

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 Outline planning permission ref: P/2013/00882 for the erection of 450 No. dwellings and garages including 121 No. affordable units, together with drainage and highways infrastructure, and including details of access, appearance, landscaping, layout and scale (Phase 2)

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

Application Number:	P/2018/00510	
Planning Officer:	Alan Harvey	
Type of Application:	Reserved Matters	
Applicant:	St Modwens Homes	
Ward:	Abbey	
Ward Member (s):	Councillor C Whittaker Councillor G A Allen Councillor Ms L Shelton	
Date Registered:	15 May 2018	
Date Expires:	19 October 2018 - Extension of time agreed with applicants to enable the completion of the review of the viability assessment information and provide revised plans.	

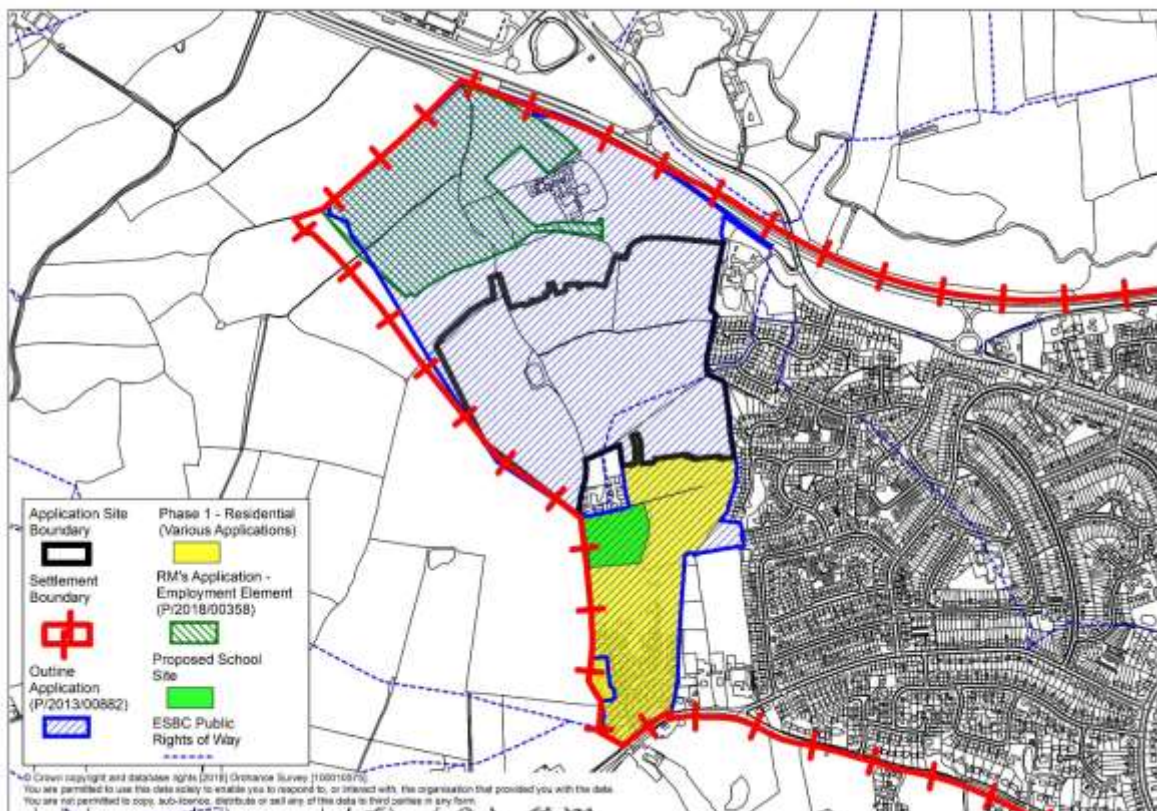
1. Executive Summary

- 1.1 The application site consists of some 19.58 ha of land to the west of Uttoxeter which is part of an overall 50.7 ha site with outline approval (ref: P/2013/00882) for the development of up to 700 No. dwellings, 10 hectares of employment use (Classes B1, B2 and B8), a first school, a mixed use local centre incorporating retail, leisure, social, cultural community and health facilities, green infrastructure, associated engineering works and an 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 450 No. dwellings and garages including 121 No. affordable units, together with

drainage and highways infrastructure, and including details of access, appearance, landscaping, layout and scale (hereafter referred to as Phase 2). The scheme would 'complete' the residential development on the larger development site (of 700 dwellings); with Phase 1 approvals already providing for 250 No. dwellings.

- 1.3 Statutory consultees have raised no objections that cannot be overcome via planning conditions. Both Uttoxeter Town Council and Uttoxeter Rural Parish Council have no comments.
- 1.4 Local residents were notified of the application, a press notice published and a site notice posted. 2 No. local residents made representations raising concerns in respect of the proposals; firstly in relation to parking provision for sports pitches and secondly in relation to the condition of a tree on the common boundary. The parking provision matter has been addressed during the application process whereas the tree condition issue is a private matter.
- 1.5 It is considered that the scheme as now revised is in line with the conditions and remit of the outline planning approval - and its associated Section 106 Agreement - and 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 and proposed 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 in relation to biodiversity and would not affect the setting of heritage assets.

Map of site



2. The site description

- 2.1 The application site consists of some 19.58 ha of land to the west of Uttoxeter which is part of an overall 50.7 ha site with the benefit of outline approval for the development of up to 700 No. dwellings, 10 hectares of employment use (Classes B1, B2 and B8), a first school, a mixed use local centre incorporating retail, leisure, social, cultural community and health facilities, green infrastructure, associated engineering works and an access road linking between New Road and Bramshall Road.
- 2.2 The proposed development (known as Phase 2) is accessed from the spine road which comes off Bramshall Road and is a northern continuation of the approved Phase 1 residential development of 250 No houses being undertaken by St Modwens and Bellway (further to the approval of Phases 1a, 1b, 1c and 1d). The application site is presently grassland with some areas of mature hedgerows. The land is undulating and an open ditch runs along the eastern boundary northwards towards the A50. A public footpath runs east to west across the site.
- 2.3 The application site is adjoined to the north-east by The Parks and to the east by the rear or side garden areas of dwellings on Fradgley Grove, Tunnicliffe Way, Ashleigh Drive and Milverton Drive. To the south-west is Moss Beds Farm and to the west are agricultural lands. To the north is land - presently in agricultural use - which is proposed to be developed through the original outline permission for the strategic site (as Phase 3); a 6.5 ha area of which was recently granted reserved matters approval by Committee for commercial development (this being 'Phase 3a' as set out in the Planning History section below).

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 and 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) with the provision on the subsequent residential phase(s) of the scheme (i.e. of up to 450 dwellings) to have affordable dwelling provision of between 15-30% of

the overall numbers to be determined on the basis of the Council's current guidance at the time of consideration.

- 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) along with open space and formal play facilities (the locations of which have been subsequently agreed under a discharge of condition submission).
- 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.
- The provision of a new first school (primary level with some nursery provision).
- A commuted sum of £2,203,971 for middle school, high school and sixth form places.

3.4 The highway related conditions attached to the outline permission (application ref: P/2013/0882) provided that the spine road through the site was to function as a link road between the northern and southern accesses (New Road and Bramshall Road) and that:-

- No more than 501 dwellings shall be commenced until the spine road has been completed (as per condition 28).
- As part of a movement framework measures should be introduced to restrain the speeds of vehicles along the link road to 20 mph (as per condition 22).
- In terms of proposed off-site works that before 300 dwellings are occupied improvement works need to be undertaken to the Silver Street/Dove Bank/Church Street junction (as per condition 27).

3.5 **Application ref: P/2014/00883** - full planning permission granted for the erection of 58 No. dwellings along with new pumping stations, 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. There have also been a number of discharge of condition

submissions approved in relation to the Phase 1a development to enable the development to progress on the site.

- 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.
- 3.7 **Application ref: P/2016/00216** - Application for reserved matters approval for the erection of 40 No. dwellings (including 13 No. affordable dwelling units), together with drainage and highways infrastructure, and including details of access, appearance, landscaping, layout and scale (hereafter referred to as Phase 1b). Approved in November 2016. There has also been a number of discharge of condition submissions approved in relation to the Phase 1b scheme to enable the development to progress on the site. It is also pointed out that as there was a degree of overlap onto the Phase 1a scheme (with changes of plots and housing designs) that taken together Phases 1a and 1b will bring forward a total of 87 No. dwellings (including 13 No. affordable units). There have also been a number of discharge of condition submissions approved in relation to the Phase 1a/b scheme to enable the development to progress on the site.
- 3.8 **Application ref: P/2016/01040** - Application for non-material amendment in relation to minor changes to the facades of the dwellings on Plots 39-43, 46-48, 51, 54 and 56-58 (on Phase 1a/1b). Approved in August 2016.
- 3.9 **Application ref: P/2017/00025** - An application for a non-material amendment relating to proposed changes to the external elevations of the dwellings on Plots Nos. 68 and 69 (on Phase 1a/1b). Approved in January 2017.
- 3.10 **Application ref: P/2017/00303** - An application for a non-material amendment relating to proposed changes to the parking arrangements/residential curtilages of the dwellings on Plots Nos. 48, 49, 50, 51 and 52 (on Phase 1a/1b). Approved in April 2017.
- 3.11 **Application ref: P/2017/00306** - An application for a non-material amendment relating to proposed changes to the external elevations of the dwellings on Plots 23, 24, 33, 61, 66 and 67 (on Phase 1a/1b). Approved in April 2017.
- 3.12 **Application ref: P/2017/00426** - An application (by Bellway) for reserved matters relating to P/2013/00882 for the erection of 119 dwellings including 18 affordable units, together with drainage, landscaping and highways infrastructure and including details of appearance, landscaping, layout and scale (Phase 1C). Approved in August 2017. Applications for discharge of conditions have been approved to facilitate the development of the site.
- 3.13 **Application ref: P/2017/00572** - An application for reserved matters relating to P/2013/00882 for the erection of 113 dwellings including 17 affordable units,

together with drainage and highways infrastructure, and details of access, appearance, landscaping, layout and scale (referred to hereafter as Phase 1d). Approved in November 2017.

- 3.14 **Application ref: P/2018/00355** - An application for full planning permission for the construction of the (remainder of the) spine road with associated drainage, electricity sub-station, gas governor, earth works and landscaping. Approved in August 2018.
- 3.15 **Application ref: P/2018/00358** - An application for reserved matters application for the erection of 5 No. detached buildings for use as 13 No. units for Class B1 (Business), Class B2 (General Industrial) and Class B8 (Storage & Distribution) Uses and gate house building, including details of access, appearance, scale, layout and landscaping (referred to hereafter as Phase 3a). Approved in August 2018.
- 3.16 **Application ref: P/2018/00510** - An application for reserved matters relating to ref: P/2013/00882 for the erection of 450 dwellings and garages including 121 affordable units, together with drainage and highways infrastructure, and including details of access, appearance, landscaping, layout and scale (Phase 2). Current application (the subject of this report).
- 3.17 **Application ref: P/2018/00573** - An application for widening of existing access onto Bramshall Road for use by construction traffic for a temporary period of 2 years. Approved in July 2018.
- 3.18 **Application ref: P/2018/01117** - An application for a non-material amendment relating to proposed changes to the external elevations of the dwellings on Plots 41 and 42 (on Phase 1d). Approved in September 2018.

4. The proposal

- 4.1 The application is a reserved matters submission for the erection of 450 No. dwellings including 121 No. affordable units, together with drainage and highways infrastructure, and details of access, appearance, landscaping, layout and scale.
- 4.2 The residential accommodation comprises of:
- 36 No. one bedroom dwellings (24 No of which are affordable units);
 - 111 No. two bedroom dwellings (83 No of which are affordable units);
 - 183 No three bedroom dwellings (14 No of which are affordable units);
 - 114 No. four bedroom dwellings
 - 6 No. five bedroom dwellings
- 4.3 The proposed two and three storey dwellings are a mix of detached, semi-detached and terraced units. In terms of the proposed facing materials these comprise either red brickwork or off-white render (or a mix of both); along with external cladding to some plots. The roofs are of brown or grey tiles.
- 4.4 The scheme will be served off the (already approved) spine road running northwards from the northern 'boundary' of Phase 1. The layout of the development has been prepared based on the dwellings being grouped in

three main character forms; 'Rural', 'Suburban Character' and 'Suburban Street.' The 'Rural' housing is largely of detached dwellings and predominantly occupies the areas adjoining the periphery of the site, particularly the boundaries with the open countryside to the west. The 'Suburban Character' and 'Suburban Street' areas are of higher density; with the latter typically including terraced dwellings and apartments in addition to semi-detached properties.

- 4.5 The scheme will utilise the new SuDs basins, the pumping station and electricity sub-station approved on the earlier phases of the development. In addition, the present scheme also proposes additional sub-stations, a gas governor and a further SuDs basin.
- 4.6 The scheme will result in the loss of some existing mature hedgerows and trees. The landscaping being proposed as part of the scheme will, however, include substantial new compensatory tree and hedge planting.
- 4.7 The application (as phase 1d before it) proposes an unplanted buffer - some 5.0 metres in width – which is to be retained to the eastern boundary of the site for access for maintenance purposes to the existing watercourse. The existing hedgerow is also to be retained to the eastern boundary; also common to the existing adjoining dwellings. A 2.0 metre wide buffer with a new hedgerow is proposed to the western boundary with Moss Beds.
- 4.8 The application submissions show the proposed extinguishment (in part) of the existing public right of way (Uttoxeter Town 52) that crosses the site and its proposed diversion to a new route.
- 4.9 The application site also incorporates the areas of formal and informal open space provision previously agreed by way of discharge of conditions submissions (under officer delegated powers) in line with the outline approval. This includes buffer planting areas to the western site boundary and the 2.0 hectares of sports pitches in the eastern area of the site. A car parking area of some 40 No spaces with access off the spine road is proposed for users of the sports pitches as part of this application. The parking area, which was added during the application process, is proposed to be surfaced in grasscrete. There are two LEAP areas incorporated into the application scheme.
- 4.10 During the course of the application revisions and additional submissions have been secured from the applicants in the light of the initial consultation responses of the County Highway Authority, the Public Rights of Way Officer, the Lead Local Flood Authority and the ESBC Tree Officer. These issues are set out in Section 5 in this report and their implications dealt with in detail from Section 8 onwards.

List of supporting documentation

- 4.11 The following documents have been provided as part of the application:
 - Location Plan
 - Proposed Site Layout Plan
 - Proposed Landscaping Plan(s)

- Proposed Materials Plan
- Proposed Dwelling and Garage Type Drawings
- Cycle Shed details.
- Streetscape Drawings
- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Drainage Strategy
- Waste Management Plan
- Arboricultural Submissions
- Ecological Submissions (including Protected Species submissions)
- Biological Enhancement and Habitat Management Plan.
- Transport Statement
- Air Quality Screening

4.12 During the application process the applicants also submitted a viability report which was subject to an independent assessment. This viability review exercise - undertaken over a three month period - concluded that the 'Phase 2' site should be capable of delivering on-site affordable housing levels of 26.89% provided the units (121 No. in total) were to be approximately 50/50% split between affordable rented and shared ownership/intermediate . The applicants have agreed the conclusions of the independent review with the layout plans being revised accordingly to take into account this affordable housing level. The applicants had originally proposed a 15 per cent affordable housing level figure - at 68 No. dwellings - in line with the overall Phase 1 scheme provision.

4.13 The relevant findings of the viability review exercise and all the other technical reports 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	Have no comments at this stage.
5.3	Uttoxeter Rural Parish Council	Have no comments
5.4	SCC Highways	Initially sought revisions to the scheme during the application process to address concerns about lack of parking facilities within the site to serve the playing fields. Further to the submission of the revised scheme with the parking provision shown SCC Highways raise no objections in principle subject to conditions.
5.5	Highways England	No objections.
5.6	SCC Education	Note the matter of education provision is already to be delivered by way of the Section 106 Agreement attached to the outline approval.

5.7	Primary Care	No comments on this submission
5.8	SCC Archaeology	Raise no concerns.
5.9	SCC Rights of Way Officer	Raises no objections to the proposals with its proposed diversion of the existing public footpath (Uttoxeter Town 52) but points out any grant of planning permission does not construe the right to divert, extinguish or obstruct any part of the public path network. The developer will also need to apply to the Borough Council under Section 257 of the Town and Country Planning Act 1990 to divert the right of way to allow the development to commence.
5.10	Cadent	Draw attention to the location of gas pipelines in the locality.
5.11	Environment Agency	No objections
5.12	Severn Trent Water	No objections in principle.
5.13	Local Lead Flood Authority	No objections in principle further to the submission of additional information.
5.14	Natural England	No objections.
5.15	Ramblers Association	Reiterate that they have all the way through the process for the development of this strategic site sought to ensure the Uttoxeter Town No. 52 PROW is retained and thus again wish to request that the safe use of this public footpath is maintained.
5.16	Architectural Liaison Officer	Provides guidance on crime reduction.

Internal Consultees		Response
5.17	Environmental Health	No objections in principle.
5.18	Tree Officer	Requested revisions in relation to the original submissions to provide for retention of existing mature trees and for more new planting on common areas rather in restricted locations in new garden areas. These issues have in turn been addressed by the applicants (and set out in Section 8.0 onwards below).
5.19	Environment Manager	Requires that appropriate bin facilities are made available for the dwellings proposed in the line with the Section 106 Agreement attached to the outline approval.

6. Neighbour responses

- 6.1 Neighbours were notified of the application, a press notice published and a site notice posted. Comments were received on the original submissions from 2 No. local residents/interested parties raising the following objections/concerns summarised below:-

Neighbour responses	
Highways/Transport	<ul style="list-style-type: none"> Two sports pitches are proposed and if these were to be used by sports teams, there ought to be some provision for car parking, otherwise there may be a risk of inconsiderate parking on the spine road which may affect the intended bus service.
Other Matters	<ul style="list-style-type: none"> There is an existing tree on the eastern side of the development site boundary which appears to be likely to cause future safety concerns to the residents of a property on Ashleigh Drive. (the resident concerned this is a private matter between the respective parties).

- 6.2 Further to the submission of a revised plan by the applicants showing the provision of the new parking facilities to serve the sports pitches (of 40 No. spaces) the original correspondent on the issue commented that the amended scheme was *“just the job.”*
- 6.3 Formal reconsultation with all residents was not undertaken on the revised layout - following the changes made to accommodate the amended affordable housing numbers - as it was considered that the scheme would not have any greater material impact over and above that of the layout already consulted upon which the original receipt of the application for Phase 2.

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
- SP4 Distribution of Housing Growth
- SP9 Infrastructure Delivery and Implementation
- 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

Uttoxeter Neighbourhood Plan

- Policy D1 – Residential Design
- Policy D3 – Space between buildings
- Policy T1 – Sustainable Transport
- Policy T2 – Links to the Town Centre
- Policy T3 – Parking Standards
- Policy T4 – Traffic and Town Centre
- Policy L2 – Local Green Spaces
- Policy L3 – Public Open Space
- Policy E1 – Uttoxeter’s Network of Green Infrastructure
- Policy E2 – Landscape and Setting
- Policy E3 – Green Links
- Policy H2 – Housing Mix and Standards
- Policy C2 – Health Provision
- Policy C3 – Education and Childcare Provision

Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Parking Standards
- Waste Storage and Collection Guidance for New Developments

Principle of Development

- 7.1 The principle of the development of the site on lands to the west of Uttoxeter has been established with the approval of the outline planning permission in 2015. Further, the subsequently approved phasing plan provided for the first phase (already approved) to deliver 250 No. dwellings with the second phase to provide for the remainder of the total of 700 No. dwellings. The development of this application site for the 450 No dwellings therefore in principle accords with the outline approval and is in line with Principle 1 and Policies SP1, SP2, SP4 and SP9 of the Local Plan in terms of the location of sustainable development.
- 7.2 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).

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

- 8.1 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.
- 8.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. Policy SP24 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.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 Detailed Policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 8.7 The layout of the development is predominantly one of dwellings being served directly off the highway; either off the link road or off the spur road(s) that will leave the link road. There some small housing squares. It is considered that

the scheme would make adequate provision of bin stores so that they would not be unsightly in the context of the streetscape of the new development.

- 8.8 The proposed scale of the development is a mix of two and three storeys -- like most of the earlier phases (namely 1a, 1b and 1c), and this variation in design in terms of the facades and roofscape within this larger Phase 2 scheme would again create visual interest in the streetscape. Also in terms of the visual appearance of the streetscape there would be sufficient space provided between dwellings.
- 8.9 The Phase 2 scheme reflects the palette of materials that have been used in the earlier phases; with the basis of the facades being either of red brickwork or off-white render. The roofs are of brown or grey rooftiles. Visual interest is provided to the main facades with the use of panels of cladding or render.
- 8.10 In architectural terms, the scheme replicates the contemporary design theme as per the Phase 1a, 1b and 1d developments. As such it is considered that the scheme will provide a coherent streetscape in terms of the visual progression of these earlier (southern) phases of the wider scheme along the spine road.
- 8.11 Parking is generally provided in front or alongside properties and there is good surveillance of parking. A number of detached properties are provided with a detached single or double garage.
- 8.12 The proposed common boundary treatment on individual plots is largely of close boarded fencing. There is also existing hedging retained to the eastern boundary of the site.
- 8.13 In conclusion, therefore, it is considered that the scheme in terms of its design and materials will sufficiently respect the character of the Phase 1 developments and having regard to the siting and scale of the proposed dwellings would be in line with the criteria of Policies DP1 and DP3.
- 8.14 The sustainability approach for this development is for the new housing to incorporate improved fabric energy efficiencies. This is achieved by utilising energy efficient construction methods and water efficiency measures. The proposed development is therefore in line with Policy DP2 of the Local Plan.

9. Residential Amenity

- 9.1 The National Planning Policy Framework (in Section 12) and DP1 and DP3 of the Local Plan seek 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.
- 9.2 With regard to the relationship between dwellings there are separation distances of at least 28 metres between the rear elevations of the proposed dwellings and the principal rear elevations of the existing dwellings to the east of the site. Accordingly, having regard to the distances of separation from existing dwellings, it is considered that the proposed dwellings on the application scheme would not have any significant overbearing, overshadowing or overlooking impacts that would be detrimental to the residential amenities of any existing dwellings. As per the Phase 1d scheme,

there are also sufficient separation distances between the existing outbuildings at Moss Beds and the proposed dwellings along the western side of the site such that future residents of the new dwellings would enjoy acceptable residential amenities.

- 9.3 The development scheme is also considered to have an acceptable relationship with the dwellings to be constructed as part of Phase 1d. Specifically, the scheme has been designed so that dwellings respect the siting of those on the approved scheme for Phase 1d and therefore there are separation distances of some 21 metres between the rear elevations of the respective new properties where this occurs. These design features, along with appropriate proposed boundary treatment provision, ensure that there are no significant overbearing, overshadowing or overlooking impacts that would impact on future residential amenities. Within the development itself the proposed separation distances between habitable windows serving properties are considered to mitigate any overlooking concerns.
- 9.4 The Borough Council's Design SPD sets out in paragraph 2.9 separation distances required. It concludes 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.
- 9.5 Rear Garden area sizes to dwellings start at 9.0 metres in depth, although most properties have garden depths of at least 10 metres. However, given the separation distances between dwellings throughout the development and on the adjoining existing/approved developments it is not considered that the removal of permitted development rights for the erection of garden structures would be justified in this instance
- 9.6 In conclusion, therefore, the proposed layout shows that 450 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.
- 9.7 In relation to activity, the scheme will necessarily generate traffic along the spine road and associated proposed services, however, given the separation distances involved 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 of vehicles to individual new dwellings are unlikely to generate levels of noise and disturbance to the detriment of existing residential amenities.
- 9.8 With regard to the relationship to on-site services, it is also considered that the separation distances from the previously approved pumping stations to the respective nearest proposed dwellings would mean that the operation of these

facilities would not give rise to levels of noise or smells that would be detrimental to future residential amenities.

- 9.9 Insofar as the relationship with the proposed commercial uses on the approved Phase 3a scheme to the north is concerned, it is considered that the separation distance involved - of at least some 100 metres - and the controls put on the hours of operation of the end users (by way of conditions on planning permission ref: P/2018/00358) means the users of the future commercial premises would not be likely to generate levels of noise or disturbance that would be detrimental to the residential amenities of the future occupiers of the dwellings on Phase 2.
- 9.10 With regard to the construction phase, dust generation relating to the proposed development is a matter that will be subject to controls under the Construction Management Plan to be agreed before the start of this phase of the development (as set out in the outline approval). The hours of operation themselves for Phase 2 would fall to be agreed under the Construction Management Plan (under the auspices of a condition of the outline approval); although it is anticipated that these would replicate the applicants agreed hours for Phases 1a, 1b and 1c (and also being proposed for Phase 1d) - these being 7.30 to 19.00 Monday to Friday, 8.00 to 14.00 on Saturdays and no working on Sundays and Bank Holidays.

10. Highway Matters (including Public Rights of Way)

- 10.1 The NPPF in section 9 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes and to ensure safe and suitable access to the site to be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.2 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.
- 10.3 The Council's parking standards SPD - recently revised - sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 10.4 The proposed dwellings on Phase 2 are to be served directly or indirectly (via access roads) off the approved spine road which includes the provision of traffic calming measures and Highways England have no objection in terms of the impacts on the wider highway network. The County Highway Authority also has no objections to the layout proposed. A condition of the outline approval provides for securing details of street lighting.

- 10.5 There is adequate parking servicing each plot, regardless of the size of the property. Many of the larger properties also have additional parking in the form of either standalone garages (some being double) or integral garages. Conditions would 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).
- 10.6 With regard to the provision of vehicle charging points, the applicants advise that they wish to provide an electrical charging point in all garages but are presently awaiting for confirmation from the electricity suppliers that there is sufficient capacity in the system to do this. At this stage, therefore, it is recommended that a condition requiring a scheme for the provision of electrical charging points to be submitted and agreed by the Authority be put in place in relation to any approval for the application.
- 10.7 The parking provisions therefore conform to the Borough Council's updated parking standards.
- 10.8 It is not therefore considered that the proposal would prejudice the safe or efficient use of the highway network.
- 10.9 There is a public right of way (Uttoxeter Town 52) which crosses the lands the subject of this submission and the scheme proposes that this will be diverted (in part) to accommodate dwellings on the layout with the consequential extinguishment of the existing route. The County Council Public Rights of Way (PROW) Officer raises no objections to the proposed diversion of the existing public footpath (Uttoxeter Town 52) but points out that any grant of planning permission does not in itself construe the right to divert, extinguish or obstruct any part of the public path network. The County Council PROW Officer thus points out that the developer will also need to apply to the Borough Council under Section 257 of the Town and Country Planning Act 1990 to divert the right of way to allow the development to proceed. Notes to applicant will draw the attention of the applicants to the need to apply for the formal PROW diversion as well as reminding them to ensure that any development activities do not prevent the safe use of the existing public footpath concerned (either on its present route or any revised route). Such a note addresses in turn the concerns expressed by The Ramblers.

11. Historic Environment

- 11.1 Paragraph 184 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.
- 11.2 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.

- 11.3 Section 72 duty referred to above, case law (Barnwell Manor Wind Energy Ltd) 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.
- 11.4 Section 66(1) 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.
- 11.5 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.
- 11.6 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.
- 11.7 There are no designated above ground heritage assets - conservation areas or listed buildings - within 1km of the application site. The Uttoxeter 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 any 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(1) and under Section 72 are not therefore engaged.
- 11.8 With regard to archaeological value, the County Archaeologist raises no further historic environment concerns regarding the proposals.

12. Flood Risk and Drainage/Contaminated Land

- 12.1 Section 14 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.

- 12.2 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.
- 12.3 The application site is situated in Flood Zone 1 and the Environment Agency and Local Lead Flood Authority have not raised any objections in principle 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 (and will need to be approved in conjunction with the Local Lead Flood Authority), although the scheme will utilise surface water drainage into the approved detention basins on the site whereupon it will be released at a controlled discharge rate into the watercourse that runs along the eastern boundary of the site.
- 12.4 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 provides for mitigation measures to be agreed by the Council ahead of development commencing on Phase 2.

13. Affordable Housing and Housing Mix

- 13.1 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 respond to this requirement.
- 13.2 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.
- 13.3 The Housing Choice SPD expects the market housing mix set out in the table below.
- 13.4 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.
- 13.5 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 33% of affordable housing (as a green field site at

Uttoxeter), however, in the case of the outline permission for this site the Section 106 Agreement (the clauses of which pre-dated Policy SP17) specifically put a maximum upper limit of 30% of affordable housing. 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.

- 13.6 The development, including both market and affordable housing on Phase 2 comprises of 36 No. one bedroom dwellings, 111 No. two bedroom dwellings, 183 No three bedroom dwellings, 114 No. four bedroom dwellings and 6 No. five bedroom dwellings. In overall terms this means that the housing mix on the Strategic site to the west of Uttoxeter (comprising Phases 1 and 2) would be as set out below: -

House type	Phase 1	Phase 2	Housing Choice SPD requirement	Overall Total (Phase 1 and 2)
1 bed	-	12 (4%)	3%	12 (2%)
2 bed	34 (16%)	28 (8%)	28%	62 (12%)
3 bed	87 (41%)	169 (51%)	30%	256 (47%)
4 bed	87 (41%)	114 (35%)	20%	201 (37%)
5 bed	4 (2%)	6 (2%)	9%	10 (2%)
Housing for older people	-	-	10%	0 (0%)
Total (market homes)	212	329		541
OVERALL TOTAL	250 (inc. 38 affordable units)	450 (inc. 121 affordable homes)		700 (inc. 159 affordable homes)

- 13.7 Having regard to the housing mix sought by the Housing Choice SPD, it is recognised that there is no specific designated 'Housing for Older People' units within the scheme. Further, in terms of the housing mix the scheme will also deliver more 3 and 4 No. bedroom dwellings than the Housing Choice SPD seeks to achieve with new build development schemes on greenfield sites in Uttoxeter. It is, nevertheless, also the case that Housing Choice SPD

was adopted in 2016 subsequent to the approval in principle of the outline permission under application ref: P/2013/00882 and that in the absence of any condition being placed by the LPA on the outline approval requiring a specific housing mix the Housing Choice SPD guidance can not be applied retrospectively on a scheme approved in principle before its adoption. Further, and saliently in any event (with reference below to paragraph 13.11), the delivery of further smaller market dwellings (in terms of bedroom numbers) would reduce the ability of the scheme to generate the level of affordable housing that is being proposed as part of the scheme for Phase 2.

13.8 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 again post dates the outline approval this again could not actually be required of the developers at this reserved matters stage. The developers have, however, been encouraged to comply with such provision and have confirmed that 74 No dwellings (16.4% of the total units) are to be built to M4(2) standard. This will actually mean that the 10% figure will be exceeded across the whole site as this provision will result in 74 No. dwellings meeting M4(2) standard out of 700. Similarly, it is arguable that such provision could also count as being 'Housing for Older People' in which case the 10 % figure would also be met in that respect in the context of the SPD.

13.9 Insofar as affordable housing provision is concerned, the Section 106 Agreement attached to the outline scheme requires the current residential phase of the scheme (i.e. of up to 450 dwellings) to have affordable dwelling provision of between 15-30% of the overall numbers to be determined on the basis of the Council's current guidance at the time of consideration

13.10 The application scheme as revised proposes to provide 121 No. affordable housing units in total (26.89% of the overall units) and the breakdown of affordable housing on Phase 2 (as well as Phase 1 and the overall site) by housing type is as follows :-

Dwelling type	Phase 1	Phase 2	Housing Choice SPD	Overall Total (Phase 1 and 2)
Affordable Units per Phase	38	121		159
1 bed	8 (20 %)	24 (20%)	35%	32 (20%)
2 bed	25 (67 %)	83 (69%)	50%	108 (67%)
3 bed	5 (13%)	14 (11%)	10%	19 12%)

- 13.11 In terms of the affordable housing provision for Phase 2 the scheme was subject to substantive review by an independent consultant and it is considered having regard to the balance with schemes viability that in terms of the overall numbers, as well as tenure type and housing type (including bedroom numbers), the scheme as now proposed delivers an appropriate and proportionate allocation.
- 13.12 Insofar as grouping is concerned, the affordable housing provision is distributed throughout the site although given the overall numbers of units being delivered it is considered reasonable that in this instance that clusters of units can be accommodated in numbers of up to 10 on any street. This cluster grouping exceeds the 8 units required in Policy SP17 but is considered an appropriate compromise in this instance given the benefit of the units all being provided on site and as an integral part of providing a wider mix of housing tenures on this sustainable urban extension site.

14. Green Infrastructure/Biodiversity/Impact on Protected Species

- 14.1 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 in planning decisions where relevant.
- 14.2 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 which green infrastructure is expected to meet.
- 14.3 Paragraph 175 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.
- 14.4 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.
- 14.5 Strategic Policy 29 lists criteria including development needing to retain features of biological interest to produce a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 14.6 The scheme will result in the loss of some existing mature hedgerows and trees as a consequence of the development proposals; albeit it is acknowledged that the trees in question are of little or insufficient amenity value in their context. These losses in the short term will change the habitat

for wildlife, however the scheme does provide for substantial new tree planting. Protection measures for existing hedges/trees to be retained are the subject of a condition of the outline approval. 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.

- 14.7 With regard to the impact on habitats and protected species, the scheme would not give rise to any specific concerns that would not be addressed by the landscaping and tree/hedgerow planting that is being provided by this development scheme. The mitigation works on the earlier phases fall outside the remit of this current application (for Phase 2) and officers have addressed the matters raised as part of the discharge of condition submissions in relation to Phases 1b and 1c (Natural England were also been directly involved in the project having granted a derogation licence to St Modwen Homes to clear the development site of Great Crested Newts).
- 14.8 It is therefore concluded, in the light of the applicant's submissions along with the necessary mitigation conditions, that the issue of the impacts on protected species and biodiversity on the Phase 2 scheme has been appropriately addressed.

15. Open space

- 15.1 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.
- 15.2 The scheme provides linkages throughout Phase 2 to the formal and informal children's play areas to be laid out within this site in line with the overall open space provision provided for by the outline approval and already discharged by condition under application ref: P/2016/00164. This provision includes the sports fields, two No. LEAPS as well as informal open spaces which will be landscaped.

16. Made Uttoxeter Neighbourhood Plan

- 16.1 This section sets out an assessment of the proposal against the relevant policies in the Made Uttoxeter Neighbourhood Plan (albeit there is some repetition given the overlapping requirements of the Local Plan policies).
- 16.2 Policy D1 - Residential Design sets out the following criteria for what schemes should seek to do:
- 1) Deliver a strong network of green and blue infrastructure, improving biodiversity and appropriate public and private spaces
 - 2) Reinforce character and identity through locally distinctive design and architecture
 - 3) Establish a gateway to the site and, where appropriate, to the town itself
 - 4) Establish a clear hierarchy of streets and spaces including pedestrian priority routes and integrated existing footpaths

- 5) Deliver a scale, mass and density commensurate with the surrounding townscape (particularly for apartment proposals)
 - 6) Establish a sensitive transition with the wider landscape where a new settlement edge is created
 - 7) Use sustainable drainage systems and water management, through water catchments and green spaces to avoid increasing surface water run-off into watercourses to alleviate flooding and improve water quality.
- 16.3 Where appropriate developers should demonstrate how they have addressed their criteria through the use of masterplans, design coding and design briefs for specific sites. In appropriate circumstances planning conditions may be placed on planning applications to ensure that any design codes and planning briefs are respected as part of the development concerned.
- 16.4 Policy D3 aims to see quality public realm between developments. The relevant part of the policy is set out below:
- 16.5 Appropriate contributions will be sought from developments to establish a high quality environment within streets and public spaces. Applications which offer high standards of public realm design as part of residential, and town centre developments – specifically on the key sites identified in policy TC2 - will be strongly supported, subject to meeting the other policies of this Plan and the Local Plan. Schemes should ensure routes and spaces are well lit and subject to passive surveillance. Applications must provide a materials palette consistent with that found in the Uttoxeter vernacular.
- 16.6 The requirements of Policies D1 and D3 are broadly consistent with the Local Plan Design policy and overall it is considered that the house types and the layout of the scheme ensure that the criteria set out above are met. The materials as a continuation of the existing palette are considered appropriate to the locality. The scheme also utilises a sustainable drainage system (as have the earlier phases) and provides for compensatory planting.
- 16.7 Policy T1 – Sustainable Transport states that all applications, regardless of scale, should consider their wider impact on traffic and road safety. It also states that 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.
- 16.8 Policy T2 states that new development, where appropriate, should contribute towards the provision and enhancement (including servicing and lighting) of pedestrian and cycle links to the wider town and to routes identified under Policy E3 (Green Links). The policy also seeks improvements to existing key walking and cycling routes, including from development sites to the town centre.
- 16.9 The proposal forms part of the larger development scheme on lands to the west of Uttoxeter (as per the outline approval of November 2015) which includes the provision of a bus service through the site and to the town centre (upon the occupation of the 250th dwelling as per the Section 106 Agreement attached to the outline approval) along with pedestrian and cycle links to the other areas of the town through the introduction of pavements and enhancement of safe linkages. The outline approval also set the parameters to ensure sufficient space within garages or within residential plots for the

storage of cycles and the County Highway Authority are satisfied that in principle these have been met. Having taken all relevant matters raised by the proposal into account, it is considered that the proposal meets the policy requirements.

16.10 The Uttoxeter Neighbourhood Plan includes a specific policy (T3) on parking standards and the level of provision within the site is appropriate for the development being proposed and meets the standard set out in the recently update District Council's Parking SPD.

16.11 Policy T4, Traffic and the Town Centre requires the following:

“All major applications should take account of the consequent traffic impact on the town centre. Where appropriate major planning applications should be designed to reduce and manage journeys and reduce environmental and road safety impacts.

Applications that are likely to generate heavy commercial vehicle movements will only be supported if they commit to a routing strategy that avoids the town centre. Applications that through their location or design are able to help reduce the number of heavy commercial vehicles through the town centre will also be supported.”

16.12 As set out in this report the County Highway Authority has no objections to this reserved matters scheme on its own merits.

16.13 In relation to the current application for 450 No. dwellings the scheme itself does not include the construction of the spine road; as the recent full planning permission (ref: P/2018/00355) provides for that. A condition of the outline approval (No. 28), however, which requires that the spine road has to be completed before works on the 501st dwelling is commenced means that the road will be completed (at the latest) during the Phase 2 construction phase. In terms of the capability (or otherwise) of the spine road for the taking of HGV's is concerned this is a matter that will fall under the remit of the County Highway Authority as this will be controlled by a weight limit under the Highway Acts.

16.14 Policy L3 requires the provision of new public open space as part of large residential developments. The public open spaces should be new allotments, parks and play spaces and playing pitches. Other recreational facilities such as trim trails and other forms of social space will also be supported. For developments over 11 dwellings, public open space should be provided on site in line with the Open Space SPD.

16.15 The proposals for open space are set out elsewhere in this report and the proposal largely addresses this neighbourhood plan policy (albeit that allotments did not form an integral part of the provisions set for the scheme at the outline stage).

16.16 Policy E1 seeks to establish a network of green infrastructure, including existing trees, hedgerows, historic field patterns, the Strategic Green Gap and other such assets across the town linking the landscape setting with the urban area. Applications which retain and enhance such features and take the opportunity to re-introduce them into key sites, will be supported. Schemes

which seek to establish lines of trees or hedgerows to contribute to this network within the urban street scene will also be supported.

- 16.17 The proposals for green infrastructure are set out elsewhere in this report and include a variety of different types of space and features. The proposal meets this neighbourhood plan policy.
- 16.18 Policy E2 states that new development should protect and where appropriate enhance the landscape setting of the town, and with a particular emphasis on the Picknall, Tean and Dove valleys. Planning applications that would result in the loss or fragmentation of this setting will not be supported. Planning applications that sensitively manage flood risk issues will be supported. All planning applications should demonstrate the extent to which they have respected and reinforced historic landscapes in general, and field patterns in particular.
- 16.19 Flooding and landscape considerations are set out elsewhere in this report, however it is considered that any flood risks will be sensitively managed through the use of SuDS provisions and the layout of the scheme has been designed to provide for appropriate levels of landscaping.
- 16.20 Policy H2 states that in order to secure a sustainable and mixed community, outside the town centre, each development site of greater than ten houses should provide a mix of dwelling types, including bungalows, executive housing and starter homes, and a range of tenures, including affordable housing provision in line with the East Staffordshire Local Plan. Affordable housing should be in accordance with the East Staffordshire Local Plan policy. All new residential development should demonstrate how it will be suitable, flexible and accessible for all users and occupants.
- 16.21 The housing mix assessment is set out elsewhere in the report and it is considered having regard to the outline approval that a suitable mix is provided and includes properties that are suitable for a range of users and occupants. The affordable housing provision is in line with the clauses of the Section 106 Agreement.
- 16.22 Policy C2 relates to health provision and states that where appropriate, contributions for primary healthcare infrastructure will be sought to meet housing and employment growth. The Neighbourhood Plan will support applications for development which demonstrably seek to improve health through play and sports space, high quality and attractive walking and cycle links suitable for all users, subject to compliance with other Plan policies.
- 16.23 The application proposal is an integral part of the larger development site which will deliver (as required by conditions) the quantity and type of open space and green infrastructure that will offer opportunities for health and wellbeing. The scheme thus readily benefits from this substantial informal and formal open space. The outline approval does not in the Section 106 agreement provide for a contribution towards primary healthcare infrastructure and a reserved matters application can not in legislative terms impose such a requirement retrospectively.
- 16.24 Policy C3 relates to Education and Childcare Provision and seeks to ensure the provision of education and childcare facilities in sustainable urban

extensions. The existing Section 106 has in place requirements for the provision of a first school (primary level with some nursery provision) on the larger site along with a commuted sum of £2,203,971 for middle school, high school and sixth form places.

- 16.25 Taking the above context into account and the fact that the outline approval pre-dates the Neighbourhood Plan, it is considered that the proposal complies with the overall aims of the relevant policies in the Neighbourhood Plan.

17. Section 106 Matters/Other Matters

- 17.1 As set out in this report insofar as the matters are relevant to this ('second') 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.

18. Conclusions

- 18.1 This proposal (for Phase 2) will result in the continuing development of the sustainable urban extension site to the west of Uttoxeter upon which the principle of development has previously been established by the granting of outline planning permission in 2015.
- 18.2 The submitted details for Phase 2 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 units, 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 (1) 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. (Bespoke)
3. Parking and turning facilities to be provided before each dwelling is first occupied (Standard Condition No. 00004a).
4. Garages to be retained as being available for parking at all times. (Standard Condition No. 00004d).
5. Provision of approved cycle shelters to those dwellings without garaging prior to first occupation and thereafter retained. (Bespoke)
6. Any soakaways to be sited a minimum distance of 5.0 metres back from the edge of the highway. (Bespoke)
7. All landscaping works to be undertaken in first season post completion (Standard Condition No. 00003b).
8. Security fencing to be provided to pumping station/electricity substation/gas governor compound(s) before the facility(s) concerned are first brought into use. (Bespoke).
9. Bin stores to be provided before the dwelling(s) they serve are first occupied (Bespoke).
10. The dwellings identified on the approved plans as being proposed to be constructed in accordance with Building Regulation 2010 Standard M4 (2) shall be completed to that standard before first occupation (Bespoke).
11. The car parking to serve the playing fields shall be provided in accordance with the approved plans prior to the playfields being brought into use (Bespoke).
12. Vehicle charging points to be provided to prior to first occupation and retained to the garaging of dwellings in accordance with a scheme that shall be first agreed with the LPA (Bespoke).

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. Contact ESBC Waste Management in relation to provision of bins.
5. The developer is reminded to ensure there is safe access at all times for users of the existing public right of way which runs through the application site (either as per the existing route or any legally diverted route).
6. The developer is advised that consent is required under Section 257 of the Town and County Planning Act to divert the public right of way which runs through the application site

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 Reserved Matters Application file reference P/2018/00510
- Papers on the Reserved Matters Application file reference P/2018/00358
- Papers on the Planning Application file reference P/2018/00355
- Papers on the Reserved Matters Application file reference P/2017/00572
- Papers on the Reserved Matters 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 Reserved Matters file reference: P/2016/00216
- Papers on the Reserved Matters Application file reference: P/2017/00426

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.

For further information contact: Alan Harvey
Telephone Number: 01283 508618
Email: alan.harvey@eaststaffsbc.gov.uk