts.

The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

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

| Statutory and none statutory consultee | | Response |
|---|--|--|
| 5.1 | Tatenhill and Rangemore Parish Council | <p>Objections on the following grounds:-</p> <ol style="list-style-type: none"> 1. Chapel Lane is too narrow, even for the existing traffic. 2. Tatenhill Lane, the main road in Rangemore, can't take any more traffic. |

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| | | <p>3. The proposed development is disproportionate to the size of the village. There are more houses in Chapel Lane at the moment than the rest of the village.</p> <p>4. The village is in danger of losing its character.</p> <p>5. The junction at the end of Tatenhill Lane and Rangemore Hill is an accident waiting to happen. More traffic would increase the risk.</p> <p>6. Even though there is a bus stop in the village, there are no municipal buses.; all the new people would need their own cars.</p> |
| 5.2 | Staffordshire County Council – Mineral Safeguarding | No objection. |
| 5.3 | Saint-Gobain | This development impacts gypsum resources identified by Staffordshire County Council mineral safeguarding. |
| 5.4 | British Gypsum | No objection. |
| 5.5 | Staffordshire County Council Highway Authority | No objection, subject to the imposition of conditions and note to applicant. |
| 5.6 | Staffordshire County Council Historic Environment Team | No objections subject to a condition for a Written Scheme of Investigation. |
| 5.7 | Staffordshire County Council Ecologist | No objection, subject to a compliance condition to ensure the measures in the accompanying documentation are implemented. |
| 5.8 | Staffordshire County Council Footpath Officers | No objection subject to a number of notes to the applicant. |
| 5.9 | Staffordshire Police - Police Architectural Liaison Officer | <p>Provides guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated into this development.</p> <p>The Liaison Officer recommends that existing boundary hedgerows are retained, and that access to Footpath No. 13 is via the proposed access gate and stile to the end of Chapel Lane.</p> |

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| 5.10 | Peak and Northern Footpaths Society | Guidance and note to applicant. |
| 5.11 | National Forest | No objections subject to a planning condition requiring additional national forest planting. – comments relate to the original site rather than the amended site plan. |

| Internal Consultees | | Response |
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| 5.12 | Environmental Health | No objection subject to a condition in relation to unexpected land contamination. |
| 5.13 | ESBC Waste | No objection subject to the developer providing the appropriate external storage containers for refuse and recycling collection or pay a financial contribution to the Council for their provision via a Section 106 Agreement. |
| 5.14 | Housing Strategy Officer | The proposal refers to the HE1 Parish Housing Strategy which appears to indicate approximately 9 dwellings in Rangemore village. It also references HE2 local needs as being for up to 3 elderly persons dwellings (ground floor or single storey), a single dwelling for a disabled person and up to 3 starter homes and references additional homes required in Tatenhill Village. The proposal appears to be in line with the statement of need. |
| 5.15 | Tree Officer | No objection, subject to the imposition of conditions for tree protection barriers, a no dig/hand dug construction technique and a site specific in-depth method statement. |

6. Neighbour responses

- 6.1 A petition containing 45 signatures, objecting to the scheme has been received. A total of 34 individual letters of objection have been received raising the following comments:-

| Neighbour responses | |
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| Principle | <p>Two smaller houses will be well beyond the mortgage capabilities for local first-time buyers;</p> <p>Disproportionate to the size of the village – 33% increase;</p> <p>Village will lose its character;</p> <p>Not a sustainable location as limited services and facilities;</p> <p>Original 2016 was for 4 bungalows and now it is 9 houses;</p> <p>Concerns that the social housing won't get constructed first;</p> <p>Contrary to policies in the development plan especially HE1 of the Neighbourhood Plan which only allows for 6 dwellings;</p> <p>Concerns that the properties don't meet a local need and won't be affordable;</p> <p>No need for housing in this part of the district;</p> |

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| | <p>Site is valuable agricultural land; Loss of a greenfield site; There are brownfield sites available to develop.</p> |
| Biodiversity | <p>Destruction to habitat and protected species can never be amended; Local knowledge is more valuable than the ecology report; Hedges and trees won't be respected;</p> |
| Highways Impacts | <p>Road is too narrow especially for construction vehicles; Road infrastructure cannot accommodate the additional traffic; Road surface of Chapel Lane is inappropriate; Parked vehicles prevent proper access; Concern about a temporary road being constructed to access the site for construction vehicles; Dangerous for pedestrians including school children;</p> |
| Visual Amenity | <p>Desecration of this Conservation Area Site; Frontage parking not in keeping with the surrounding area; Impacts on 'Key Views' set out in the Neighbourhood Plan; Large dwellings would be out of keeping;</p> |
| Residential Amenity | <p>Will result in privacy issues; Noise and disturbance;</p> |
| Other | <p>Why are they proposing non-mains drainage; Limited information on drainage proposals; Flooding and drainage concerns; Are the water and electricity supply adequate for this site? Difficult to see how 9 dwellings can have less of an impact than 4 dwellings; A representative of the estate has previously said that the development wouldn't go ahead without the support of the village; Dwellings should be energy efficient; Impact on house prices.</p> |

7. Policy Framework

National Policy

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

Minerals Local Plan for Staffordshire (2015-2030)

- Policy 3.3
- Policy 3.5

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2: Settlement Hierarchy
- SP4: Distribution of Housing Growth 2012-2031
- SP8: Development outside of Settlement Boundaries
- SP16: Meeting Housing Needs
- SP17: Affordable Housing
- SP23: Green Infrastructure
- SP24: High Quality Design
- SP25: Historic Environment
- SP26: National Forest
- SP27: Climate Change, Water Body Management and Flooding
- SP29: Biodiversity and Geodiversity
- SP35: Accessibility and Sustainable Transport
- DP1: Design of New Development
- DP3: Design of New Residential Development, Extensions and Curtilage Buildings
- DP5: Protecting the Historic Environment: All heritage assets, Listed Buildings, Conservation Areas and Archaeology
- DP7 Pollution and Contamination

Tatenhill and Rangemore Neighbourhood Plan

- SP1 – Settlements
- SP3 – Contextually Responsive Design
- SP4 – Sustainability and Climate Change
- HE1 – Parish Housing Strategy
- HE2 – Local Housing Needs
- LC1 – Key Views and Vistas
- LC3 – National Forest and Green and Blue Infrastructure
- DC1 – Design in Conservation Areas
- IN2 – Traffic Calming
- IN3 – Public Realm in Villages

Supplementary Planning Documents

- East Staffordshire Design guide
- Car Parking Standards Supplementary Planning Document (SPD)
- Separation Distances and Amenity Supplementary Planning Document (SPD)
- Housing Choices Supplementary Planning Document (SPD)
- Waste Storage and Collection Guidance
- Parish Design Guide 2012
- Rangemore Conservation Area Appraisal and Management Plan 2013.

8. Assessment

8.1 It is considered that the key issues relevant to the determination of these applications are as follows:-

- Principle of the Development;

- Minerals;
- Visual Amenities ;
- Heritage Assets;
- Residential Amenities ;
- Highway Safety ;
- Flood Risk and Drainage;
- Trees;
- Ecology;
- Biodiversity;
- Section 106 Contributions/Matters ;
- Other Matters; and
- Conclusion (including The *Planning Balance*)

9. Principle of Development

Rangemore is identified as a Tier 3 settlement (Small Villages and other settlements) within the Local Plan and therefore the site is located outside of any defined settlement boundary. As such in the context of the Local Plan this site is considered as being in the countryside.

- 9.2 Strategic Policy 8 of the Local Plan provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy in dealing with the principle of development states inter alia that outside development boundaries planning permission will not be granted unless it is accordance with an adopted Neighbourhood Plan.
- 9.3 The site is located within the Tatenhill and Rangemore Neighbourhood Plan Area. Policy HE1 of the Neighbourhood Plan supports the development of approximately 25 dwellings comprising conversions and new build, in accordance with the strategy of approximately 9 in Rangemore village. The plan does not identify specific sites to meet this delivery.
- 9.4 The southern most part of the site received planning permission for the erection of two pairs of semi-detached bungalows and construction of vehicular access in 2008 (ref: P/2016/01724) which have not been implemented.
- 9.5 In respect of Policy HE1 of the Tatenhill and Rangemore Neighbourhood Plan, it is noted that planning permission was granted on appeal (14 December 2018) for the erection of 1 no. open market dwelling (ref: P/2016/01728) leaving a residual of approximately 8 dwellings in Rangemore village. The scheme proposes 9 dwellings, however the plan refers to “approximately” and as set out below, 6 of the 9 units satisfy local needs dwellings.
- 9.6 Policy HE2 of the Neighbourhood Plan will look favourably on new development which meets identified local needs for both open market and affordable homes, which includes up to 3 elderly persons dwellings, a single dwelling for a disabled person and up to 3 starter homes. The scheme proposes 4 elderly person/disabled person homes, and 2 starter homes, satisfying the requirements of Policy HE2. The 3 open market dwellings would not satisfy any local needs dwellings.
- 9.7 In support of the 3 open market dwellings, the application has been accompanied by a Cost Plan and Viability Information. The appraisal shows that, owing to the

costs of the very high quality design, the impact of the ‘local needs’ restrictions on the sales values of the properties, and the need for a profit in accordance with national guidance on viability, delivery of these units on their own would not be viable for the landowner

- 9.8 The delivery of the 4 elderly person/disabled person homes, and 2 starter homes would only be viable by the provision of the 3 open market dwellings. As such the 3 units are required to help fund the delivery of the bungalows and starter homes in order to fulfil the housing needs of the community.
- 9.9 The viability information has not been independent assessed, on the basis that the 3 open market dwellings would in any case satisfy Policy HE1 of the Neighbourhood Plan, which is supportive of approximately 9 (residual of 8 following the grant of one dwelling) dwellings in Rangemore village.
- 9.10 Accordingly, in principle, residential development of the site is therefore considered acceptable and in compliance with Policies HE1 and HE2 of the Neighbourhood Plan and Policy SP8 of the Local Plan.

10. Minerals

- 10.1 The site falls within the Mineral Safeguarding Area (MSA) for Gypsum as defined in the Minerals Local Plan for Staffordshire. Furthermore, most of the site also falls within the permitted working area for Fauld Mine (Current permission ref. ES.19/02/504 M).
- 10.2 Staffordshire County Council, acting as the Mineral and Waste Planning Authority originally raised concerns over the proposal. Following further discussions and negotiation with the applicant and mine operator, Staffordshire County Council have subsequently confirmed that the detailed assessment provided by the mine operator has confirmed that the extent of reserves to be affected is not as significant as originally estimated and concludes that given the scale of reserves that would be affected by the housing proposal and that the mine would not be adversely affected in any other way, they raise no objections to the housing proposal.
- 10.3 British Gypsum also confirm that given the small loss of reserve and the fact that the housing development is near the end of mining operations at Fauld mine and will not impact the mine in any other way, British Gypsum do not object to the proposals.
- 10.4 Staffordshire County Council concludes that the mineral to be sterilised is not significant and following discussions with Officers over the benefits of the scheme in terms of providing a wider range of local housing (starter homes and elderly/disabled units), the material planning benefits of the housing proposal would outweigh the material planning benefits of the underlying or adjacent mineral (policy 3.3 (b) of the MLP); and would not adversely hinder operation of the mine (policy 3.5 b)) i.e. does not affect underground access to other parts of the mine.
- 10.5 Given the above it is considered that the scheme would not significantly affect important mineral resources and would not adversely affect operation of the mine and accords with Policies 3.3 and 3.5 of the Minerals Local Plan for Staffordshire.

11. Visual Impacts

- 11.1 Chapel Lane is predominantly characterised by a mix of traditional terrace, semi-detached and detached red brick dwellings of two storey proportions. The traditional dwellings feature to the south of Chapel Lane, with some examples of more modern, semi-detached and detached properties in the middle of the Lane, before returning to the more traditional dwellings to the north, closest to the application site. As defined in Figure 3.1 of the Rangemore Conservation Area Appraisal and Management Plan 2013 there are 6 existing properties along the eastern side of Chapel Lane constructed post 1972, with a mix of properties dated pre 1972 and traditional buildings dated pre 1884.
- 11.2 The proposal is for nine dwellings, with a mixture of detached and semi-detached properties, which is reflective of dwellings on Chapel Lane.
- 11.3 The layout of the scheme is linear and elongated in shape – proposing a new access road to the west and new residential development to the east. The new access road would be linked to the current road serving Chapel Lane, with a minor bend ensuring a fairly straight continuous route. The dwellings would be located to the east, predominantly facing towards the west (towards the internal access road) as is the current arrangement on Chapel Lane. The exception to this is Plots 1 and 2 which face to the north of the site, however this arrangement is reflective of the nearest residential dwellings on Chapel Lane (No'2 24 and 26 which are orientated north to south).
- 11.4 Policy LC1 of the Tatenhill and Rangemore Neighbourhood Plan has identified key views from Chapel Lane, one of which is from the end of Chapel Lane facing north. The northern most part of the site would be located within the area identified as a “Key View” in the Neighbourhood Plan. The Neighbourhood Plan requires that all new development protects and/or enhances key views, vistas and gateways indicated on the Proposals Map as they are important to the setting and character of the Conservation Areas and the overall landscape character. Following concerns raised by officers with regards to the identified ‘key view’ in the Tatenhill and Rangemore Neighbourhood Plan and the Rangemore Conservation Area Appraisal and Management Plan the applicant has submitted amended plans re-siting and re-angling Plot 9, to ensure that the key view is not obstructed by the dwelling and important glimpses and views out to the countryside are maintained. It is considered necessary to impose conditions ensuring the removal of permitted development rights to prevent any development (without first obtaining permission from the Local Planning Authority) within the curtilage of Plot 9, to retain this view to accord with Policy LC1 and DC1(2) of the Neighbourhood Plan and the Rangemore Conservation Area Appraisal and Management Plan.
- 11.5 The detached and semi-detached dwellings are predominantly of two storey proportions which is considered to be reflective of the scale of development on Chapel Lane. Plots 1-4 inclusive are of single storey proportions, however these are specifically designed as elderly/disabled persons bungalows and are therefore required to be of this scale.
- 11.6 Each plot has sufficiently sized amenity space and parking provision ensuring overall the development does not feel overdeveloped.

- 11.7 Particular attention has been paid to the provision of and layout of additional hedgerows, together with the retention of existing hedgerows and trees (which has been negotiated upon during the course of the application), ensuring that the scheme assimilates into this rural and edge of settlement location. Appropriately worded planning conditions can be imposed securing the exact species for the new hedgerows and tree planting.
- 11.8 The design of the dwellings has been based upon the existing traditional dwellings on Chapel Street and the overall design of the dwellings is considered to be acceptable. The submitted details refer to locally sourced facing brick, natural slate tiles and timber windows. The exact materials and finishes can be secured by way of planning condition.
- 11.9 The Council's Waste Team has confirmed that the developer will be required to provide the appropriate external storage containers for refuse and recycling collection or pay a financial contribution. It is considered that there is sufficient space for storage for refuse and recycling at each property and this can be secured by way of a planning condition.
- 11.10 Given the above it is considered that the density, scale and appearance of the development is considered to be acceptable and would not result in any significant adverse impact to the visual amenities of the area. The proposal is therefore considered to comply with Policies SP1, SP8, SP24 and DP1 of the Local Plan, Policies SP3, DC1, LC1 and LC3 of the Tatenhill and Rangemore Neighbourhood Plan, the Parish Design Guide, the Rangemore Conservation Area Appraisal and Management Plan and the objectives of the East Staffordshire Design Guide.

12. Heritage Assets and Archaeology

- 12.1 The site is located within the Rangemore Conservation Area. The southern part of the site is also be located within the Chapel Lane Character Area, as defined by Figure 6.1 (Rangemore Character Areas) within the Rangemore Conservation Area Appraisal and Management Plan. For the avoidance of doubt the closest Listed Buildings are located to the west of Tatenhill Lane.
- 12.2 Within the Inspector's report for an application for a single dwelling at land to side of 2 Tatenhill Lane, Rangemore, the Inspector noted that:-
- "The significance of the CA derives from its distinctive character representative of the 1870s when the majority of its buildings were constructed by the Bass family for estate workers. This gives the village a very distinctive character throughout, and as advised in the CAAMP this should be a key element in the consideration of any future development."*
- 12.3 As set out earlier in this report, subject to the imposition of planning conditions, the density, scale, appearance and intended materials are considered to be acceptable and the key view would be maintained. Overall the scheme is 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.
- 12.4 The County Archaeologist has been consulted in respect of the proposals and confirms that the field immediately to the east of the application site contains the

remains of medieval ridge and furrow earthworks (i.e. evidence of historic ploughing) and that this area of ridge and furrow, which extends further to the south also includes a possible trackway, of medieval date, which was identified on aerial photographs as interrupted braided linear features defined by a single ditch which runs for approx. 105m in length. Furthermore, the Staffordshire HLC identifies this area, and indeed the application site, as forming part of medieval strip fields and given the dearth of previous archaeological investigations in the wider area, the scale of the proposals, and the suggestion of some prehistoric and Roman activity in the area, in addition to a possible Bronze Age barrow and a possible Roman road with associated features the County Archaeologist advises that further archaeological evaluation would be appropriate. On this basis, the County Archaeologist advises that trial trenching is undertaken, which should be secured by condition.

- 12.5 Overall the proposal would preserve the character and appearance of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would accord with Policies SP25 and DP5 of the Local Plan and Policy DC1 of the Tatenhill and Rangemore Neighbourhood Plan and Rangemore Conservation Area Appraisal and Management Plan.

13. Residential Amenities

- 13.1 The nearest existing residential properties would be No's 24 and 26 a pair of semi-detached dwellings located to the east of Chapel Lane. The dwellings have northern facing gardens with single storey outbuildings. Plots 1 and 2 have been designed to face north, with a south facing garden, providing a greater separation from No's 24 and 26. There is sufficient separation distance to ensure not significant overshadowing or overbearing impacts upon the occupiers of the existing dwellings. Furthermore, plots 1 and 2 (and 3 and 4) are all of single storey proportions and so there would not be any significant overlooking issues.
- 13.2 Forest Gate Farm, located to the west of Chapel Lane is considered to be at a sufficient distance away from the proposed dwellings, not to be significantly adversely impacted upon as a result of the scheme.
- 13.3 In terms of impacts upon the dwellings themselves, there is sufficient separation between the plots to ensure no significant adverse impacts.
- 13.4 The units have sufficient room sizes and private amenity spaces in accordance with the Council's Separation Distances and Amenity SPD.
- 13.5 The Council's Environmental Health Team have raised no objection, subject to a condition stating that if any contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. These details will be secured by way of an appropriately worded planning condition.
- 13.6 The applicant confirms that the bin lorry will be able to access the site along the adopted roadway and turn around so bins will be presented on the driveways or pavements, outside individual properties. It is considered that details of refuse collection area where the bins would be stored, turning, boundary treatments and new hard and soft landscaping (hedgerows and surfacing) can all be secured by way of planning conditions.

13.7 It is therefore considered that, subject to the imposition of conditions the proposal would result in no significant overlooking, loss of privacy or overbearing impact on the occupiers of the neighbouring dwellings or future occupiers of the dwellings themselves, or contamination issues and is therefore in compliance with Policies SP24, SP34, DP1, DP3 and DP7 of the Local Plan and the Separation Distances and Amenity SPD.

14. Highway Safety

14.1 Vehicular access is proposed from the south of the site off Chapel Lane. Plots 1-6 inclusive propose two car parking spaces each. Plot 7 proposes three parking spaces to the sites frontage (following the removal of a garage space) and Plots 8 and 9 propose two parking spaces each and a garage space, totalling three spaces. The applicant has indicated that the access, internal access road and turning will be constructed to adoptable standards.

14.2 The County Highway Authority (CHA) confirm that the site is sustainable in transport terms and the site is suitable for development of this type. The CHA states that the supporting document do not appear to consider the access to the site in any detail and therefore recommend conditions be imposed in respect of visibility, adoptable road standards, parking, turning and surfacing.

14.3 The County Footpaths Team state that Footpath No. 13 Tatenhill crosses the proposed access road so will need to be accommodated within the development or a diversion order applied for from East Staffs Borough Council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence. No objections are raised subject to notes to applicant being attached to any approval.

14.4 The CHA have not confirmed that the scheme would significantly increase traffic on routes where there are highway safety problems and there has been no request for a financial contribution from either the CHA or the Parish for any developer contributions towards traffic calming measures and as such no further consideration of Policy IN2 of the Neighbourhood Plan is considered necessary.

14.5 During the course of the application the applicant has provided a plan of a route for construction traffic which would be along an existing hardstanding track from the east of the site, which would avoid Chapel Lane. It is considered that details of the temporary construction route would be secured via the S106 Agreement.

14.6 Subject to the aforementioned conditions advised by the CHA, and planning obligation it is considered that the proposal is acceptable in relation to highway safety and is therefore in compliance with Policies SP1 and SP35 of the Local Plan, Policy IN3 of the Neighbourhood Plan and the Parking Standards SPD.

15. Flood Risk and Drainage

15.1 The site lies within Flood Zone 1 (which has the lowest risk of flooding) as defined on the Environment Agency's Surface Water Flood Maps and given the size of the development at 0.42 hectares, there is no requirement to consult with either the Environment Agency or Lead Local Flood Authority.

15.2 The scheme proposes to dispose of surface water run-off via a sustainable drainage system, and during the course of the application the scheme has

amended its foul drainage discharge from a non-mains foul drainage system to a mains connection

- 15.3 Whilst the sustainable drainage system and foul drainage connection will be subject to separate approval from Building Regulations and by separate agreement with Severn Trent Water, a planning condition is recommended to be imposed requiring full details of the proposals.
- 15.4 Subject to the imposition of a drainage condition, it is considered that the proposal is in compliance with Policy SP27 of the Local Plan.

16 Trees

- 16.1 There are a number of trees and hedgerows within or adjacent to the site. There are three large trees on site, identified as T3, T4 and T6 on the submitted plans, as well as hedgerows to the north, east and west, identified as H4, H5 and H3, respectively. All of these trees and hedgerows are to be retained.
- 16.2 The Council's Tree Officer originally raised concerns over discrepancies between the site plan and tree protection plan, and the overhang of T3 onto plots 7 and 8 and T4 and T6 onto Plot 9.
- 16.3 During the course of the application, the application site has been amended to exclude the T3, T4 and T6, providing assurances that they would not form part of residential curtilages. Furthermore, tree protection barriers have been indicated.
- 16.4 The Council's Tree Officer has subsequently confirmed that the revised details provide a better solution to accommodate the trees and provide a useful garden area to the properties. The Tree Officer confirms a minor intrusion into one Root Protection Area, however, this is minimal and can be mitigated with special engineering techniques which could be conditioned and a site specific in-depth method statement which can be conditioned.
- 16.5 Accordingly, subject to the imposition of conditions for tree protection barriers, a no dig/hand dug construction technique and a site specific in-depth method statement along with additional landscaping, the impacts upon trees is considered to be acceptable and the scheme would accord with Policy DP8 of the Local Plan.

17. Ecology

- 17.1 The application is accompanied by an ecological report, Preliminary Ecological Appraisal, and a subsequent Outline Mitigation Strategy and Reasonable Avoidance Measures (RAMS) has been submitted during the course of the application.
- 17.2 The County's Newt Officer confirms that the development falls within the amber impact zone for great crested newts.
- 17.3 Following an initial holding objection from the Newt Officer, the applicant has provided an additional update to the ecological report (RAMS). This has been further assessed and the Newt Officer is satisfied with the updated ecological

reports and recommends a compliance condition is used to secure the measures and that they are complied with.

17.4 Subject to the aforementioned condition, it is therefore considered that the proposal complies with the requirements of Local Plan Policy SP29 and Policy LC3 of the Neighbourhood Plan, subject to conditions relating to the ecological recommendations.

18. Biodiversity Net Gain

18.2 There are a number of trees and hedgerows within or adjacent to the site and all of these trees and hedgerows are to be retained. The scheme also proposes new hedgerow planting and new tree planting (a separate condition of which is imposed to secure species and size at the time of planting)

18.3 An appropriate worded planning condition can be imposed securing a scheme of on-site ecological/biodiversity enhancements (which could include planting as well as hedgehog holes, swift bricks, bee bricks etc), in the interests of achieving a net gain in biodiversity to comply with Local Plan Policy SP29 and Paragraph 174(d) of the NPPF.

19. Section 106 Contributions/Matters

19.1 Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

19.2 The scheme relates to the provision of 9 dwellings, as such financial contributions are not required, as the trigger for doing so is 10 dwellings.

19.3 The site is located within the National Forest, and the National Forest originally confirmed that as the site is 0.5 hectares then 20% or 0.1 hectare of the site should be National Forest planting. During the course of the application, amended plans have been submitted which has reduced the site area, taking it below the threshold for National Forest planting. Accordingly, there is no requirement for National Forest planting. However, the plans do show for landscaping on the site boundaries and there is a planning condition requiring additional landscaping within the site.

19.4 The scheme proposes a pair of semi-detached 'starter homes' proposed (Plots 5 and 6) which are required to comply with the Government's latest definition for 'First Homes' i.e. there will need to be a 30% discount on their sales values, with a maximum price of £250,000.

19.5 Plots 1-4 proposed as elderly person/disabled homes will also have similar 'local connection' restrictions placed upon them as well as restrictions in relation to the future occupiers age (55 and over) and/or registered disabled. These matters will all be secured through the S106 Agreement.

19.6 A Traffic Construction Routing Agreement will also be secured via the S106 Agreement.

20. Other Matters

20.1 Local residents will be aware that the applicant has a number of properties in the locality that are rented out and the applicant has been requested to provide some additional justification for the sale of these plots. The applicant has confirmed that:-

“The Estate may ultimately decide to rent out some of the bungalows, but the development of new-build properties for rental, per se, currently appears to be not viable, owing to the high-quality design of the proposed units, the restrictions imposed on the properties, and the substantial increases in materials and build costs over recent years. With regard to the four elderly/disabled bungalows, these will be the subject of a condition limiting their sale to persons over the age of 55 and/or registered disabled. The condition will also limit the occupation of the dwellings to an existing Tenant of The Trust, or a person who currently lives in the Parish, or an immediately adjoining parish. This will clearly have an impact on the rental value of the properties, in perpetuity, as they cannot simply be rented to anyone on the open market. Depending on how the overall development costs work out, the Estate will need to make a judgement on rental or sale of the bungalows. The two semi-detached houses were always intended to be sold (at 70% of open market value), and have similar occupancy restrictions, in order to meet the definition of ‘starter homes’. The Estate does own a large number of properties in the area, and will need to make a judgement as to whether any proceeds from this development are invested in essential upgrading of some of those properties, or whether it can afford to retain any of the new-build properties to add to its rental portfolio. Either way, the development will allow the Estate to continue to provide a supply of good-quality rental properties locally.”

20.2 As the scheme provides bungalows, in accordance with Policy SP16 of the Local Plan, all newly erected housing providing ground floor living accommodation shall meet requirement M4(2) of the Building Regulations, which will be secured by way of a planning condition.

20.3 The applicant confirms that the proposals will contain increase levels of insulation and air tightness in accordance with the latest technology required by Building Regulations. The applicant also states that heat recovery and air source heat pump technology will be considered for inclusion in the design in an attempt to reverse climate change using renewable energy generation technology that does not have any detrimental visual impact. It is intended that the dwellings will incorporate a range of energy efficient improvements in order to improve base line energy and carbon performance beyond the standards currently being achieved, including attic insulation and an efficient boiler and control system. The measures set out would be in accordance with the aspirations of Policy DP2 of the Local Plan and SP4 of the Neighbourhood Plan to actively encourage the design and delivery of low carbon buildings. A condition is proposed to request details of such measures.

20.4 In terms of the loss of agricultural land the Agricultural Land Classification (ALC) map for the West Midlands Region outlines that the land is Grade 3 (Good to Moderate). Best and Most Versatile (BMV) agricultural land is defined as falling

within Grades 1, 2 and 3a of the ALC but the ALC map does not specify whether the Grade 3 land falls within the 3a (BMV) or 3b (not BMV) classification. Whilst the NPPF does not suggest that the release of smaller BMV sites is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Therefore given the relatively limited extent of the potential loss of the site (0.42 hectares), it is considered that this is not sufficient to sustain a reason for refusal in the context of criteria (b) of Paragraph 174 of the NPPF.

21 Conclusions

- 21.1 In conclusion, the site within the Neighbourhood Plan Area of Tatenhill and Rangemore provides a range of units which satisfies the requirements of policies HE1 and HE2 of the Neighbourhood Plan. Six of the nine units, satisfy local needs dwellings (four elderly person/disabled homes and two starter homes), and the three open market dwellings are required to help fund the other six units. The principle of residential development is therefore considered to be acceptable.
- 21.2 The scheme would not significantly affect important mineral resources and would not adversely affect the operation of Fauld Mine.
- 21.3 The design and layout of the scheme is considered to be appropriate, the scheme is considered to preserve the character and appearance of the Rangemore Conservation Area. There would be no significant adverse impact on occupiers of neighbouring dwellings in terms of overlooking or loss of privacy or in terms of noise and disturbance, or any adverse impacts with regards to flooding.
- 21.4 The impact of the proposal has been assessed by the County Highway Authority and subject to the imposition of conditions, no objections have been raised with regards to highway safety. The County Footpaths Team raise no objections subject to notes to applicant.
- 21.5 The impact upon trees, archaeology, ecology, biodiversity, drainage and agricultural land classification have been assessed and there is considered to be no significant adverse impacts, subject to the imposition of planning conditions.
- 21.6 Having regard to the Planning Balance, therefore, the proposed scheme is therefore considered to be in line with the overall aims of the policies in the East Staffordshire Local Plan, the associated supplementary planning documents and the National Planning Policy Framework and the application is recommended for approval subject to the necessary Section 106 agreement and conditions.

Recommendation: - Grant Permission Subject to Conditions and a S106 agreement securing Construction Traffic Routeing Plan and Affordable Local Needs Housing

CONDITIONS

Condition 1 – Time Limit

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

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

Condition 2 – Approved Plans

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

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 E dated as received on 23/03/23;
Plot 7 Floor Plans and Elevations as Proposed 6464_05 Rev G dated as received on 21/10/22;
(Plots 8 and 9) Plot 8 – Floor Plans and Elevations as Proposed 6464_07 Rev F dated as received on 02/08/22;
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 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.

20 Background papers

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

- The Local and National Planning Policies and Supplementary Planning Documents including Conservation Area Appraisal, as outlined in the report above

21 Human Rights Act 1998

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.

22 Crime and Disorder Implications

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

23 Equalities Act 2010

Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: James Mattley
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