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<b>Agenda Item:</b>	5.2
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<b>Site:</b>	Land at Demontfort Way, Uttoxeter, Staffordshire, ST14 8XU
<b>Proposal:</b>	Erection of eight detached bungalows including car parking, access and entrance gates.

### Report of Head of Service (Section 151 Officer)

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

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#### [Hyperlink to Application Details](#)

<b>Application Number:</b>	P/2018/01208	
<b>Planning Officer:</b>	Kerry Challoner	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	Mr Dave Tyler	
<b>Ward:</b>	Town	
<b>Ward Member (s):</b>	Councillor Mrs S J McGarry Councillor P Hudson	
<b>Date Registered:</b>	25 October 2018	
<b>Date Expires:</b>	20 December 2018	

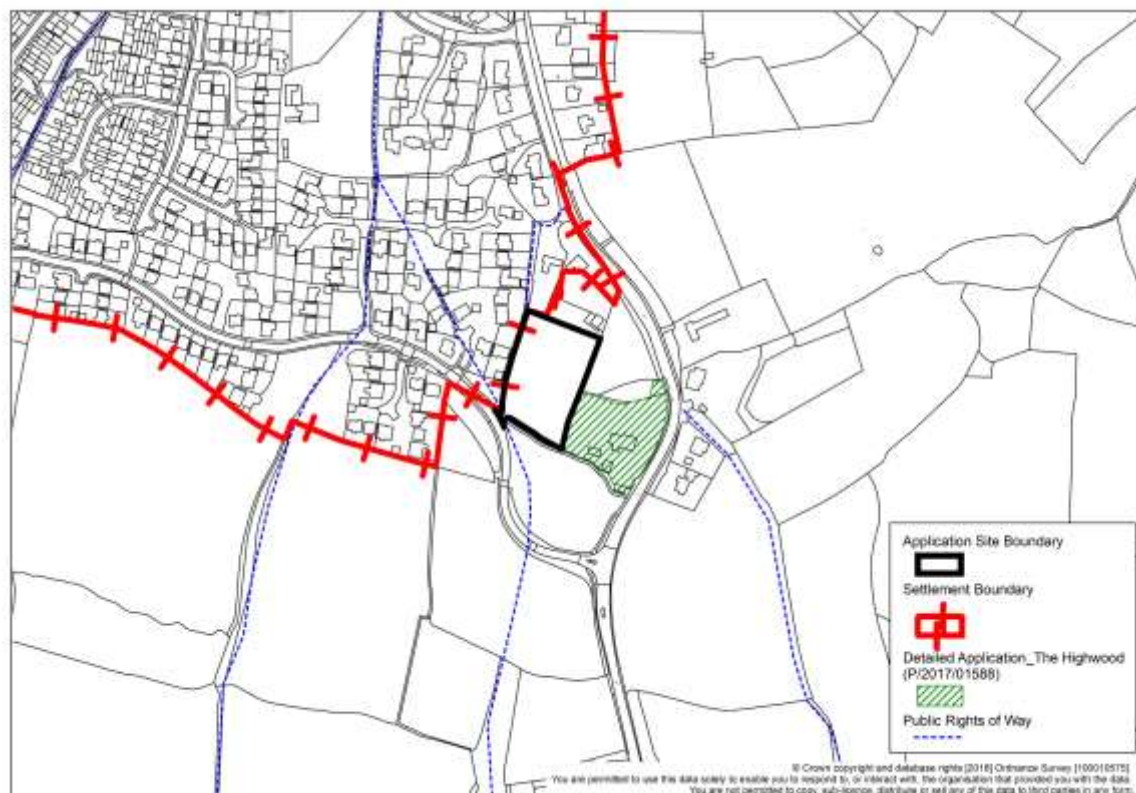
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## 1. Executive Summary

- 1.1 The application site comprises of 0.49 hectares of existing agricultural land located on the Southern edge of Uttoxeter. The site is bound to the North and East with existing residential properties. Public Footpath No. 9 Uttoxeter Town runs alongside the western boundary of the application site and Public Footpath No. 10 Uttoxeter Town crosses the proposed access for the development from Demontfort Way. The site is located outside of the settlement boundary for Uttoxeter as defined in the Local Plan.
- 1.2 The application is a full proposal for the erection of eight three bed detached bungalows along with a new access onto Demontfort Way including the relocation of existing street signage. Vehicular and pedestrian gates are proposed at the new access to the development.

- 1.3 The statutory consultees have raised no objections that cannot be overcome by planning conditions. The Town Council have raised no objections to this proposal, subject to the neighbours residential amenities, recommendations of the ecology and tree reports and the existing public footpaths being given appropriate consideration. No responses were received from neighbouring occupiers or local residents.
- 1.4 Although the application site is located outside of the settlement boundary for Uttoxeter as defined in the Local Plan there are other material considerations which are relevant in this case. Principally, the site benefits from an extant planning permission for 10 detached dwellings. Material weight must be given to this 'fallback' position in the assessment of this proposal. It is considered that when taking into consideration the fallback position, in principle an approval is warranted contrary to the provisions of the Local Plan and the National Planning Policy Framework in respect of the location of new residential development.
- 1.5 This proposal would be in keeping with the locality and it is considered that 8 bungalows can be assimilated into the site without compromising the character and appearance of the area or blocking existing public rights of way. The proposal would cause no harm to protected species and it is not considered that the proposal would increase flood risk. The County Highways Authority have raised no objections to the proposed access and the parking provision would meet with the Car Parking Standards SPD.
- 1.6 **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 0.49 hectares of existing agricultural land to southern edge of Uttoxeter.
- 2.2 The site is bound to the north and east by traditional residential properties, and by a recently constructed estate to the west, to the south of the site is the access road to Demontfort Way with open fields beyond that.
- 2.3 The application site slopes gently from the access from Demontfort Way to the northern boundary of the site with existing residential properties. There are no landscape features within the site; however existing hedgerows and hedgerow trees form the boundary to the field giving a soft edge to the site. The large Ash tree to the southern boundary of the site is covered by Tree Preservation Order 120.
- 2.4 The site lies outside of the Uttoxeter Development Boundary as defined in the Adopted Local Plan.

## 3. Planning history

- 3.1 Application ref: **P/2014/00502**- Outline application for the erection of up to 10 dwellings with all matters reserved. The application was approved in July 2015.
- 3.2 Application ref: **P/2018/00296**- Reserved Matters application for the erection of 10 detached dwellings including details of access, appearance, landscaping, layout and scale- The application was approved in June 2018.
- 3.3 Adjacent site to the immediate East of the application site:

Application ref: **P/2017/01588**- Demolition of existing outbuilding to facilitate the erection of two detached dwellings with associated detached garages, erection of a detached garage to serve existing dwelling and formation of a canopy to the North elevation on the existing annexe- This application was approved subject to conditions in December 2017.

## 4. The proposal

- 4.1 This application is a full proposal for the erection of eight dwellings, with pedestrian and vehicular access utilising the existing field access off Demontfort Way. 1.8m high wrought iron pedestrian and vehicular gates are proposed at the new access. The gates are proposed to be set back into the site in order to meet with Highways requirements and to avoid obstructing the existing public rights of way. The proposed layout broadly reflects the recently approved scheme, although the arrangement of the dwellings has been amended to reflect the updated design of the dwellings.
- 4.2 The proposed new dwellings are detached single storey bungalows comprising of three bedrooms. The proposed dwellings are modern in appearance with gable features and open porches, reflecting the design approach taken in the adjacent housing development. The proposed materials have been submitted as part of this application and comprise red facing brickwork with grey tiled roofs over.

- 4.3 The dwellings will each be provided with either an integral garage (plots 2, 3, 5, 6 and 8) or a detached double garage (plots 1, 4 and 7). A landscaping scheme has been provided which indicates grass and shrub planting to the frontage of each dwelling along with a block paved drive. Rear gardens would include a paved patio area and would be enclosed by 1.8m high close board fencing.
- 4.4 The application is supported by a tree survey which identifies the trees and site and considers the below ground, and above ground constraints on development and considers the future pressures to undertake tree works, and concludes that subject to appropriate tree protection measures no issues should arise in relation to construction, whilst also suggesting there are no above ground constraints to development. An Ecological Appraisal has also been provided which sets out a number of mitigation measures which should be incorporated into the new development such as bat and bird boxes and hedgehog friendly fencing.

#### List of supporting documentation

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

- Location Plan
- Proposed Site Layout Plans
- Proposed Site Sections
- Proposed Elevations and Layout Plans
- Ecological Report
- Tree Survey and Method Statement

4.6 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 Town Council	<ul style="list-style-type: none"> <li>· The Planning Authority take into account the impact on the amenity of neighbouring properties and their comments prior to a decision being made.</li> <li>· The recommendations of the ecology and tree reports, (to protect bats and hedgehogs and to protect the biodiversity of the area), be made conditions of development.</li> <li>· The development be subject to appropriate maintenance or acceptable diversion of the footpath that passes through the development area due to it being a public right of way.</li> </ul>
5 SCC Highways	No objection subject to conditions
5 SCC Public Rights of Way	Public Footpath No. 9 Uttoxeter Town runs alongside the western boundary of the development and Public Footpath No. 10 Uttoxeter Town crosses the proposed access for the development from Demontfort Way. The development does not appear to directly affect either public right of way,

		however, the attention of the applicant should still be drawn to the existence of the footpaths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.
5	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	Ramblers Association	No objections were raised.

Internal Consultees		Response
5	Environment Manager	No objections subject to the provision of appropriate refuse containers. The proposed bin presentation point as shown on the revised site plan is considered to be acceptable.
5	Tree Officer	No objections were raised.

## 6. Neighbour responses

6.1 Neighbours have been notified of the application and press and site notices have been posted. No representations have been received.

## 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
- SP4 Distribution of Housing Growth 2012 – 2031
- SP8 Development Outside Settlement Boundaries
- SP24 High Quality Design
- SP29 Biodiversity and Geodiversity
- 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
- DP8 Tree Protection

### 'Made' Neighbourhood Plans

#### Uttoxeter Neighbourhood Plan

- Policy D1 – Residential Design
- Policy D3 – Space between buildings
- Policy E1 – Uttoxeter’s Network of Green Infrastructure
- Policy E2 – Landscape and Setting
- Policy T1 – Sustainable Transport
- Policy T3 – Parking Standards

## 8. Principle of Development

8.1 The National Planning Policy Framework (July 2018) states that at the heart of the NPPF 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 11 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with an up to date development plan without delay; and
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reasons for refusing the development proposed; or
- 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;

8.2 Annex 1 of the NPPF states that ‘existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework (July 2018). Due weight should be given to them, according their degree of consistency with the NPPF. The closer the policies in the plan to policies in the framework, the greater the weight that may be given’.

8.3 In relation to the ‘5 Year land Supply’, the most recent calculation uses figures as at 30th September 2018 and concludes there is 6.19 years of supply. Therefore the policies in the plan can be considered up to date.

### Local Plan

8.4 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.

8.5 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.

8.6 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Uttoxeter is identified as a main settlement to take housing development mostly in the form of sustainable urban extensions with most development expected to take place within the settlement boundary.

8.7 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:

- essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
- in accordance with a ‘made’ Neighbourhood Plan; or
- development under the Rural Exception Sites policy
- Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
- Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
- Provision for renewable energy generation, of a scale and design appropriate to its location
- Otherwise appropriate in the countryside

8.8 Policy SP8 of the Local Plan also states that :-

*“Where major residential sites are consented and implemented outside but adjacent to the settlement boundary they will be excluded from this policy and for the purposes of decision making on future proposals such as extensions or replacement dwellings will be considered within the built urban area.”*

8.9 The proposal for 8 bungalows does not constitute a major residential site and therefore this part of SP8 does not apply.

8.10 Having regard to the adopted Development Plan policies, the site lies outside but immediately adjacent to the settlement boundary for Uttoxeter. The site in its entirety was physically included within the red line boundary of an outline consent granted approval in 2015, for which reserved matters were approved in June 2018. It is important to note that the consent was forthcoming in 2015 owing to the absence of a five year land supply, despite the Local Plan being at an advanced stage. It was not until the Inspector issued his report into the Local Plan examination that the Borough Council had more weight to apply to the strategy and supply position which was positive upon adoption. Notwithstanding the position of the site outside the development boundary, there remains a ‘fall back’ position as set out earlier in this report.

8.11 The proposed development does not comply with the criteria for development set out in Local Plan Policy SP8. However it is the case that applications should be determined in accordance with the development plan unless material consideration indicate otherwise. The material



consideration with the original outline application was the absence of a five year land supply. In this case there is a different material consideration, the 'fallback', which needs to be considered.

8.12 The material planning consideration in the assessment of this application is the extant permission for the erection of 10 two storey dwelling houses, utilising the same access off Demontfort Way. This is a 'live' consent which could be implemented anytime before June 2020.

8.13 It is therefore considered that given the material circumstance in 8.12 above the Borough Council could not seek to reasonably defend a refusal of planning permission on the grounds that the current scheme would be contrary to the aims of the development plan policies in terms of the location of sustainable development.

8.14 It is nevertheless, of course, also necessary to assess the scheme in terms of its visual and residential impacts, ecological impacts, flood risk/drainage implications and highway safety.

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

9.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

9.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.

9.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide. Policy DP8 relates to Tree Protection.

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

9.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:

- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;

- (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
  - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
  - (d) Repetitive house types should be avoided;
  - (e) The cramming together of large numbers of detached properties should be avoided.
  - (f) High proportions of frontage car parking will not be acceptable.
- 9.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 9.7 Policy E2 of the Uttoxeter Neighbourhood Plan states that new development should protect and where appropriate enhance the landscape setting of the town. 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. 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.
- 9.8 Policy D1 – Residential Design of the Uttoxeter Neighbourhood Plan sets out the following criteria for what schemes should seek to do:
- Deliver a strong network of green and blue infrastructure, improving biodiversity and appropriate public and private spaces
  - Reinforce character and identity through locally distinctive design and architecture
  - Establish a gateway to the site and, where appropriate, to the town itself
  - Establish a clear hierarchy of streets and spaces including pedestrian priority routes and integrated existing footpaths
  - Deliver a scale, mass and density commensurate with the surrounding townscape (particularly for apartment proposals)
  - Establish a sensitive transition with the wider landscape where a new settlement edge is created
  - 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.
- 9.9 Policy D3 of the Neighbourhood Plan aims to see quality public realm between developments.

- 9.10 The proposed new dwellings in terms of their design, scale and massing reflect the details of the modern dwellings within the adjacent housing estate. All of the proposed dwellings are single storey in height, with variation in terms of facades and roofscapes which contribute towards visual interest within the street scene. The layout of the proposed scheme also allows for spacious plots in keeping with the overall character of the surrounding residential development.
- 9.11 Parking is provided within the curtilage of each dwelling, which includes the provision of a garage to serve each property. The proposed landscaping scheme would ensure that there is sufficient shrub planting and grassed areas to the frontage of each dwelling to soften the appearance of the development.
- 9.12 The application includes an Arboricultural Assessment which reports that all trees on the site are either of moderate quality/value or low quality/value with the exception of the protected Ash tree located along the Southern boundary of the site. It is considered that the new tree planting as part of the landscaping plan would form an integral part of the development and would help to mitigate the losses of trees which are currently located at the site. A landscaping condition is proposed which would require plants and trees to be replaced within a period of 5 years with others of a similar size or species if they die, are removed or become seriously damaged or diseased.
- 9.13 In conclusion it is considered that the proposed scheme in terms of its design and materials will sufficiently respect the character of the locality and having regard to the siting and scale of the proposed dwellings would be in line with the criteria of Local Plan Policies DP1 and DP3 and policies E1, E2, D1 and D3 of the Uttoxeter Neighbourhood Plan.
- 9.14 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%
<b><i>Housing for Older People**</i></b>	10%
2-bedroom houses	8%
3-bedroom houses	30%
4-bedroom houses	20%
5-bedroom houses	9%

- 9.15 The proposal is for 8 x 3 bedroom single storey properties and would not meet the housing mix set out above. Officers have carried out a review of completions since the beginning of the Plan Period and there have been no

bungalows completed in Uttoxeter during this time, with permission granted for 8 x 1 bedroom bungalows. The reserved matters consented scheme 'the fallback' is for 10 x 4 bed properties. The housing mix as set out in the table above shows more of a requirement when combined for 3 bedroom properties and housing for older people than for 4 bedroom properties, and therefore the proposed bungalows are considered to be a benefit of the scheme.

## **10. Residential Amenity**

- 10.1 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.
- 10.2 With regards to neighbouring amenity it is considered that the scheme as proposed would not result in any significant adverse impact. There is sufficient distance, including a public right of way between the proposed bungalows and the closest existing dwellings in Smallcross Close to the West of the site to ensure that the development would not lead to an overbearing impact. The proposed dwellings are single storey in height, and taking into consideration ground levels it is noted that the development would cause no harm to the residential amenity of neighbouring occupiers in terms of loss of light or privacy.
- 10.3 The scheme has been designed with a neighbourly layout in terms of the positioning of new houses. Each dwelling is served by a spacious private rear garden and amenity space to the frontage. Provisions will be made during construction to allow for fibre broadband to be installed. If fibre is not yet available in Demontford Way, the construction of ducting and separate sockets will allow this to be installed in the future.
- 10.4 It is therefore considered that the scheme would integrate well with the existing and proposed built form, and as such would comply with Local Plan policies DP1, DP3 and DP8.

### **Historic Environment**

- 10.5 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, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 10.6 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.

- 10.7 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.
- 10.8 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.
- 10.9 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.
- 10.10 There are no heritage assets- Conservation Areas or Listed Buildings- within the immediate vicinity of the application site. It is not considered that the proposal will have any impact on views into, or those out of any 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. Sustainability (energy efficiency and low carbon)**

- 11.1 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. A number of criteria apply to ensure sustainable development.
- 11.2 The proposed dwellings will be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient. Whilst there is no specific design for solar gain it is considered that the proposed dwellings will be constructed to a high standard in terms of energy efficiency and will not result in a significant increased carbon footprint. It is therefore considered that the proposals would accord with policy SP2 of the Local Plan.

## **12. Highway Matters**

- 12.1 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 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.

- 12.2 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.
- 12.3 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.
- 12.4 The Uttoxeter Neighbourhood Plan Policy T1 requires all applications to consider the impact on traffic and road safety and Policy T3 (parking standards) requires new residential development to demonstrate that sufficient parking will be available in line with the Council's Parking Standards SPD.
- 12.5 A new access would be created utilising an existing field access off Demontfort Way. This access will provide the pedestrian, cycle and vehicular access and egress for the proposal. The requirements of the Council's parking standards SPD would be met, with each plot having two parking spaces within the frontage along with a garage.
- 12.6 The applicant has confirmed that vehicle electric charging points will be provided within the garages of each plot in order to ensure that the scheme supports the use of electric vehicles in accordance with the Council's Parking Standards. A condition would be added to any decision which would require the vehicle electric charging points to be installed prior to first occupation in those respective plots.
- 12.7 It is concluded having regard to the comments of the County Highway Authority that the proposed access and parking arrangements are acceptable and the proposal would cause no material detriment to highway safety. Conditions are recommended in line with the advice provided by the County Highway Authority.

### **13. Flood Risk and Drainage**

- 13.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

- 13.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 13.3 The site is not located within an identified flood risk area being in Flood Zone 1 nor is it an identified local flooding hotspot. Severn Trent Water Ltd have been formally consulted with regard to the proposal and have raised no objections subject to the submission and approval of a scheme for the disposal of foul and surface water.
- 13.4 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. The proposal is therefore considered to be compliant with Local Plan Policy SP27 and the NPPF.

#### **14. Biodiversity**

- 14.1 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.
- 14.2 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.
- 14.3 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.
- 14.4 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 if prescribed mitigation measures are carried out. 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. Such measures would include (but not limited to) bird and bat boxes and hedgehog friendly fencing. A further condition is required to ensure that the development is carried out in accordance with the conclusions of the submitted report.
- 14.5 The application site lies within the 15 km buffer zone of the Cannock Chase Special Area of Conservation (SAC) which is a European Designated Site which are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). However, the site falls outside the 8km remit of any necessary SAC mitigation measures required by Policy DP11 of the Local Plan and the Cannock Chase Special Area of Conservation Guidance to Mitigate the Impact of New Residential Development (2018).

- 14.6 Having regard to Policy DP8 of the Local Plan, the proposed development will not result in the loss of any trees or shrubs which make a significant contribution to the visual amenities of the locality. The submitted Tree Survey and Method Statement confirm that the development can be implemented without causing detriment to the Ash Tree protected under TPO 120. New tree planting is proposed as part of the landscaping scheme on the development site. Conditions are therefore recommended to ensure that the mitigation measures outlined in the tree report are adhered to and the landscaping plan is implemented diligently.
- 14.7 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.

## 15. Section 106 Contributions

- 15.1 Planning Practice Guidance states that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. One of these circumstances is that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). This guidance came into force in 2016. Therefore, whilst the previous application was subject to a S106 agreement, there is no basis to seek one for this application.

## 16. Conclusions

- 16.1 The principle of the development for housing is already established by the extant planning permission. There is desirability for a scheme to be delivered on the site in order to play a part in meeting the boroughs housing requirements and achieving sustainable growth. The house types as arranged would achieve a high standard of appearance in built form and the development would not result in any un-neighbourly relationships to existing properties. The proposal would cause no harm to any designated heritage assets.
- 16.2 Accordingly, it is considered that there are insufficient grounds for a refusal. The principal of the proposal would bring forward a housing scheme as per the terms of the original outline permission and the design would be in compliance with the aims and criteria of policies from the Local Plan, the Council's SPD's and the National Planning Policy Framework.

### 16.3 **RECOMMENDATION- Approve subject to the following conditions:**

1. Standard three year commencement condition
2. Approved Plans (Standard Condition No. 00002)
3. Sample materials (Bespoke)
4. Foul water drainage details and implementation (Bespoke)
5. Access, Turning and Parking areas to be provided in porous material before each dwelling is first occupied and thereafter retained (Bespoke)
6. Details of relocation of street lighting/ furniture (Bespoke)
7. Details of road construction and footways (Bespoke)



8. Provision of visibility splay in accordance with approved plans (Bespoke)
9. Provision of a Construction Vehicle Management Plan (Bespoke)
10. Landscaping to be undertaken in the first planting season following the completion of the development (Standard Condition No. 00003b)
11. Boundary treatments to be provided before each dwelling is first occupied (Bespoke)
12. Provision and retention of bins to serve each dwelling (Bespoke)
13. Protected species/bird mitigation measures to be implemented in accordance with the recommendations of the submitted ecology assessment (Bespoke).
14. Protection of trees to be implemented in accordance with the recommendations of the submitted tree survey (Bespoke).
15. The provision and retention of electrical charging points to the garaging to each dwelling (Bespoke)
16. Removal of Permitted Development Rights for roof alterations/ extensions (Bespoke)

### **Informatives**

1. Standard Engagement informative.
2. Standard timing/cost of discharge of condition informative
3. County Highway Authority advice in relation to works on the Highway and need for consents under the Highway Acts.

## **17. Background papers**

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

- The Local and National Planning Policies outlined in the report above.
- The documentation from the following planning files:
  - Papers on the Outline planning application file reference P/2014/00502
  - Papers on the Reserved Matters planning application file reference P/2018/00296

## **18. Human Rights Act 1998**

18.1 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.

## **19. Crime and Disorder Implications**

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

**20. Equalities Act 2010**

20.1 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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