
Agenda Item:	6.3
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Site:	Land off, Westlands Road, Uttoxeter, Staffordshire,
Proposal:	Erection of 18 dwellings comprising two detached and sixteen semi-detached houses, plus a two storey garage block and formation of access

Report of Head of Service (Section 151 Officer)

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

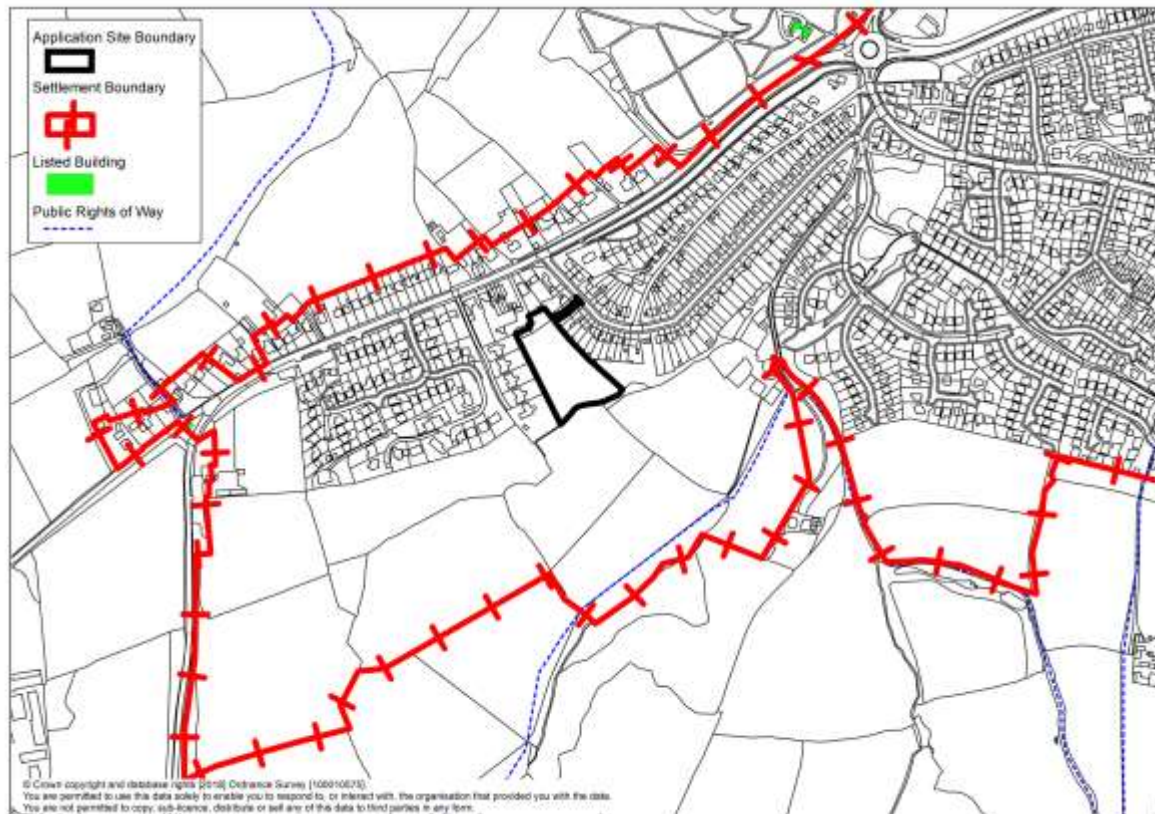
[Hyperlink to Application Details](#)

Application Number:	P/2017/00555	
Planning Officer:	Emily Christie	
Type of Application:	Detailed Planning Application	
Applicant:	Mr Graham Swinson	
Ward:	Town	
Ward Member (s):	Councillor Mrs S J McGarry Councillor P Hudson	
Date Registered:	06 July 2017	
Date Expires:	03 October 2017 and an extension of time has been agreed to 30 April 2018.	

1. Executive Summary

- 1.1 The application site comprises approximately 0.71 hectares of agricultural land, located circa 1 mile to the south east of Uttoxeter Town Centre, to the south of the A518 Stafford Road.
- 1.2 This is a full application for the erection of 18 dwellings comprising two detached 4 bed units and 16 (or 8 pairs of) semi-detached 2 bed units, plus a two storey garage block and formation of access.
- 1.3 The site is located wholly within the Uttoxeter settlement boundary.
- 1.4 Statutory consultees have raised no objections that cannot be overcome by planning conditions.

- 1.5 There have been 64 letters of objection received from local residents over the course of two periods of consultation, raising concerns with the development, which include highway safety and exacerbation of congestion in the area, impact upon residential amenity, biodiversity and increased flood risk within the vicinity.
- 1.6 It is considered that the layout and design of the proposed residential scheme accords with the principles and provisions of Local Plan policy and the East Staffordshire Design Guide, and demonstrates that the site can provide a high quality development appropriate to its context and that the proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them an unacceptable loss of residential amenity. Impacts on residential amenity relating to the construction phase of the development, as well as impacts on the local road network during this phase, can be appropriately addressed through the submission of details required by planning condition. With this requirement in place it is considered that the development would not unacceptably affect the amenities enjoyed by the occupiers of existing or future residential occupiers.
- 1.7 The highway and access arrangements proposed are considered to be suitable and there will be no significant negative impact on the road network or highway safety arising from the proposal.
- 1.8 The proposal would have an acceptable effect on protected species and their habitat, would not unacceptably increase flood risk, nor have unacceptable impacts on drainage in the locality.
- 1.9 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

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

- 2.1 The application site comprises approximately 0.71 hectares of land located circa 1 mile to the south east of Uttoxeter Town Centre, to the south of the A518 Stafford Road. The site is within the Uttoxeter Settlement Boundary.
- 2.2 The application site is situated immediately to the rear of established residential dwellings on Westlands Road and Stafford Road. The North and East boundaries face the rear gardens of these roads. The West boundary is the rear garden fences of Chartley Gate Close and the south side is bounded by an open ditch and currently faces open fields. This area of land is the location of the Hazelwalls Farm development site.
- 2.3 The site comprises undeveloped 'greenfield' land, which has historically been used for general grazing. The land slopes steeply from north to south.

3. Planning history

- 3.1 This is the first application for the entire site. The site has a long history of individual plots coming forwards for development.

4. The proposal

- 4.1 The application proposes the erection of 18 dwellings comprising two detached and sixteen semi-detached houses, plus a two storey garage block and formation of access.

- 4.2 The dwellings would be served by an access that is proposed to be formed off Westlands Road, an estate road which serves existing residential properties. The access point extends from Westland Road into the application site between two existing pairs of semi-detached properties numbered 87 and 89 Westlands Road. To facilitate access arrangements the garages of 87 and 89 Westlands Road will be demolished and parking provided to the rear of both properties in front of the proposed detached two storey garage block.

List of supporting documentation

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

- Application form
- Location Plan
- Site Layout Plan
- Westlands Road Site Entrance Plan
- Elevational Drawings
- Floor Level Plan
- Bike Store Plan
- Site Drainage Layout and details of drainage pipes and pumps
- Design and Access Statement
- Landscaping Scheme
- Planning and Sustainability Statement incl. Statement of Conformity
- Tree Survey and Arboricultural Impact
- Flood Risk Assessment
- Preliminary Ecological Statement
- Viability Assessment

- 4.4 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	Parish Council	<p>Council objects to the application due to the following reasons:</p> <p>Although this area has been included as a potential long-term site in the Strategic Housing Land Availability Assessment, it is not included in the Local Plan as part of the Hazelwalls area Sustainable Urban Environment (SUE).</p> <p>The existing SUE's and other planned development are already adequate to meet the assessed need and therefore this development is unnecessary.</p> <p>The access to the site is a narrow passage between two existing houses and does not provide adequate access either during development or once development is</p>

		<p>completed. Additional traffic problems and danger to residents, on an already barrow and congested Westlands Road, would be created.</p> <p>The proposed surface drainage from the site will enhance the already well-known flood risks associated with the Hazelwalls Brook.</p> <p>The new private road is listed as 'un-adopted' therefore Council has concerns with respect to who would be responsible for the maintenance of this road.</p> <p>This objection was reiterated following the submission of revised access plans.</p>
5.3	SCC Highways	<p>No objection subject to conditions relating to the provision of the access road, provision of access and parking spaces to serve 87 and 89 Westlands Road, installation of surface water interceptors and submission and approval of a construction management plan.</p> <p>A maintenance management company is required to ensure the ongoing maintenance of the access road and the parking facilities as the road is to remain private.</p> <p>The parking bays and garage block must be retained for use by No.s 87 and 89 Westlands Road. The boundary treatments to the rear of No.s 87 and 89 must be given careful consideration – they should not be high and should not directly abut the carriageway to avoid creating a 'canyon effect' giving the impression of a narrower carriageway.</p>
5.4	SCC Education	<p>No objection subject to a financial contribution amounting to £60, 747 to provide educational provisions.</p>
5.5	SCC Flood Risk Team	<p>No objection subject to a condition requiring details of the drainage strategy for the site.</p> <p>The development hereby permitted shall not be occupied until a scheme of sustainable drainage has been submitted to, and approved in writing by, the local planning authority.</p> <ul style="list-style-type: none"> • Discharge from site to be limited to 5l/s discharging to the South and provide an appropriate volume of attenuation is included within the development. • Ensure future access to and maintenance of proposed water system and ditch. • Confirm attenuation volume through hydraulic calculation. <p>Ensure finished floor levels are set no lower than 150mm above ground level. The scheme shall be fully implemented and submitted for approval.</p>

		maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
5.6	Environment Agency	No objection as the site is assessed as having a low environmental risk.
5.7	Severn Trent Water	No objection subject to a condition requiring the submission and approval of a drainage scheme for the disposal of foul and surface waters.
5.8	Architectural Liaison Officer	No objection to the proposal but provides guidance with regard to crime prevention principles to be included into the scheme.
5.9	East Staffordshire Clinical Commissioning Group	No objection subject to financial contribution of £7920 to healthcare provisions.

Internal Consultees		Response
5.10	Open Spaces	No objections subject to an offsite open spaces contribution of £14,000.
5.11	Waste Management	No objections subject a financial contribution amounting to £75 per dwelling for the provision of refuse containers.

6. Neighbour responses

6.1 65 letters of objection were received over the two periods of consultation.

Neighbour responses	
Principle	<p>Following the approval of the dwellings on the adjacent Hazelwalls Farm site, it is not considered that the area requires more dwellings.</p> <p>Additional dwellings puts additional pressures on valuable local facilities such as healthcare and schools.</p> <p>Brownfield sites should be developed before greenfield sites.</p> <p>Lack of public open space and play equipment on the site.</p> <p>Housing schemes in Uttoxeter have already exceeded the stated number in the Local Plan and no evidence has been provided to demonstrate that additional homes are required.</p> <p>New houses should be completed and fully occupied before any additional planning applications are approved to ensure</p>

	<p>there is a demand for additional units.</p> <p>The detached garage building should be subject to a condition to ensure that it is not used for commercial purposes.</p> <p>No children’s play areas are proposed.</p> <p>No on-site affordable units.</p>
Impacts on Amenity	<p>Headlights will shine directly into properties on the opposite side of Westlands Road.</p> <p>Noise, disturbance and air pollution.</p> <p>Working hours should be prescribed and enforced.</p> <p>Overlooking of neighbouring properties.</p> <p>Loss of privacy to adjacent properties.</p> <p>Noise from the effluent pump.</p> <p>Light pollution.</p> <p>How will the occupiers of No. 87 and 89 maintain the sides of their properties?</p> <p>The access road will undermine the foundations of the neighbouring properties that bound the access</p>
Highways Impacts	<p>The amended access arrangements do not overcome the concerns raised previously. The access is adjacent to a dangerous bend and is in a very congested area.</p> <p>Moving the parking bays for No.s 87 and 89 to the front of the detached garage block at the rear clearly shows that they want to use the building for commercial purposes.</p> <p>The new access arrangements will result in less on street parking bays on Westlands Road, resulting in more congestion in the area.</p> <p>Delivery vehicles cannot be expected to negotiate Westlands Road and the tight access point to deliver materials/goods.</p> <p>The access does not include pedestrian pavements or a cycle lane. This poses a significant danger.</p> <p>The proposed landscaping to the front of No.s 87 and 89 will have an adverse impact upon visibility.</p> <p>Inappropriate access point.</p>

	<p>Inadequate access arrangements between two residential properties.</p> <p>Increased pressure on junction with Stafford Road which is already busy and difficult to negotiate at present.</p> <p>Danger to pedestrians walking past the site entrance, in particularly school children.</p> <p>Residents park on the roads around the proposed access point making visibility poor.</p> <p>The buses struggle to get up and down Westlands road due to traffic and parked cars, this will further exacerbate the issue.</p> <p>Access is inadequate to allow access to emergency vehicles and refuse lorries.</p> <p>The access is too narrow to allow cars to pass each other resulting in cars waiting on Westlands road disrupting the flow of traffic further.</p> <p>No pavement shown on plans for residents of the new properties to access Westlands Road.</p> <p>Adequate parking provision must be provided for 87 and 89 Westlands Road.</p> <p>How will the access between the properties work as the existing drives are on different land levels.</p> <p>87 and 89 Westlands Road have opening windows and doors which will open onto the access road.</p> <p>The cumulative impact of this development and the Hazelwalls Farm development will result in detrimental levels of increased traffic and congestion in the locality and the town as a whole.</p> <p>The development would be better served through the Hazelwalls Road development to reduce the impact upon Westlands Road.</p> <p>If any of the new houses host a gathering then visitors will be forced to park on Westlands Road due to inadequate visitor spaces being provided on the site.</p> <p>The existing bus stop opposite the site access has not been acknowledged. Will this be moved? Will it be removed as it will be directly opposite a busy access point?</p>
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	<p>The access road is not due to be adopted and as such will be poorly maintained and not gritted etc.</p> <p>Alternative access arrangements should be explored.</p> <p>Lack of disabled parking spaces.</p> <p>There are no electric charging points proposed.</p> <p>How will bin lorries access the site to collect waste? Will there be a bin presentation point? Where will this be? Will the bin lorry block Westlands Road whilst 18+ bins are being emptied.</p> <p>Access should be from Stafford Road.</p>
Urban Design and Landscape	<p>Loss of rural character.</p> <p>Loss of separation between the properties on Westlands Road and Chartley Gate Close.</p> <p>The site has been cleared of all its trees and vegetation.</p> <p>The detached garage building with storage above is excessive.</p>
Flood and drainage impacts	<p>Sewers and drains in the vicinity cannot take the additional waste generated by a development of this scale.</p> <p>Flood risk to neighbouring properties if surface water interceptors are not adequately maintained.</p> <p>The proposed pumping station may not be adequate.</p> <p>Hazelwalls Park has recently flooded again – this development will further exacerbate the issues in the area to the detriment of the surrounding area.</p>
Ecology	<p>The development will have a negative impact upon ecological interest in the locality.</p> <p>No ecological enhancement measures are proposed. There should be bat and bird boxes incorporated into the scheme to help counteract the loss of habitat.</p> <p>Loss of habitat in the area.</p>
Other	<p>Impact on water pressure in the area as a result of the additional dwellings.</p> <p>Loss of value to adjacent properties.</p> <p>No evidence has been provided to support the applicant's</p>

	<p>statements relating to the employment of local people to deliver the project and their retention in employment following completion of the development.</p> <p>Concerns that the garage block will be used for business purposes which will further impact upon neighbouring properties.</p> <p>The condition of the site in recent years has deteriorated to a dumping ground and area to park plant and machinery to the detriment of neighbouring properties.</p>
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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
- NP1: Role of Neighbourhood Plans
- SP3: Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP32 Outdoor Sports and Open Space
- SP33 Indoor Sports
- SP34 Health and Wellbeing
- 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

'Made' Neighbourhood Plan

- D1 Residential Design
- T1 Sustainable Transport
- T3 Parking Standards
- T4 Traffic and the Town Centre
- C2 Health Provision

Supplementary Planning Documents/Guidance

East Staffordshire Design Guide
Parking Standards
Housing Choice

8. Principle of Development

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

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

8.2 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'. Principle 1 of the Local Plan reiterates this approach to decision making.

9. 5 Year land Supply

9.1 The most recent calculation uses figures as at 30th September 2017 and concludes there is 5.23 years of supply. Therefore the policies in the plan can be considered up to date.

10. Local Plan

10.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

10.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes,

- workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 The Local Plan in Strategic Policy 3 sets out the level of housing and employment development to be delivered over the plan period and sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:

- Focus the majority of development at Burton Upon Trent
- Allocate a significant level of development at Uttoxeter
- Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
- Control new development in all other villages and hamlets

10.4 The site is located within the Uttoxeter Settlement Boundary for the adopted Local Plan (adopted 15th October 2015) and the 'Made' Uttoxeter Neighbourhood Plan ('Made' 9th March 2017). The location within the boundary sets the principle for development as SP4 of the Local Plan states that there is a windfall development requirement of 1359 for Burton upon Trent and Uttoxeter, which is a minimum requirement and which will be delivered within settlement boundaries. Therefore the principle of development is acceptable.

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

11.1 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.

11.2 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.

11.3 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.

11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.

11.5 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.

- 11.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible. Policy D1 of the Uttoxeter Neighbourhood Plan seeks to guide new residential development to achieve a high standard of design quality and to ensure schemes make a positive contribution to their surroundings and Uttoxeter as a whole. It focuses on seeking carefully designed development which includes spaces for people to socialise; street layouts and housing densities which sit comfortably within the existing area; edges which interact positively with the surrounding countryside and schemes which incorporate the management of surface water.
- 11.7 The accommodation would comprise of two 4 bedroom dwellings and sixteen (8pairs) semi-detached houses each with front and rear gardens, private drives and parking. A private service road provides access to all the dwellings as well as for refuse and emergency service vehicles.
- 11.8 The design of the houses is traditional in style with hipped grey slate effect tiled roofs and red facing brick walls with some sections of light coloured render. The window and door frames will be cream coloured upvc and rainwater goods will be coloured black. Whilst there are only two housetypes proposed, it is considered that the mix is appropriate given the relatively small scale of the development and creates a cohesive development within the site. The design responds positively to the context of the surrounding area and the development has taken its cues from the properties on Westlands Road.
- 11.9 Garden areas to the front of the new dwellings will be open plan with rear gardens enclosed with 1.8m high timber fencing. The boundary treatments to enclose the rear gardens of No.s 87 and 89 Westlands Road will be subject to a condition to ensure that they are appropriate and adhere to the requirements of the Highway Authority, namely not creating a ‘canyon effect’ along the access drive. The boundaries should be lower in height and should be set back slightly from the access drive to negate the feeling of creating a narrowing effect.
- 11.10 It is considered that the layout and design accords with the principles and provisions of the East Staffordshire Design Guide, and demonstrates that the site can provide a high quality development appropriate to its context which accords with East Staffordshire Local Plan Policies SP24, DP1 and DP3.

12. Residential Amenity

- 12.1 The National Planning Policy Framework and DP1, 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.
- 12.2 The scale of the site and its shape limits options in terms of its layout resulting in a cul-de-sac with a central access road and dwellings arranged on either side of the private drive. With regard to the relationship between the existing properties on Westlands Road and Chartley Gate Close, officers are satisfied that distances between the existing and proposed dwellings are acceptable to ensure that residential amenity is protected.

- 12.3 The private amenity spaces afforded to each new property are considered to be commensurate with the size of the dwellings. No.s 87 and 89 Westlands Road will lose some of their garden area as a result of the construction of the new access drive, however it is considered that the resultant garden afforded to No.s 87 and 89 is adequate in relation to the size of the properties.
- 12.4 The access drive will be between No.s 87 and 89 and as such alterations to these properties are proposed. These include the alteration to all outward opening windows. These units will be replaced with inward opening casements to alleviate any conflict with vehicles. There will be no door openings on the side elevations of No.s 87 or 89. All rainwater and service pipes will be moved to ensure that they are not compromised by vehicles using the access.
- 12.5 At present the properties adjacent to the site boundaries are afforded views over the area of open agricultural land and as such the proposed development will have an impact upon the outlook of the dwellings. Whilst the loss of a view is not a material planning consideration, the Local Planning Authority has a duty to ensure that any impacts on the private amenities enjoyed by the occupants of neighbouring residential properties are taken into account as a result of the development.
- 12.6 In summary, the proposed layout shows that the dwellings can be accommodated on the site without compromising the reasonable amenities of their future occupiers, and allowing for sufficient outdoor private amenity space. The proposed development integrates satisfactorily with the adjoining built form, in compliance with the provisions of Local Plan Policy DP1 and DP3.
- 12.7 On balance the proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them an unacceptable loss of light or privacy or any overbearing impacts. The scheme is therefore compliant with the provisions of Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and Section 7 of the NPPF.
- 12.8 Whilst it is acknowledged that there will be a level of noise and disturbance during the construction phases of the development. A condition is recommended to manage the impact of the development on the amenities of nearby dwellings and on the local road network by way of requiring a construction management plan which will require details of the following:
- Temporary parking spaces for No.s 87 and 89 Westlands Road to be provided within the site and retained as such until the permanent parking spaces are provided;
 - Parking facilities for vehicles of site personnel, operatives and visitors;
 - Arrangements for the loading and unloading of plant and materials;
 - Areas of storage for plant and materials used during the construction of the proposed development;
 - Measures, including designated wheel cleaning areas to prevent the deposition of deleterious material on the public highway during the construction of the proposed development.
- 12.9 The condition will ensure that the construction management plan is adhered to for the duration of the construction phase of the development.

12.10 In conclusion the proposal is likely to lead to an element of additional noise and disturbance through increased activity and comings and goings associated with residential development. However, it is not considered that this would unacceptably affect the amenities enjoyed by the occupiers of neighbouring dwellings subject to relevant condition requirements being imposed on any approval.

13. Sustainability (energy efficiency and low carbon)

13.1 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. Considerations include where relevant:

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
- incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
- use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
- incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in 'Biodiversity by Design' or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

13.2 Whilst the proposal does not propose to incorporate any renewable energy sources or specific green construction techniques, the application is accompanied by an Ecological Survey which recommends the incorporation of ecologically sensitive design features including the provision of bat boxes and bird boxes and appropriate landscaping and lighting schemes to limit the impact upon ecological interests within the area.

13.3 A condition is recommended to ensure that the ecological enhancement measures proposed are appropriate and implemented as part of the scheme and retained in perpetuity.

14. Highway Matters

14.1 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.

- 14.2 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.
- 14.3 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.
- 14.4 Policy T3 (Parking Standards) of the Made Uttoxeter Neighbourhood Plan states that proposals for new residential development in Uttoxeter (including new build, replacement dwellings and conversions to flats or houses in multiple occupancy) will be required to demonstrate that the development will provide the necessary car parking to the Borough Council's standards in operation at that time. Where new development of any type will result in increased demand for car parking spaces, applications should demonstrate how this demand will be met, either by providing satisfactory evidence that there is sufficient on-street capacity to accommodate the additional parking required or providing off-street parking spaces. Where appropriate, new residences of three or more beds should be allocated two parking spaces and residences of less than three bedrooms should each have one space, excluding affordable housing and schemes above shops.
- 14.5 Policy T1 (Sustainable Transport) of the Made Uttoxeter Neighbourhood Plan states that all applications, regardless of scale, should consider their wider impact on traffic and road safety. All new developments, excluding householder applications, should seek to encourage a modal shift (or transition) by integrating into existing walking/cycling links and bus routes and provision of bike storage.
- 14.6 The access of the site passes between 87 and 89 Westlands Road. The access will initially be 4.5 m wide to form a neck entrance before widening to 5 wide for the remainder. This will be wide enough to allow access for refuse vehicles and emergency vehicles and a turning head at the end of the cul de sac will allow easy turning for these larger vehicles.
- 14.7 During the life of the application the layout of the access has been amended by the applicant following a review of the letters received from neighbouring properties. The main alteration was the removal of the parking bays to the front of No.s 87 and 89 Westlands Road and their relocation to the rear of the properties in front of the detached garage block which is now allocated to these properties. This has enabled the widening of the access where it adjoins Westlands Road to provide a better degree of visibility. The Highway Authority

has assessed the proposal and has raised no objections to either the original or amended access layout plans.

- 14.8 With regard to parking provision, the 2 bed units are allocated two off road parking spaces each predominantly on paved side drives, with Plot 6 being afforded an additional space within a detached garage. The two 4 bed units are afforded 3 parking spaces each, one of which is within an integral garage. Garages proposed meet design standards set out by Staffordshire County Council. Four car parking spaces are provided to serve No.s 87 and 89 Westlands Road to the front of the detached garage block which will also serve the existing properties to compensate for the loss of their frontage parking off Westlands Road.
- 14.9 All units are allocated secure covered cycle storage facilities by way of a detached structure located within each rear garden. The occupants of the proposed dwellings will have access to existing pedestrian links within the vicinity and will have access to a regular bus service which serves Westlands Road. The proposed parking provision is in accordance with the Council's Parking Standards SPD adopted in October 2017.
- 14.10 The Parking Standards SPD states that development proposals must consider the provision for electric charging infrastructure in new developments and that major developments should ensure that electric infrastructure is sufficient to enable the supply to be provided. As set out later in this report, viability is a key consideration in the determination of this application. Whilst charging points could be considered a cost which would be passed onto the purchasers of the properties there is nevertheless an upfront cost to installing the infrastructure to the developer. On balance, given that there is limited viability, it is not considered reasonable to request the provision of charging points. The proposals would not restrict occupiers from installing such infrastructure at the properties in the future.
- 14.11 With regard to pedestrian access to and from the site, it is considered that the width of the site access is of an adequate width to allow for both vehicles and pedestrians to pass without compromising the safety of the pedestrians.
- 14.12 With regard to the access arrangements to serve the development, it is considered that suitable arrangements can be implemented which are commensurate with the size of the development and the vehicular movements generated by it.
- 14.13 In conclusion, the highway and access arrangements proposed are considered to be suitable and there will be no significant negative impact on the road network or highway safety arising from the proposal. Parking provision is also adequate across the site.
- 14.14 Furthermore the maintenance of the private drive/road will be secured via the Section 106 legal agreement by way of requiring the formation of a management company.

15. Historic Environment

- 15.1 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.
- 15.2 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.
- 15.3 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.
- 15.4 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.
- 15.5 The nearest Listed Buildings are located approximately 298m to the east, a listed mile post and 373m to the east stand 12 listed Old Pound Stones both located on Stafford Road. Approximately 384m to the North West there is a listed chapel in the grounds of the cemetery.
- 15.6 The nearest conservation area is located some 785m to the north east within the town centre.
- 15.7 There is no intervisibility between the identified heritage assets set out above and the site in question. It is therefore considered that the development will not harm the setting or character or appearance of any listed buildings or structures or conservation areas and as such Section 66 and Section 72 are not engaged in this instance.

16. Flood Risk and Drainage

- 16.1 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.

- 16.2 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.
- 16.3 The site is classified as being wholly located within Flood Zone 1 with a very low risk of flooding. That being said it is acknowledged that locally there have, in recent times, been issues with the brook which runs adjacent to Timber Lane and across to Hazelwalls Park to the northeast of the site. Flooding has occurred at times of heavy, persistent rainfall. The brook, which runs adjacent to Timber Lane from the higher ground to the south east, is identified as a known flooding hotspot in the vicinity of Sorrel Close, Fennel Close and Foxglove Avenue. Whilst the brook does not run across or through the site subject to this application and is not in the ownership or under the control of the applicant, it is a material consideration and the development must not exacerbate the existing situation further.
- 16.4 The application is accompanied by a flood risk assessment and proposed drainage strategy. The proposed strategy includes the provision of sustainable urban drainage attenuation crates (SUDS). The SUDS will provide a storage facility for excessive surface water run-off and will reduce the rate at which it enters watercourses downstream. This means that surface water will not leave the site in an unrestricted, uncontrolled manner. The management of the surface water on-site will help to alleviate some of the issues currently being experienced by the existing development to the northeast.
- 16.5 The attenuation crates will have the capacity to store the surface water arising from the development and discharge it at a suitable rate.
- 16.6 The proposed drainage strategy will limit the discharge of water from the site by way of storing it in the attenuation crates and discharging it at a steadier rate providing a significant reduction in the contribution of the site to the known downstream drainage issues.
- 16.7 Whilst it is not the developer's responsibility to address the existing localised flooding issues in the area on land outside of their control, it is necessary, as set out above, that the development does not exacerbate these existing issues. It is considered that the reduction in the run off rate from the application site by managing the rate at which it is dispersed will in turn alleviate some of the issues being experienced.
- 16.8 The Environment Agency has been consulted on the proposed drainage strategy on the site and has raised no objections to the proposal classifying the site as having a low environmental impact.
- 16.9 The Flood Risk Officer at Staffordshire County Council has been consulted and has offered support to the developer in the designing of the surface water

drainage strategy for the development in a bid to ensure that surface water discharge is managed appropriately and in turn goes some way to addressing some of the issues being experienced in surrounding areas.

16.10 With regard to the disposal of foul water from the development, Severn Trent has been consulted and has raised no objections. Foul water will be pumped to the mains sewer located on Westlands Road.

16.11 In light of the above, it is considered that a suitable drainage strategy can be employed to adequately address the drainage requirements for the proposed development and in turn is likely to contribute in reducing the existing localised flooding issues being experienced in the area. The proposal is therefore considered to be compliant with Local Plan Policy SP27 and Section 10 of the NPPF.

17. Affordable Housing and Housing Mix

17.1 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.

17.2 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.

17.3 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%
<i>Housing for Older People**</i>	10%
2-bedroom houses	8%
3-bedroom houses	30%
4-bedroom houses	20%
5-bedroom houses	9%

17.4 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.

17.5 The proposal is for 2 detached four bed dwellings and 16 semi-detached 2 bed dwellings. Therefore the scheme does not meet the mix set out in the housing Choice SPD. In determining whether the proposal is acceptable, it is important to take into account the character of the surrounding area and the characteristics of the site. Whilst there are only two housetypes proposed and only two and four bed roomed properties are proposed, it is considered that the mix is appropriate given the relatively small scale of the development. The scheme will create a cohesive development within the site and will provide two kinds of house types which are required in Uttoxeter.

17.6 Meeting M4(2) requires compliance with a number of elements, which include:

- Step free access to the dwelling
- Step free access to the WC and any outside space
- A range of people, including the elderly, disabled and wheelchair users are able to use the accommodation and sanitary facilities to be demonstrated through sufficient space for turning
- Features are provided to enable common adaptations to be done
- Wall mounted switches and sockets are reasonably accessible.

17.7 Due to these requirements, there is an additional build cost. As set out elsewhere in this report, viability is a key issue in considering this proposal and it is clear from the assessment that there is no viability to increase build costs, without further impacting on the ability to pay the suite of S106 contributions. Overall, it is clear that achieving the standard across the whole site is not possible, principally due to topography and the subsequent inability to provide step free access into the dwellings in most cases.

17.8 In relation to affordable housing, Strategic Policy 17 states that for a scheme of this kind, an overall provision of 33% (5.94 dwellings) would be sought, with 13% (2 dwellings) being on site and the remainder as an off-site financial contribution. The policy also states that if an applicant believes a lower amount of affordable housing should be sought due to site viability, they will need to submit their development appraisal and supporting evidence to the Council on an open book basis and to fund the Council's cost of assessing this. As set out in more detail below, the applicant has followed this approach and the final assessment demonstrates that no on site affordable housing would be viable. An off-site contribution of £235,000 is proposed to be included in the S106 which is the equivalent of funding the delivery of 5.875 affordable houses off site. Overall, whilst the development does not meet the affordable housing policy requirements in terms of on-site provision, the application proposes an off-site affordable housing financial contribution which represents the maximum the development can afford whilst being viable, as demonstrated in the independent viability report. Therefore, the application meets the affordable housing policy with regards to evidence of viability.

18. Biodiversity

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

- 18.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 18.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 18.4 The application is supported by an ecological assessment of the site which concludes that there will be a very low impact upon protected species in the locality. However it is considered that there is an opportunity to enhance the area given its semi-rural location and as such a condition is recommended to require details of further ecological enhancement measures to be employed within the site and surrounding area to enhance habitat for protected species within the locality.
- 18.5 A further condition is required to ensure that the development is carried out in accordance with the conclusions of the submitted report.
- 18.6 In light of the above assessment, it is considered that the impact upon protected species will be minimal and the development can be adequately mitigated through the inclusion of landscape and habitat enhancement measures which will benefit local wildlife populations.

19. Open space

- 19.1 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. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 19.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 19.3 SP32 and SP33 set out the requirements of open space provision across the Borough.
- 19.4 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.
- 19.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document
- 19.6 The Council's Open Spaces Manager has been consulted and has concluded that as this development is of a small scale an offsite open spaces contribution is more feasible than providing dedicated play/open space. Subsequently, an 18 home development would require an offsite contribute of £14,000 to be paid

in lieu of the absence of onsite provision. This contribution will be secured via the Section 106 legal agreement.

20. Education

20.1 Strategic Policy 10 identifies areas where new schools will be expected in Uttoxeter and Burton upon Trent. In addition, the policy describes how proposals for education facilities will be assessed. Applications will be required to demonstrate that the location is accessible for the need for which it is intended to meet.

20.2 The Staffordshire County Council School Organisation has been consulted and has advised that this development falls within the catchments of Picknalls First School, Oldfields Hall Middle School and Thomas Alleyne's High School.

20.3 The development is scheduled to provide 18 dwellings. A development of this size could add 3 First School aged pupils, 2 Middle School aged pupils, 2 High School aged pupils and 1 Sixth Form aged pupil.

20.4 Thomas Alleyne's High School is projected to have limited vacancies based on the current and projected pupil numbers available at this time. Although the development will put additional pressure on school places, current pupil demographics indicate that the school should be able to accommodate the likely demand from pupils generated by the development.

20.5 However, Picknalls First School and Oldfields Hall Middle School are projected to be full for the foreseeable future.

20.6 The following financial contributions towards First School provision and Middle School provision are therefore required to mitigate the impact of the development upon the local educational facilities:

- 3 First School places (3 x £11,031 = £33,093),
- 2 Middle School places (2 x £13,827 = £27,654).
- This gives a total request of £60, 747.

20.7 The above contributions will be secured by way of including them as an obligation within the Section 106 legal agreement.

21. Section 106 Contributions

21.1 Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

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

21.2 National Planning Practice Guidance states that when CIL is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of

infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

- 21.3 Through the application process the applicant has cited viability concerns and uncertainty over whether all S106 contributions could be paid. As a result, an independent financial assessment has been prepared, in agreement and consultation with the applicant.
- 21.4 The NPPF states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Local Plans should be deliverable and therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The NPPF also states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. Decision-taking on individual schemes does not normally require an assessment of viability. However viability can be important where planning obligations or other costs are being introduced. In these cases decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth.
- 21.5 Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible. There is no standard answer to questions of viability, nor is there a single approach for assessing viability. The NPPF states that such assessments should consider a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market, understanding past performance, a collaborative approach involving the local planning authority, and developers to ensure a consistent approach.
- 21.6 The independent appraisal considered a number of factors relating to viability, including infrastructure costs, land value, legal costs, expected sale prices, any site 'abnormal costs' and marketing costs in associated with selling the properties. The applicant, who is also the developer, has had an opportunity to input into the appraisal, ensuring the assessment takes into account realistic developer costs and expected profit, an approach consistent with the NPPF. The report concludes that the scheme overall, applying all the S106 requirements will not generate a profit for the applicant, and the site would therefore not be deliverable. The viability assessment concludes that a total 'package' of £319,017 is the point where the development becomes viable, and anything above this is unviable. The total S106 requirements expected from a development of this kind would be:
- £60,747 for education provision
 - £14,000 open space maintenance
 - £1,350 for waste provision
 - £7,920 healthcare

- 3 affordable units on site **and** an off-site contribution of £117,600

21.7 Given that the cost of providing affordable housing on site rather than off site is more expensive, in that there are the normal costs associated with market dwellings such as construction, marketing and legal fees alongside a significant reduced sale cost in selling the property to a registered social provider, the independent viability assessment has concluded that an onsite contribution is not viable. Should the full affordable housing requirement be provided as an off-site contribution, this would be £237,600, which the viability assessment also concludes is not viable. The following represents the contributions which are deemed viable by the appraisal and have been agreed by the applicant:

- £60,747 for education provision
 - £14,000 open space maintenance
 - £1,350 for waste provision
 - £7,920 healthcare
 - £235,000 off site affordable housing contribution
- TOTAL - £319,017**

21.8 Overall, an assessment has been prepared in accordance with the NPPF and National Planning Practice Guidance demonstrating that the full suite of contributions is not viable. Policy 17 states 'The affordable housing required from a particularly scheme is the following percentage or the amount which is evidenced by an applicant to be viable'. Therefore in conclusion, the Council are satisfied that a full maximum viable contribution will be provided, ensuring that the scheme both mitigating its impact and ensuring infrastructure is provided and affordable housing is provided off site.

21.9 In light of the above, for clarity, the following contributions are sought. These contributions are set out below:

Item	Planning Obligation	Cost (where applicable)
Education	3 First School places (3 x £11,031 = £33,093), 2 Middle School places (2 x £13,827 = £27,654).	£60,747
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling	£1350
Open space	Off-site contribution	£14,000
Affordable Housing	Off site contribution only	£235,000
Health	Provision to accommodate 45 additional patients within existing healthcare facilities.	£7920
Highway Maintenance	Formation of a maintenance management company to maintain the private access road and parking facilities	Management Company

22. Conclusions

- 22.1 The proposal, given its location within the Uttoxeter settlement boundary, accords with the prevailing planning policy context provided in the Local Plan and Neighbourhood Plan and will go some way in boosting housing supply, contributing towards maintaining the Council's 5 year housing land supply.
- 22.2 It is acknowledged that there is some local opposition to the scheme, and this must be taken into account appropriately when reaching a decision on the application. However, opposition to the proposal in principle should be considered in light of the fact it complies with policies brought forward through the plan making process for the Local Plan and will contribute to the Council's overarching vision for the Borough over the next 14 years.
- 22.3 The layout and design accords with the principles and provisions of the East Staffordshire Design Guide, and demonstrate that the site can provide a high quality development appropriate to its context, without detrimentally compromising neighbouring residential amenity.
- 22.4 The highway and access arrangements proposed are considered to be suitable and there will be no significant negative impact on the road network or highway safety arising from the proposal. Parking provision is also adequate across the site.
- 22.5 A suitable drainage strategy can be employed to adequately address the drainage requirements for the proposed development and in turn is likely to contribute in reducing the existing localised flooding issues being experienced in the area.
- 22.6 There is no impact upon identified heritage assets with no intervisibility between them and the site in question. It is therefore considered that the development will not harm the setting or character or appearance of any listed buildings or structures or conservation areas and as such Section 66 and Section 72 are not engaged.
- 22.7 Ecological enhancement measures can be employed to enhance biodiversity habitat within the locality.
- 22.8 Having taken all material representations received into account, it is considered that the proposal constitutes sustainable development which accords with the development plan provided by the policies the East Staffordshire Local Plan and the Uttoxeter Neighbourhood Plan.
- 22.9 The application is therefore recommended for approval as set out below.

RECOMMENDATION

- 22.10 For the reasons set out in the above report then **PERMIT subject to the following conditions and the completion of a S106 agreement to secure the contributions as set out in paragraph 21.9 of this report**
1. Time limit for commencement (3 years)
 2. Approved plans

3. Submission and approval of samples and details of materials of construction 00002F
4. Submission and approval of slab levels and land regrading works
5. Submission and approval of lighting plan (Bespoke)
6. Submission and approval of ecological and biodiversity enhancement measures
7. Submission and approval of a construction management plan 00016g
8. Submission and approval of temporary parking spaces to serve No.s 87 and 89 Westlands Road within the site (Bespoke)
9. Submission of landscaping scheme 00003a
10. Implementation of landscaping 00003b
11. Implementation of fencing and walling 00003d
12. The development hereby permitted shall not be brought into use until the gully connected to a surface water outfall, has been provided at the proposed access to the site in accordance with approved drawing 17-107-10 C (Bespoke)
13. None of the new dwellings shall be occupied until the new parking areas and garage block for No's.87 & 89 Westlands Road as indicated on submitted Drg. No.17-107-01 Rev. C have been provided in a porous bound material (Bespoke).
14. Development to be carried out in accordance with mitigation measures set out in ecology appraisal (bespoke)
15. Development to accord with the recommendations of the FRA (bespoke)
16. Parking spaces shall be retained at all times for their designated purpose and integral garages indicated on the approved plans shall be retained for the parking of motor vehicles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority (Bespoke)
17. Removal of PD rights for future extensions and outbuildings for amenity reasons (00012a).
18. Removal of PD rights for wall and means of enclosure to front of properties except those approved by this consent (00012c)

Informatives

1. Pre-commencement conditions standard informative (002a)
2. Details of when materials are available for inspection (001a)
3. Standard engagement informative (003a)

4. The applicant is advised to note and act upon as necessary the attached comments of the Police Architectural Liaison Officer. However, where there is any conflict between the recommendations of the Architectural Liaison Officer and the terms of the planning consents the latter take precedence.
5. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require exemption under Section 219 - 226 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.
6. The construction of the access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

23. Background papers

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

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2017/00555

24. Human Rights Act 1998

24.1 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.

25. Crime and Disorder Implications

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

26. Equalities Act 2010

26.1 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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