

Agenda Item:	5.3
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Site:	Land to the west of Uttoxeter, A50 Bypass, Uttoxeter, Staffordshire
Proposal:	Reserved Matters application relating to P/2013/00882 for the erection of 40 dwellings including 13 affordable units, together with drainage and highways infrastructure, and including details of access, appearance, landscaping, layout and scale (Phase 1B) - Amended Scheme

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

[Hyperlink to Application Details](#)

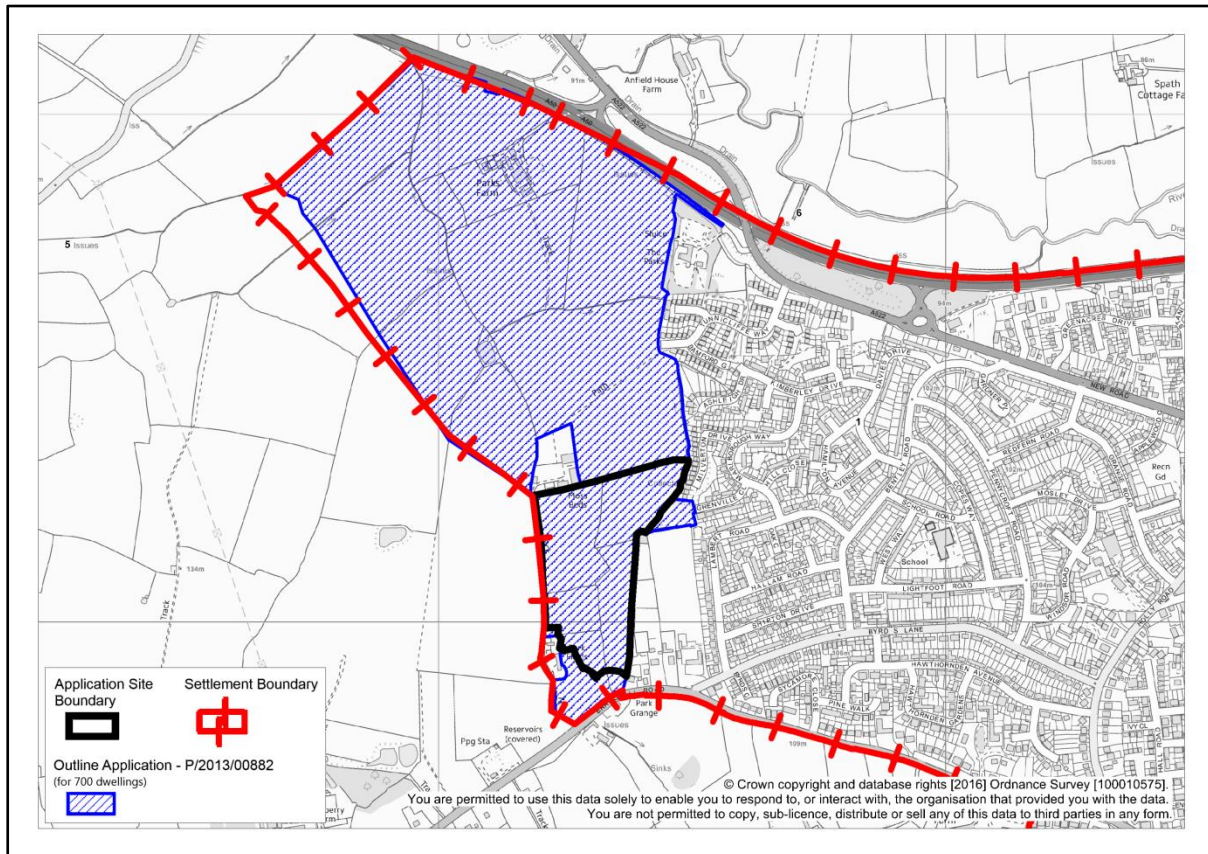
Application Number:	P/2016/00216	
Planning Officer:	Alan Harvey	
Type of Application:	Reserved Matters	
Applicant:	St Modwen Developments	
Ward:	Abbey	
Ward Member (s):	Councillor C Whittaker Councillor G A Allen Councillor Ms L Shelton	
Date Registered:	14 April 2016	
Date Expires:	12 July 2016 – an extension of time has been agreed until 18 November 2016.	

1. Executive Summary

- 1.1 The application site consists of approx. 6.0 ha of land to the west of Uttoxeter which is part of an overall 50.7 ha development site with outline approval (under application ref: P/2013/00882) for the development of up to 700 No. dwellings, 10 hectares of employment use (Classes B1, B2, B8), a first school, a mixed use local centre incorporating retail, leisure, social, cultural community and health facilities, green infrastructure, associated engineering works and a access to New Road and Bramshall Road. The proposed development is accessed from the northern side of Bramshall Road.
- 1.2 The application is a reserved matters submission for the erection of 40 No. dwellings (including 13 affordable units), together with drainage and highways

infrastructure, and including details of access, appearance, landscaping, layout and scale. The scheme is part of the Phase 1 development of 250 No. dwellings and along with the previously approved Phase 1a (which it in part overlaps) would provide for a total of 87 No. of those dwellings.

- 1.3 Statutory consultees have raised no objections that cannot be overcome via planning conditions. Uttoxeter Town Council has raised objections on technical grounds that the driveways to proposed dwellings are leading directly onto the link road through the development and also consider it necessary for the Planning Committee to approve the route of the link road. The Town Council is also seeking assurances at this stage that the link road will be developed as soon as possible to relieve the traffic from the roads within Uttoxeter and that it is designed to accommodate all ranges of vehicles including HGV's.
- 1.4 Neighbours have been notified of the application and a site notice posted. Five local residents/interested parties have made representations during the application process raising objection/concerns in respect of the proposals.
- 1.5 It is considered that the scheme is in line with the criteria of the outline planning approval - and its associated Section 106 Agreement - and is compliant with the aims of the relevant development plan policies and the National Planning Policy Framework.
- 1.6 The proposal would not be likely to adversely affect the amenities of occupiers of existing nearby dwellings, and would provide an acceptable level of amenity for the occupiers of the new dwellings. The proposal will not have an unacceptably adverse impact on the wider existing highway network nor give rise to any environmental concerns. The scheme would also provide necessary mitigation and compensatory measures in relation to protected species and biodiversity. The scheme would not have a significantly detrimental impact on its ecological environs.

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

- 2.1 The application site consists of approx 6.0 ha of land to the west of Uttoxeter which is part of an overall 50.7 ha development site with the benefit of outline approval for the development of up to 700 No. dwellings, 10 hectares of employment use (Classes B1, B2, B8), a first school, a mixed use local centre incorporating retail, leisure, social, cultural community and health facilities, green infrastructure, associated engineering works and a access to New Road and Bramshall Road.
- 2.2 The proposed development is accessed from the northern side of Bramshall Road and is a northern continuation of the ongoing Phase 1a residential development of 58 No houses. The application is presently grassland with areas of mature hedgerows and some mature trees. The land is gently undulating and rises northwards from Bramshall Road for some 100 metres before falling gently towards a boggy tract/open watercourse which runs south-west to north-east through the site to its eastern boundary before turning northwards towards the A50.
- 2.3 Towards Bramshall Road the application site is adjoined to the east by residential properties and their garden areas. To the rear of these gardens are paddock areas; the northernmost of which has a pond which is at a higher level than the application site (that adjoins it). At its north-eastern corner the application site is adjoined by the rear gardens of dwellings at Nos. 30-44 (odds) Milverton Drive, which are at a higher level. At the north-western corner of the site, is the Moss Beds Farm which is accessed via the track that runs

alongside the western boundary of the overall development site. To the north are remaining undeveloped agricultural lands.

3. Planning history

- 3.1 Application ref: **P/2014/00667** - Formation of new access road and other associated services off Bramshall Road to serve new residential development. Approved in July 2014.
- 3.2 Application ref: **P/2013/00882** - outline planning permission granted for the development of the 50.7 ha site for up to 700 No. dwellings, 10ha of employment use (Classes B1, B2, B8), a first school, a mixed use local centre incorporating retail, leisure, social, cultural community and health facilities, green infrastructure, associated engineering works, access to New Road and Bramshall Road and associated internal access roads including demolition of Parks Farm and associated buildings, with all matters reserved.
- 3.3 The outline scheme was permitted by the Planning Committee in March 2014, although the final decision notice was not issued until November 2015 upon completion of the Section 106 Agreement. The Section 106 Agreement provides *inter alia* for the following :-
- The provision of 38 No. affordable dwellings during Phase 1 of the development (out of a total of 250 No. dwellings)
 - Landscaping as per the requirements of the Local Plan policies
 - A contribution of £300,000 towards indoor sports upon the occupation of the 300th dwelling.
 - 2 ha of sports pitches on site or a contribution of £50,000 per ha towards off-site sports provision.
 - The provision of a bus service upon the occupation of the 250th dwelling.
 - Traffic calming measures in Bramshall before the first occupation of any dwelling.
 - The setting up of a management scheme to maintain the open space.
 - A contribution of £45,000 towards refuse and recycling.
- 3.4 The highway related conditions attached to the outline permission (application ref: P/2013/0882) provided that the road through the site was to function as a link road between the northern and southern accesses (New Road and Bramshall Road). As such, condition 28 requires that *“no more than 501 dwellings shall be commenced until a road linking the northern and southern accesses has been provided.”* Condition 22 of the outline approval required amongst other things that as part of a movement framework the street layout and character measures should be included to restrain the speeds of vehicles along the link road to 20 mph. In terms of proposed off-site works, condition 27 provides a trigger that before 300 dwellings are occupied

that improvement works need to be undertaken to the Silver Street/Dove Bank/Church Street junction in Uttoxeter.

- 3.5 Application ref: **P/2014/00883** - full planning permission granted for the erection of 58 No. dwellings along with new pumping station(s), temporary service road and surface water retention basin (hereafter referred to in this report as Phase 1a). The scheme was also supported by the Planning Committee in March 2014, although again the final decision notice was not issued until November 2015 upon completion of the associated Section 106 Agreement.
- 3.6 Application ref: **P/2016/00164** - In February 2016, an application was submitted for the discharge of conditions 5, 21 and 22 of the outline planning permission ref: P/2013/0882. Condition 5 relates to the phasing of the scheme - including development composition and indicative timings - and conditions 21 and 22 relates to the route alignment of the link road and the movement framework/parking strategy respectively. As all the conditions were specified as being for highway safety purposes, the submissions were subject to consultation and agreement with the County Highway Authority. The application was approved under officer delegated powers in April 2016. The first phase of the development comprises of a total of 250 No. dwellings all accessed from Bramshall Road; as per the requirements of the Section 106 Agreement attached to outline planning permission. There have also been a number of discharge of condition submissions in relation to the Phase 1a development to enable the development to progress on the site.
- 3.7 Application ref: **P/2016/01040** - Application for non-material amendment in relation to minor changes to the facades of the dwellings on Phase 1a (on Plots 39-43, 46-48, 51, 54 and 56-58). Received delegated approval in August 2016.

4. The proposal

- 4.1 The application is a reserved matters submission for the erection of 40 No. dwellings (including 13 affordable units), together with drainage and highways infrastructure, and including details of access, appearance, landscaping, layout and scale.
- 4.2 The residential accommodation comprises of:
- 4 No. one bedroom flats;
 - 7 No. two bedroom dwellings;
 - 14 No three bedroom units; and
 - 15 No. four bedroom dwellings.
- 4.3 Twelve No. dwellings are being constructed off the roads approved under Phase 1a with the remaining dwellings served off a northern extension of the link road either directly or off small cul-de-sacs.
- 4.4 The proposed dwellings are predominantly a mix of detached and semi-detached units, along with 4 No. flat units. The buildings are a mix of two and three storey dwellings. In terms of the proposed facing materials these comprise either of Ibstock Grange Autumn brickwork or ivory render with either

grey or brown tiled roofs. Some units have Forticrete Sheerstone projecting bays.

- 4.5 The scheme also provides the details for the construction of the link road northwards to the northern 'boundary' of Phase 1 of the overall scheme. A temporary turning head is also proposed at the northern end, along with an electricity sub-station building.
- 4.6 The development in part substitutes dwellings in lieu of those approved under Phase 1a and as such Phases 1a and 1b together will comprise a total of 87 No. dwellings. A plan which shows the relationship between the two applications will be circulated with the update prior to committee.
- 4.7 The scheme also proposes that the boggy tract/open watercourse which runs south-west to north-east through the site is largely to be culverted, although to the eastern boundary a new drainage ditch is proposed to be provided to link up with an existing drainage ditch running to the back of Milverton Drive. A service road is to be constructed on top of the (to be) culverted ditch which will provide access to a proposed pumping station adjacent to the eastern boundary (and the adjoining paddock area) as shown on Drawing No. 40776/019M.
- 4.8 The landscaping proposed as part of the scheme will include a new hedgerow to the eastern boundary (with plants that are not poisonous to horses) along with individual trees on dwelling plots. The scheme will result in the loss of existing mature hedgerows and mature trees as shown on Drawing No. 50163/01.
- 4.9 The application as originally submitted related to a scheme for 166 No. dwellings (which would have given a total of 196 No dwellings across phases 1a and 1b with plot substitutions) but was amended by applicants to the present scheme for 40 No. dwellings. The details of the proposed link road to the northernmost extent of the Phase 1 lands nevertheless remain an integral part of the scheme. During the course of the application process revisions and additional submissions have been made by the applicants in the light of the discovery of protected species on, and around, the site and to address hydrology matters in respect of impacts on the pond in the paddock area (on lands outside the application site).

List of supporting documentation

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

- Location Plan
- Proposed Site Layout Plan
- Proposed Landscaping Plans
- Proposed Boundary Treatment Plans
- Proposed Materials Plans
- Proposed House Type Drawings
- Proposed Pumping Station Drawings
- Proposed Electricity Sub-Station Drawings
- Character Area Drawings
- Streetscape Drawings

- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Ecological Submissions (including Protected Species Licenses granted by Natural England).
- Groundwater report and appendices

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

5. Consultation responses and representations

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

Statutory and non statutory consultee		Response
5.2	Uttoxeter Town Council	<p>166 No. Dwelling Scheme</p> <p>Commented that they welcome the link road through the development from/to the A50 and seek assurance that the Planning Authority shall request that the road be developed as soon as possible to relieve the traffic from the roads within Uttoxeter. The Town Council also seeks assurance from the Planning Authority that the link road shall be designed to enable all ranges of vehicles to use the road including HGV's.</p> <p>40 No. Dwelling Scheme</p> <p>Objects for the following reasons:</p> <ul style="list-style-type: none"> • The original outline planning permission was granted subject to the Borough Council's Planning Committee giving approval to the access route/road through the development. The Borough Council's Planning Committee has not granted such approval. • The driveways (to dwellings are) leading directly onto the access road through the development.
5.3	SCC Highways	<p>166 No. Dwelling Scheme</p> <p>Had no objections in principle</p> <p>40 No. Dwelling Scheme</p> <p>Raises no objections in principle further to the revisions undertaken to road alignments and parking provision.</p>
5.4	SCC Education	<p>166 No. Dwelling Scheme/40 No. Dwelling Scheme</p> <p>Note that the Section 106 attached to the outline approval requires that prior to Occupation of the 101st</p>

		<p>Dwelling on the Site the Owners shall use reasonable endeavours to work with the County to prepare the Specification and a statement of the anticipated cost of the construction work of the initial primary School (which anticipated cost shall not exceed £2,273,000.00 Index Linked).</p>
5.5	SCC Ecology	<p>166 No. Dwelling Scheme</p> <p>Raised concerns about the loss of established hedgerows, the lack of open space, the failure to provide wildlife corridors (as shown on the outline illustrative master plan) and the lack of biodiversity enhancements. Also had concerns about the impact of the development on the future water levels to the pond in the adjoining paddock area (which provides a habitat for common and great crested newts).</p> <p>40 No. Dwelling Scheme</p> <p>Considers that further to the granting of the great crested newt and badger licenses by Natural England that the necessary protected species mitigation measures have been put in place to enable development to proceed. Also considers that in principle necessary levels of green infrastructure and biodiversity can be secured, although detailed schemes need to be put in place and secured in the long term by the management plans provided for in the outline approval (by condition). Agrees that the developers have satisfactorily demonstrated that surface water from the application site does not feed into the pond on the adjoining paddock area due to land level differences. Furthermore, SCC Ecology advise that they believe that the conclusions of the (additional) groundwater report are robust and the evidence indicates that it is unlikely that groundwater from the development site supports the great crested newt pond (in the paddock area on the adjoining land). SCC Ecology comment that the bore hole and trial pit logs when viewed as a whole do indicate the situation whereby there is a complex groundwater pattern and no apparent hydrological continuity.</p>
5.6	SCC Archaeology	<p>166 No. Dwelling Scheme/40 No. Dwelling Scheme</p> <p>Comment that the archaeological evaluation and mitigation has been completed and signed off for Phase 1B of this project and there are no further comments to make on archaeological issues regarding the reserved matters application.</p>

5.7	SCC Rights of Way	<p>166 No. Dwelling Scheme/40 No. Dwelling Scheme</p> <p>Commented that there are no footpaths within the development site (for Phase 1b). Also advised that there is a temporary footpath diversion order in place (until January 2017) in respect of a footpath (No. 21 Uttoxeter Town) that crosses through Phase 1a.</p>
5.8	Environment Agency	<p>166 No. Dwelling Scheme</p> <p>Commented that under a condition of the outline approval (No. 15) a revised hydraulic modelling exercise needed to be carried out and the results submitted to and approved in writing by the Local Planning Authority to show that the proposed Phase 1B layout will be located outside of any areas at flood risk.</p> <p>40 No. Dwelling Scheme</p> <p>Raise no objections</p>
5.9	Severn Trent Water	<p>166 No. Dwelling Scheme</p> <p>No comments received.</p> <p>40 No. Dwelling Scheme</p> <p>No representations have been received to date. Any representations received will be reported on the update sheet.</p>
5.10	Natural England	<p>166 No. Dwelling Scheme</p> <p>Commented that it was satisfied that the scheme would not have a negative impact on the Cannock Chase Special Area of Conservation or the Cannock Chase SSSI but raised concerns about the apparent lack of green infrastructure and biodiversity enhancements. Also referred the Local Planning Authority to its guidance on protected species.</p> <p>40 No. Dwelling Scheme</p> <p>Raises no objections but refers the Local Planning Authority to its guidance on protected species.</p> <p>(Separately from this planning application process Natural England has granted licenses to the applicants in relation to protected species in respect of the lands comprising the whole of the Phase 1 development.)</p>

5.11	Ramblers Association	<p>166 No. Dwelling Scheme</p> <p>Had no objection to the proposed developments but seek confirmation that the route of footpath 21 Uttoxeter Town is being retained.</p> <p>40 No. Dwelling Scheme</p> <p>No representations have been received to date. Any representations received will be reported on the update sheet.</p>
5.12	Open Spaces Society	<p>166 No. Dwelling Scheme</p> <p>Had no objection to the proposed development but are concerned that other footpaths (including No. 21 Uttoxeter Town) within the larger development site are retained.</p> <p>40 No. Dwelling Scheme</p> <p>No representations have been received to date. Any representations received will be reported on the update sheet.</p>
5.13	Staffordshire Wildlife Trust	<p>166 No. Dwelling Scheme</p> <p>Commented of the need for protected species reports to be updated, that there appeared to be a net loss of semi-improved grassland from the site along with mature hedgerows, as well as the proposed green areas being isolated from the wider countryside. Staffordshire Wildlife Trust also pointed out that it appears that a water-filled ditch flows eastwards across the site into an off-site pond present close to the eastern boundary (on the paddock area). The Trust considers that this feature needs to be conserved on the site and the design amended to reflect this. Retaining and strengthening this as an east-west corridor would serve to connect the new Public Open Space with the wider countryside.</p> <p>Staffordshire Wildlife Trust conclude that overall the layout does not retain enough existing features, or give adequate space to compensatory habitat creation, which would appear to risk a net loss of biodiversity. However, the Trust advises that there are opportunities to re-design the layout to incorporate these, resulting in better overall function for wildlife, as well as a more pleasant and unique landscape and thus submitted a holding objection, pending further details on the points raised.</p>

		<p>40 No. Dwelling Scheme</p> <p>No representations have been received to date. Any representations received will be reported on the update sheet.</p>
5.14	Architectural Liaison Officer	<p>166 No. Dwelling Scheme/40 No. Dwelling Scheme</p> <p>Provided guidance on crime reduction.</p>

Internal Consultees		Response
5.15	Environmental Health	No objections
5.16	Sports/Leisure	Open Space/Sports provision should be in line with the outline permission requirements.

6. Neighbour responses

- 6.1 Neighbours have been notified of the application, a press notice published and a site notice posted. Due to reconsultation on amended plans, the period for receipt of comments expires on the 11th November 2016. Any further comments received will be reported to committee as an update. Comments have been received to date from five No. interested parties raising the following objections/concerns summarised below:-

Neighbour responses	
Character/Design/ Layout of the Development	<ul style="list-style-type: none"> • Three storey houses are too high for the locality. • The materials are not appropriate for Uttoxeter and the buildings should be constructed of red brick and Staffordshire blue tiles not of blocks and render. • The development is out of character with the locality • The design and scale of buildings are not appropriate for such a rural location. • The architecture sticks out like a sore thumb and the proposed buildings have a stark brutalist appearance. The development resembles an army camp. • The large expanses of brickwork to side elevations should be relieved with patterned brickwork. • The houses are very close together with no space visible in between • Existing residents are losing their views of green fields as a result of the scale of the new development. • It is suggested if three storey houses are to be proposed they should be located on the lower areas of the development site.

	<ul style="list-style-type: none"> • The scheme should utilise the detailing that is evident on more traditional buildings in the locality.
Landscaping/Open space provision	<ul style="list-style-type: none"> • The eastern boundary adjoins paddocks and plants poisonous to horses should not be planted in the hedgerow • The hedgerow to the eastern boundary should be planted during the current planting season and not at some unspecified future date. • There is little or no tree planting or greenery on the scheme. • There needs to be more open space and sporting provision as part of the development. • The scheme appears to result in dwellings being built on land previously allocated for children's play facilities.
Wildlife/trees	<ul style="list-style-type: none"> • The developer's previous ecological studies have been proven to be wrong as there are protected species on the site. • The culverting of the watercourse will direct water away from the pond on the adjoining land which sustains protected species. The long term impact is that the pond will dry out. • The culverting of the watercourse will remove habitat for protected species and stop wildlife using it as a tract to migrate to and from existing habitats • The scheme will result in the loss of number of existing mature hedgerows and grassland to the detriment of local wildlife including protected species. • If existing mature landscaping is to be lost replacement hedgerows and trees need to be planted expediently to provide for a sustained resource for existing wildlife on the site. • The trees that presently run alongside the boggy tract/open watercourse are to be unnecessarily felled as part of the development and should be preserved. • When the development was first proposed at outline stage it was suggested that mature hedgerows would be retained. This has proved largely a fallacy with the only mature hedging likely to survive being that alongside the access roads to Moss Beds. • It is pointed out that it is Natural England's understanding that the boggy track/open watercourse is to remain unculverted and that the planning permissions provide to ensure that this ditch remains open.

	<ul style="list-style-type: none"> • Under the Natural England licence to provide mitigation and compensation on site for protected species habitat the boggy track/open watercourse is to provide the main compensatory provision. • Whilst it may be inconvenient to the developers they will have to accept the boggy tract/open watercourse will just have to be fenced off and left of the use of wildlife. • There is a lack of provision to maintain flora and fauna as part of the development scheme • It is questioned as to where are the necessary updated ecological survey and environmental management plans. • The overall site will take 10 years to develop and it is imperative that management plans are put in place for the upkeep of the existing grasslands.
Highways/Transport	<ul style="list-style-type: none"> • Traffic movements along the link road will cause noise and light glare to the adjoining residents. • Construction traffic is causing problems to the residents of Moss Beds in terms of accessing their property which is served off the track running alongside the western boundary of the overall development site. • It is evident from its width that the spine road is intended for through traffic and not just local residents. • The scheme would bring the spine road close to existing residential properties to the detriment of their amenities. • The plans do nothing to allay fears that the link road will ultimately become a rat run for commuters and all the dangers and problems that will bring for future residents. • It is questioned how the scheme will ensure that road speeds are kept down to 20mph on the spine road. • Confirmation is requested that the weight limit for the spine road will be 7.5 tonnes as per Byrds Lane. • Planning conditions need to adequately address the issues of noise and light pollution from road lights in the scheme.
Footpaths	<ul style="list-style-type: none"> • The ancient footpaths are being ignored on the development and it is pointed out that a footpath that runs Phase 1a has already been blocked off with planting forcing pedestrians to use the footways along the Bramshall Road frontage of the site.

	<ul style="list-style-type: none"> • A stile and finger post to the footpath in Phase 1a is missing and should be replaced. • A footpath crosses Phase 3 of the development site and yet is not detailed in the current submissions.
Impacts on residential amenities	<ul style="list-style-type: none"> • Existing adjoining properties will be overlooked by the development. • The positioning of the pumping station adjacent to the eastern boundary means that its “wet wall” zone of 15 metres in which no building can take place would ‘protrude’ into the adjoining owners land. • The pumping station should be moved at least 20 metres from the eastern boundary to ensure it has no impact on the adjoining owners land. A position is suggested to the north of its present proposed siting. • The present position of the pumping station would stop the owner of the adjoining land from potentially developing their site for housing. • The LPA should have measures in place to ensure the pumping station does not break down. • There are concerns about the screening, noise, vibration, light and odour implications of any pumping station in terms of the proximity to the boundary with other properties and it is requested that these matters be controlled by the LPA.
Other Matters	<ul style="list-style-type: none"> • The scheme will exacerbate problems with dust to the detriment of surrounding residents and dust management plans need to be put in place. • The storage compound to Phase 1a and traffic using the access road along the western boundary of the site is causing noise, disturbance and nuisances to the residents of Moss Beds Farms. • The developers are blocking rights of access that have been long enjoyed by the residents of Moss Beds Farms. • There needs to be educational and community provision of shops and worship centres as envisaged by the original outline scheme. • A solid and tall wall/fence should be constructed to the boundary with the Parks Restaurant with no access onto the Restaurant land. • Measures should be put in place to prevent rubbish becoming a problem as the development progresses.
Ward Member	<p>There was local member engagement, including meetings with officers, in respect of the original 166 No. dwellings scheme having regard to the relationship with the outline approval; in particular in relation to the form and function of the road that is</p>

	proposed through the overall development site linking Bramshall Road with New Road. No comments have been received from members in relation to the revised scheme for 40 No. dwellings.
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7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP9 Infrastructure Delivery and Implementation
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP32 Outdoor Sports and Open Space
- SP33 Indoor Sports
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP7 Pollution and Contamination
- DP8 Tree Protection

7.1 Uttoxeter Neighbourhood Plan is in the course of preparation, it is currently being examined and a decision on how to proceed will be issued mid to late November. As such officers consider the draft NP to carry some weight in decision making. .

8. Principle of Development

8.1 The principle of the development of the site has been established with the approval of the outline planning permission in 2015. Further, as the application is one for reserved matters the scheme is subject to the requirements of the conditions and the Section 106 Agreement attached to that outline planning permission (and these are referenced where relevant in the sections of the report below).

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

- 9.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 9.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide. Policy DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings
- 9.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.
- 9.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
 - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
 - (d) Repetitive house types should be avoided;
 - (e) The cramming together of large numbers of detached properties should be avoided.
 - (f) High proportions of frontage car parking will not be acceptable.
- 9.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible. The proposal is the northern continuation of the first

phase of this residential development (of a total of 250 No. dwellings) off Bramshall Road. It is noted that objections are raised in representations to the scale, design and materials to be used in relation to the development. The representations are also critical of the fact that the scheme does not utilise local bricks and blue clay tiles or utilise the architectural characteristics of established buildings nearby on Bramshall Road.

- 9.7 It is recognised that there are a number of early to mid-twentieth century buildings along Bramshall Road in traditional materials that are of an attractive design, although there also other examples of more generic later twentieth century building types. Further, the buildings to the north-east of the site are dominated by typical estate house designs of the post-war period. The proposed scheme, however, takes a contemporary design theme as a continuation of the architectural style set by the Phase 1a development. It is considered that in principle that this is an appropriate approach for a phase of the development which will be served off a single link road and which will be seen largely in its own context in terms of an overall streetscape.
- 9.8 The layout of the development has been prepared based on five main character areas (as per Drawing No. 40776/024B) . Along the 'link road' frontage these comprise the 'Suburban Street' (in the northern area) and the 'Suburban Character' area (southern portion) which have the highest proportion of semi-detached dwellings, parking to the front and a continuous street frontage. These characteristics provide a rhythm to the street frontage and views are drawn forward along the curvature of the 'link road.'
- 9.9 A 'Rural Character' area is located in the south-eastern part of the site and this area is dominated by detached dwellings on small cul-de-sacs with greater spacing between properties. To the western side is another Rural Character area (Plots 23-28) which again is dominated by detached dwellings with greater spacing, although these are set along a private drive with a hedge retained between the shared drive and the main highway. The 'Rural' area in the north-western part of the site is of higher density comprising the 4 No. flats and a pair of semi-detached dwellings; with parking predominantly to the front.
- 9.10 The proposed scale of the development is mostly of two storeys along with one pair of three storeys properties (on Plots 68 and 69). Whilst such three storey buildings are not typical of the wider neighbourhood it is considered that the variation in heights of the proposed dwellings within the scheme creates visual interest in the streetscape of this new development project. In terms of the visual appearance of the streetscape there would be sufficient space provided between dwellings.
- 9.11 The architecture draws upon the palette of materials that have been used in Phase 1a; with the basis of the facades being either of Ibstock Grange Autumn brickwork or ivory render. The roofs are either of brown or grey rooftiles. Visual interest is provided to the main facades with the use of projecting bays/canopies and inset panels of cladding or render. Front projecting bay windows of Forticrete Sheerstone are proposed to the dwellings on Plots 60 and 65. The proposed materials are shown on Drawing No. 40776/023.
- 9.12 Parking is provided immediately in front of many properties and there is surveillance of parking for each property. The three storey houses have an

integral garage and one additional space. Most of the detached properties are provided with a detached single or double garage.

- 9.13 The proposed common boundary treatment on individual plots consists of either walling or traditional closely boarded fencing. There is also hedging in some locations; both retained hedging in the cases of that to the front of Plots 23-28 and new planting to the eastern boundaries of the Plots to the eastern side of the site. The detail of the boundary treatments can be found on Drawing No 40776/022C.
- 9.14 In conclusion, therefore, it is considered that the scheme in its use of contemporary design and materials will continue the architectural theme successfully set by the Phase 1a development and having regard to the siting and scale of the proposed dwellings would in line with the criteria of Policies DP1 and DP3.
- 9.15 The sustainability approach for this development is for the new housing to incorporate improved fabric energy efficiencies and passive systems. By improving the fabric energy efficiency of the new housing, the heating load will be reduced. This is achieved by a wider than standard cavity compared to and higher levels of insulation. The dwellings have larger windows to reduce the need for heating, lighting and cooling. The proposed development is therefore in line with Policy DP2 of the Local Plan.

10. Residential Amenity

- 10.1 The National Planning Policy Framework and DP1 and DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 10.2 The scheme proposes the erection of properties that range from two to three stories in height, although none of the three storey buildings (on Plots 68 and 69) are located adjacent to the boundaries of the site. The new housing development is largely not directly adjoined by any existing dwellings; with the nearest dwelling at Hill View - fronting onto Bramshall Road - being situated some 15 metres to the south-east of proposed detached single garage serving the new dwelling on Plot 62. There is a distance of 25 metres between the dwelling itself on Plot 62 and the dwelling at Hill View. As such having regard to the distances of separation and the fenestration proposed to the new dwellings, it is considered that the proposed dwellings would not have any significant overbearing, overshadowing or overlooking impacts that would be detrimental to the residential amenities of any existing dwellings. The loss of any view from an existing property is not a material planning consideration.
- 10.3 The development scheme is also considered to have an acceptable relationship with the dwellings to be constructed as part of Phase 1a. To the southern area of the site there are separation distances of at least 25 metres between the rear elevation of the proposed dwellings on Plots 33 and 59-62 and the rear elevations of properties on Phase 1a. Where the dwellings on Phase 1b adjoin the side or rear boundaries of approved Phase 1a Plots, the proposed siting of the dwellings concerned and fenestration treatments to be used ensures that there are no significant overbearing, overshadowing or overlooking impacts that would impact on future residential amenities.

- 10.4 Within the development the proposed separation distances between habitable windows to the rear elevations of properties where they face one another property across rear garden areas are typically of between 18-21 metres which are considered to provide sufficient separation distances without giving rise to significant overlooking concerns. In the northern part of the development where properties back onto each other with parallel road frontages there are a number of relationships that require special attention.
- 10.5 The two 2 storey buildings on Plots 29-32, which comprise the 4 No. flat units, require highlighting as there are separation distances of between 11-13 metres with the rear elevations of the two storey terraced dwellings on Plots 72-74; the latter of which all have windows to habitable rooms at ground and first floor level. At first floor to the flat units on Plots 29-32 there are, however, only window units serving bathrooms and landing areas and by condition these will be required to be of obscured glazing with any opening light having a cill level with a minimum height of 1.7 metres above internal floor levels. This will mitigate any overlooking concerns between the residents of the properties involved. It is also proposed to use the same controls (i.e. obscure glazing/high level opening window lights) by means of a condition to ensure that there would be no overlooking from the first floor bathroom window in the eastern side elevation of Plot 28 towards the rear elevations of the dwellings on Plots 68-70.
- 10.6 With regard to Plot 84, the two storey dwelling as proposed does not have any first floor window units to the southern elevation where it adjoins Plots 82 and 83. Nevertheless it is considered expedient to control by condition any subsequent insertion of first floor window units to the southern elevation to ensure that no overlooking issues arise in the future.
- 10.7 The Borough Council's Design SPD sets out in paragraph 2.9 separation distances required. It concludes that that there are no set standards specified in terms of separation distances between buildings. The performance of development will be considered in terms of its acceptability in design terms with regard to overlooking. It is considered that the proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them unacceptable loss of light or privacy. The scheme is therefore compliant with the provisions of Local Plan Policies DP1 and DP3.
- 10.8 Rear Garden sizes start at 8 metres in depth (on Plots 26-28 and 77 and 78), although most properties have garden depths of at least 10 metres. However, given the separation distances between dwellings throughout the development it is not considered that the removal of permitted development rights for the erection of garden structures would be justified in this instance
- 10.9 In conclusion the proposed layout shows that 40 No. dwellings can be accommodated on the site without compromising the reasonable amenities of their future occupiers, and allowing for sufficient outdoor private amenity space and integrates satisfactorily with the existing and proposed adjoining built form again complying with the provisions of Local Plan Policy DP1 and DP3.
- 10.10 In relation to activity, the scheme will necessarily generate traffic along the link road, however, given this will not directly adjoin any existing properties it is considered that this vehicular activity would not unacceptably affect the amenities enjoyed by the occupiers of existing dwellings adjacent to the

application site in terms of noise and disturbance. Similarly, the comings and goings to individual new dwellings, either by way or individual driveways of the cul-de-sac arrangements are unlikely to generate levels of noise and disturbance to the detriment of existing residential amenities. It is also considered that the separation distances from the proposed pumping station and electricity sub-station and the respective nearest dwellings would mean that the operation of these facilities would not give to levels of noise or smells that would be detrimental to existing residential amenities. The impact of these services buildings on any future potential residential schemes on adjoining sites is not material to the determination of the current scheme. It is also pointed out in any event in respect of the pumping station that this is located in a similar position to that approved for the Phase 1a scheme in terms of its distance from the eastern boundary.

- 10.11 The concerns of the residents in relation to the exacerbation of problems with dust and in respect of the construction compound use causing noise, disturbance and nuisances are matters that will be subject to controls under the Construction Management Plan to be agreed for the phase for the development before it starts (as set out in the outline approval). Officers have already addressed such concerns with the applicants where they have arisen under the terms of the Construction Management Plan submitted in respect of Phase 1a.

11. Highway Matters (including Public Rights of Way)

- 11.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 11.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 11.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 11.4 The proposed dwellings on Phase 1b are to be served off the approved link road which includes the provision of traffic calming measures. The County Highway Authority has no objections to the layout proposed, although they request that surface water interceptors be provided where necessary.
- 11.5 There is adequate parking servicing each plot, regardless of the size of the property. The large properties also have additional parking in the form of either

stand alone garages or integral garages. The Highway Authority recommends that conditions be attached to any approval to secure parking/garaging before any dwelling is first occupied and that any dwelling without access to a garage be provided with a secure weatherproof cycle storage facility. It is also recommended that a condition be put in place removing permitted development rights for garage conversions retaining the future use of the garages for the parking of vehicles. Parking is situated close to properties to facilitate easy access for residents to the housing and the proposed integral garages to properties have a width of 3 metres (as per the requirements of outline permission conditions). The parking requirements therefore conform to the Borough Council parking standards.

- 11.6 It is not therefore considered that the proposal would prejudice the safe or efficient use of the highway network.
- 11.7 There are no public rights of way which cross the lands the subject of this submission and as such there will be no impacts on rights of way.
- 11.8 Local residents have raised objections about the footpath off Bramshall Road (in Phase 1a) having been blocked off. The footpath is nevertheless subject to a temporary closure order – until January 2017 - whilst building works are ongoing. The newly constructed footpath along Bramshall Road provides the temporary alternative route.

12. Historic Environment

- 12.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 12.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 12.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.

- 12.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 12.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 12.6 There are no designated above ground heritage assets - conservation areas or listed buildings - within 1km of the application site. The Uttoxter Town Centre Conservation Area is some 1.65 km distant to the east and the nearest listed buildings of Grange Farm and a milepost (both Grade II) are some 1.1km away to the west on Stone Road in Bramshall. Given these separation distances, it is not considered that the proposal will have an adverse impact on views into, or those out of designated areas, or affect any listed building or its setting and that the statutory duties under Section 66 and under Section 72 are not therefore engaged.
- 12.7 With regard to archaeological value, the County Archaeologist comments that the archaeological evaluation and mitigation has been completed and signed off for Phase 1b of this project and therefore there are no further archaeological requirements in relation to this reserved matters application. This matter can therefore be 'signed off' in the decision notice at this reserved matters stage.

13. Flood Risk and Drainage/Contaminated Land

- 13.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 13.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 13.3 The application site is situated in Flood Zone 1 and the Environment Agency has not raised any objections to the current scheme. Detailed foul and surface water details are required to be submitted in due course under the requirements of the conditions of the outline approval, although the scheme will utilise surface water drainage into a detention basin. Severn Trent Water has not made any representations.
- 13.4 At the outline stage no specific contaminated land concerns were raised in relation to the development of this area of the site that comprises former farmland

and ESBC Environmental Protection confirm that this remains the case. A condition of the outline approval provide for the mitigation measures ahead of development commencing on Phase 1b.

14. Affordable Housing and Housing Mix

14.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.

14.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence.

14.3 The Housing Choice SPD expects the following housing mix:

	Uttoxeter
1-bedroom homes (flats, houses or bungalows)	3%
2-bedroom homes (flats, houses or bungalows)	20%
Housing for Older People**	10%
2-bedroom houses	8%
3-bedroom houses	30%
4-bedroom houses	20%
5-bedroom houses	9%

14.4 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(2) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications. The standard should be applied to a range of properties and not just those larger properties.

14.5 Strategic Policy 17 of the Local Plan states that housing-led residential development that will provide 4 or more dwellings or on a site of 0.14 hectares or more shall provide up to 40% of affordable housing, however, in the case of the outline permission for this site (under application ref: P/2013/00882) the Section 106 Agreement specifically requires that a total of 38 No. affordable units be secured during the first development phase of 250 dwellings. Policy SP17 of the Local Plan states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings and the Housing Choice SPD provides guidance on the expected affordable housing mix of sites.

14.6 The development on Phase 1b comprises of 4 No. one bedroom flats, 7 No. two bedroom dwellings, 14 No three bedroom units and 15 No. four bedroom

dwellings and as such respects the aims of the housing mix required by the Housing Choice SPD, which was adopted subsequent to the approval in principle of the outline permission under application ref: P/2013/00882.

- 14.7 With regard to the guidance providing that ground floor accommodation should meet Building Regulations 2010 Standard M4(2) on 10% of major applications, as this guidance post dates the outline approval this cannot be required of the developers at this reserved matters stage. The developers will, however, be encouraged to comply with such provision once development commences on site and a note to the applicant will deal with this matter.
- 14.8 Insofar as affordable housing provision is concerned, the scheme provides for 13 No. affordable housing units (out of the total of 87 No. dwellings across Phases 1a and 1b) which is in line with the requirements of the provisions of the Section 106 Agreement on the outline approval. The affordable housing provision is not in a cluster of more than 8 dwellings on any street frontage and affordable housing mix is in line with the aims of the Housing Choice SPD. The outstanding affordable housing provision (21 No. units) will remain to be provided in due course as part of the overall first phase of 250 dwellings to ensure compliance with the terms of the Section 106 Agreement.

15. Green Infrastructure/Biodiversity/Impact on protected species

- 15.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.
- 15.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet.
- 15.3 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 15.4 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 15.5 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.

- 15.6 There have been objections raised by the Wildlife Trust, in relation to the first iteration of the planning application, and local residents during the application process in relation to the loss of existing mature hedgerows and trees as a result of the development proposals and these losses in the short term will change the habitat for wildlife. The new hedgerow planting proposed for Phase 1b around the detention basin - along with that to the eastern boundary of the site as part of Phases 1a and 1b - will however provide necessary compensatory planting. The planting to the eastern boundary is proposed to be secured by condition in the first available planting season. The mix of hedgerow planting to this boundary, which adjoins paddock areas, ensures that there are no plants poisonous to horses. A condition will also require the planting of heavy standard or semi-mature trees along the main route (link road) through the site. Protection measures for existing hedges/trees to be retained are subject of a condition of the outline approval.
- 15.7 In relation to the long term maintenance of landscape, there are also conditions in place on the outline approval to ensure that the developers bring forward a maintenance schedule as each phase of the scheme progresses.
- 15.8 During the course of the application process, it came to light that Great Crested Newts were present on the site and in the pond on the land (outside the applicant's ownership) adjacent to the eastern boundary and that other protected species were in evidence on and around the site. The developers have secured a derogation licence from Natural England to clear the site - the whole extent of Phase One - of Great Crested Newts by the use of trapping and this exercise is presently ongoing. An emergency license was also obtained by the developers to put in place a protection zone in relation to other protected species. As such the necessary mitigation measures to provide for the protection of protected species at this stage have been provided/put in place.
- 15.9 Staffordshire Wildlife Trust and local residents have also raised objections to the culverting of the boggy tract/open watercourse which runs south-west to north-east through the site to its eastern boundary on the basis that this in the long term would prevent newts from migrating to and from the pond in the paddock area to the east of the application site. It is also contended that the proposed culverting of the boggy tract/open watercourse will direct water away/take water away from the pond on the adjoining land which sustains protected species and that the long term impact would be that the pond will dry out.
- 15.10 The issue of the hydrology of the pond on the land adjacent to the site - and its protected species implications - is, however, a matter that officers have still addressed with the applicants during the current application process and in that respect reports have been provided by the applicant's appointed ecologists to examine the particular issue of the upstream catchment of the pond. This document concludes that the pond catchment is to the south/south-east of the pond and does not include the proposed development site. The submissions point out *"that whilst the Flood Risk Assessment and Drainage Strategy does show the pond in close proximity to the ditch, and, as such, might suggest that the ditch feeds the pond. However, in reality, the pond is not part of the ditch system and the top of the pond banks are somewhat elevated from the ditch and proposed development land. This is likely to result in overland flows occurring within the development only, i.e. by-passing the pond. This was*

confirmed by a site walkover undertaken by Waterman on 26th January 2016 following a period of heavy rainfall.”

15.11 The submissions continue that :-

“Obviously, if the above position is agreed, this removes any necessity for further monitoring or flow control mechanisms as part of the development. However, with regard to the consideration of these, I would offer the following comments:

- The pond and surrounding land is not within the ownership or control of the applicant, and, therefore works on this land cannot be offered as part of the drainage / GCN strategies. Moreover, Natural England have issued a licence which does not require further consideration of this issue nor any connection to the pond from the development drainage system.*
- Connection from the existing / proposed ditch system to the pond would require the movement of water up-hill in order to facilitate the ‘topping-up’ of the pond, which clearly is not feasible.*
- Long-term monitoring of the pond cannot be offered as the pond is not within the ownership or control of the applicant.*
- The derogation licence was issued by Natural England following detailed discussions regarding the best solution for the existing / new ditch in term of GCN habitat provision. NE (i.e. Natural England) have raised no objections to our assessment (based on the technical note) that long-term impacts on the pond are unlikely given the catchment of the pond and the proposed ditch arrangement.”*

15.12 The applicant’s ecologists in their submissions also point out that the licence (from Natural England) does require the maintenance of an open ditch immediately east and north/north-east of the pond and this is shown on the submitted plans. A newt receptor area is also proposed to be provided immediately to the north of the pond (in the adjoining paddock).

15.13 The proposal of these measures, which will be secured in the long term in the management plans already provided for in the outline approval (by condition), along with the granting of the protected species licences by Natural England has meant that SCC Ecology have been able to conclude that the necessary protected species mitigation measures can be put in place on the development site into the future.

15.14 With regard to the watering of the pond itself, SCC Ecology agrees that the developers have demonstrated that surface water from the application site does not feed into the pond on the adjoining paddock area - due to land level differences; the pond being at a higher level.

15.15 Insofar as groundwater issues are concerned, however, SCC Ecology remained concerned that the developers had failed to fully demonstrate that the proposed drainage works on the application site would not impact on groundwater levels which could be important in ensuring the pond remains watered following the implementation of the drainage schemes proposed for the development (as the drainage schemes will result in a reduction in flows along the (to be) culverted ditch/watercourse). In response, the applicant’s engineers have submitted a further report which concludes that groundwater recharge

from the application site is unlikely to affect water levels in the adjoining pond given that groundwater is likely to be present in discrete pockets on the application site and that negligible infiltration means that the pond is likely to be fed predominantly by overland surface water flow and precipitation.

15.16 SCC Ecology have subsequently confirmed that they believe that the conclusions of the (additional) groundwater report are robust and the evidence indicates that it is unlikely that groundwater from the development site supports the great crested newt pond (in the paddock area on the adjoining land). SCC Ecology comment that the bore hole and trial pit logs when viewed as a whole do indicate the situation whereby there is a complex groundwater pattern and no apparent hydrological continuity.

15.17 It is therefore concluded in the light of the applicant's submissions that the scheme would in principle provide all necessary mitigation and compensatory measures in relation to protected species and biodiversity in terms of its environs and that the culverting of the boggy tract/watercourse would not impact significantly on the water levels in the pond on the adjoining paddock area.

16. Open space

16.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. SP32 and SP33 set out the requirements of open space provision across the Borough and developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document.

16.2 The provision of open space across Phases 1a and 1b is in line with the Local Standards and is thus in accordance with the outline approval. The scheme does not result in dwellings being built on land previously allocated for children's play facilities. The residents of the dwellings on Phase 1b will be able utilise the equipped play area on the public open space to be provided at the northern end of Phase 1a.

17. Section 106 Matters/Other Matters

17.1 As set out in this report insofar as the matters are relevant to this (first) phase of the development of the land to the West of Uttoxeter the proposals are in line with the requirements of the Section 106 attached to the outline approval.

17.2 Uttoxeter Town Council have raised objection on the basis that it is being contended that the original outline planning permission was granted subject to the Borough Council's Planning Committee giving approval to the access route/road through the development and that no such approval has been granted. This, however, is not the case. Rather, as outlined in the planning history section of this report above (see Section 3), the agreement of the alignment of the access route/road was the subject of a condition of the outline approval (specifically condition 21). In terms of the technical submissions themselves, and again as outlined in Section 2 above, as the condition was specified as being for the highway safety purposes, the submissions were subject to consultation and agreement with the County Highway Authority when

the relevant discharge of condition application was submitted in February 2016 (ref: P/2016/00164). The application was approved under officer delegated powers in April 2016.

- 17.3 With regard to the concerns raised in the representations about bringing forward community, school and retail facilities, it is pointed out that these are matters that would be developed as part of the later phases. Also with regard to the request of Uttoxeter Town Council that the link road be developed as soon as possible to relieve the traffic from the roads within Uttoxeter, it is pointed out that condition 28 of the outline approval requires that *“no more than 501 dwellings shall be commenced until a road linking the northern and southern accesses has been provided.”* As such there is no obligation on the developers to provide the link road other than in line with requirements of condition 28 and such an obligation can not be lawfully altered by the Local Planning Authority as a consequence of this reserved matters submission. In terms of the ranges of vehicles able to use the link road when it is open throughout and the traffic calming measures to be introduced, these are matters to be agreed in detail in conjunction with the County Council as the Highway Authority in due course in terms of the highway framework strategy provided by the conditions of the outline planning permission.
- 17.4 It is also noted that the owners of the Parks Restaurant are requesting that a solid and tall wall/fence should be constructed to the boundary with the Parks Restaurant with no access onto their land. Phase 1b is, however, some way distant from the Parks Restaurant (which adjoins Phase 3) and as such does not fall to be considered in relation to this application. With regard to the concerns, raised that the developers are blocking rights of access that have been long enjoyed by the residents of Moss Beds Farm this is a private matter between the parties concerned.

18. Conclusions

- 18.1 This proposal (for Phase 1b) will result in the continuing development of a green-field site upon which the principle of development has previously been established by the granting of outline planning permission in 2015; and which in part has already been approved in a detailed form with the approval of the full application in respect of Phase 1a (also in 2015).
- 18.2 The submitted details demonstrate that the development will fit acceptably into the context of adjoining existing and proposed built form by way of its siting, scale, massing and design. The proposed layout shows that separation distances between existing and proposed dwellings are such that the site can be developed without having a significant detrimental impact on the reasonable amenities of any existing or proposed neighbouring properties. The Highway Authority has confirmed that there are no issues in relation to highway safety and it is considered that the mitigation of all ecological and biodiversity issues have in principle been successfully addressed.
- 18.3 The change in the character and appearance of the area, the benefits of the proposal including the provision of housing, including affordable, alongside the economic benefits associated with new development mean that on balance the benefits of the scheme outweigh any specific concerns that are raised in relation to the proposal. The proposal is therefore considered to be in line with the outline

approval and with the aims of the policies of the adopted Local Plan and the National Planning Policy Framework.

- 18.4 The proposed development is not within a conservation area and given the separation distances and the form of existing built development, it is not considered that the proposal would have an impact on views into, or those out of the nearest conservation area nor is any Listed Building or its setting affected. The statutory duties under Section 66 and 72 are therefore not engaged.

19. RECOMMENDATION

APPROVE RESERVED MATTERS, subject to the following conditions :-

1. Compliance with the approved plans (Standard Condition No. 0002).
2. Details of Surface Water drainage interceptors to be provided.
3. Details of new turning head to link road and timing of provision.
4. Parking and turning facilities to be provided before each dwelling is first occupied (Standard Condition No. 00004a).
5. Garages to be retained as being available for parking at all times. (Standard Condition No. 00004d).
6. Provision of waterproof cycle shelters to those dwellings without garaging.
7. Any soakaways to be sited a minimum distance of 5.0 metres back from the edge of the highway.
8. Tree planting on the main route through the site (the 'link road') shall be heavy standard or semi-mature specimens.
9. The planting mix to the new hedgerow to the eastern boundary to have non poisonous species to horses.
10. The new hedgerow to the eastern boundary to be planted in the current planting season (November 2016 - March 2017) unless otherwise agreed. All other landscaping works to be undertaken in first season post completion (as per Standard Condition No. 00003b).
11. Precise details of works in relation to the creation of the open ditch immediately to the east and north/north-east of the pond and the newt receptor area.
12. The open ditch/newt receptor area shall be provided before any other development works (including site clearance works) are undertaken.
13. Security fencing to be provided to pumping station compound before pumping station first brought into use.
14. Obscure glazing to first floor window units to the rear (eastern) elevations of the properties on Plots 029, 030, 031 and 032. (Standard Condition 00016f)
15. Any opening light to the first floor window units to the rear (eastern) elevations of the properties on Plots 029, 030, 031 and 032 shall have a cill height with a minimum clearance of 1.7 metres above the internal floor level.
16. Obscure glazing to first floor window unit to the eastern side elevation of the dwelling on Plot 028 (Standard Condition 00016f)
17. Any opening light to the first floor window unit to the eastern side elevation of the dwelling on Plot 028 shall have a cill height with a minimum clearance of 1.7 metres above the internal floor level.
18. Removal of permitted development rights for the insertion of new window units/openings above ground floor level to :-

- The rear (eastern) elevations of the properties on Plots 029, 030, 031 and 032.
- The eastern side elevation of the dwelling on Plot 028
- The southern elevation of dwelling on Plot 084

Informatives

1. Standard Engagement informative.
2. Notification of outline permission conditions addressed by the reserved matters submission and which remain outstanding.
3. Standard Pre-commencement conditions informative
4. It is recommended that 'Newt friendly' kerbs be provided to highways within vicinity of pond (on adjacent paddock).
5. Contact ESBC Waste Management in relation to provision of bins/communal bins.
6. Recommendation that 10% of the dwellings shall have ground floor accommodation that meets Building Regulations 2010 Standard M4(2).
7. SCC Ecologist recommends suitable species to be used in the hedgerow adjacent to the hibernacula (in detention basin).

20. Background papers

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

- The Local and National Planning policies outlined in the report above
- Papers on the Planning Application file reference P/2016/00216
- Papers on the Outline Planning Application file reference: P/2013/00882 and associated Section 106 Agreement
- Papers on the Planning Application file reference: P/2014/00883 and associated Section 106 Agreement
- Papers on the Discharge of Condition application reference: P/2016/00164.
- Papers on the Non-Material Amendment application reference: P/2016/01040.

21. Human Rights Act 1998

21.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

22. Crime and Disorder Implications

22.1 It is considered that the proposal does not raise any crime and disorder implications. It is pointed out that the applicants have addressed the comments of the Police Architectural Liaison Officer in their most recent site layout.

23. Equalities Act 2010

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

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