

<b>Agenda Item:</b>	5.3
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<b>Site:</b>	Site of Glenville Farm, Tutbury Road, Burton upon Trent , DE13 0AJ
<b>Proposal:</b>	Reserved Matters application for the erection of 110 dwellings (Phase 1) including details of appearance, landscaping, layout and scale (Revised plans received).

### 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](#)

<b>Application Number:</b>	P/2017/01556	
<b>Planning Officer:</b>	Rob Duckworth	
<b>Type of Application:</b>	Reserved Matters	
<b>Applicant:</b>	Mrs Michaela Eaves	
<b>Ward:</b>	Outwoods	
<b>Ward Member (s):</b>	Councillor Mrs B Toon Councillor D H Goodfellow Councillor S P Gaskin	
<b>Date Registered:</b>	11 December 2017	
<b>Date Expires:</b>	09 March 2018 and EOT to 31 <sup>st</sup> January 2019	

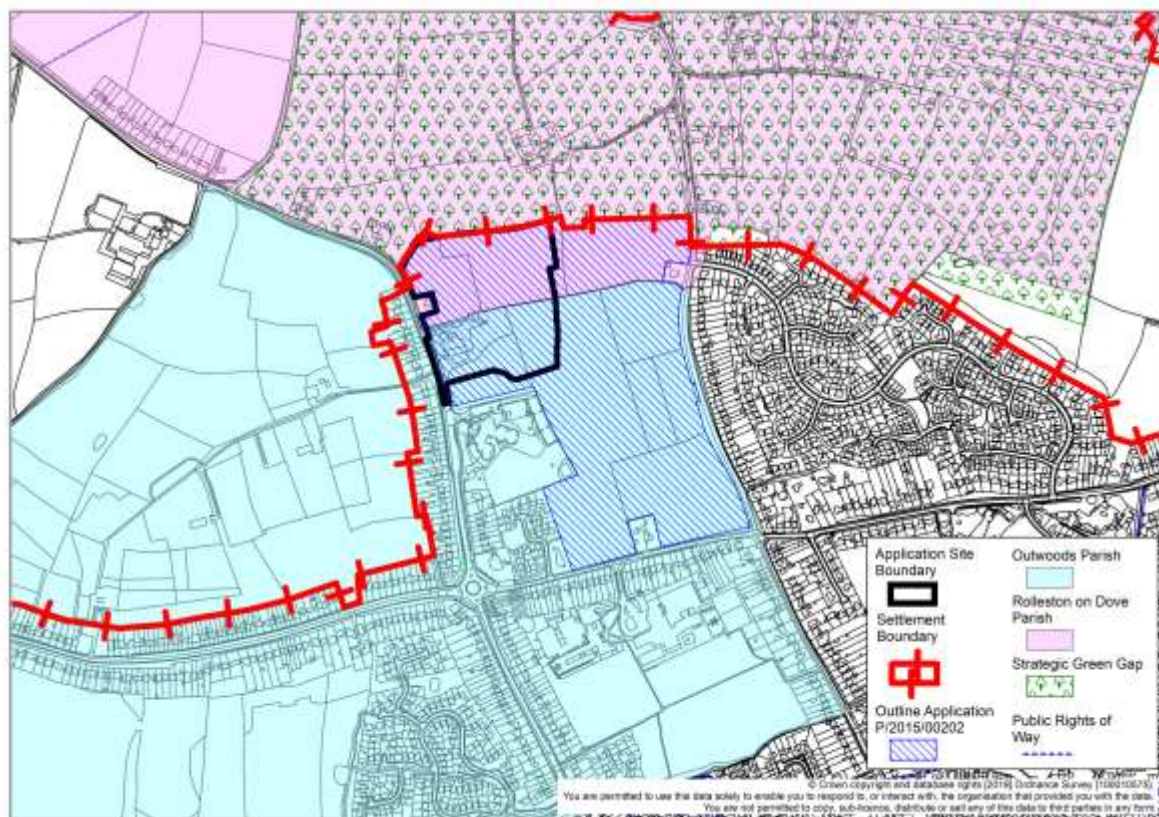
## 1. Executive Summary

- 1.1 The principle of development for a scheme of 500 houses at the application site is already established through outline permission ref: P/2015/00202 which was granted in October 2015 by Planning Committee.
- 1.2 This application relates to the details of all reserved matters which are the appearance, landscaping, layout and scale of phase 1 (of 3) of the development which includes 110 dwellings and some amenity space only, with the commercial areas of the site reserved for a later phase along with the remainder of the housing and open space.
- 1.3 Although the heart of this proposal deals with the above reserved matters the application is also an opportunity to discharge some technical details pursuant to the original outline permission (P/2015/00202). Some of the details have

been submitted, namely surface water treatments, materials, boundary treatments, and can subsequently be discharged if deemed acceptable.

- 1.4 As part of this application the developer has submitted full details for how the scheme will give priority to a sustainable drainage system and therefore a drainage layout is included. The County Lead Local Flood Authority (LLFA) and the Environment Agency have advised that the drainage strategy is acceptable. With these technical opinions to mind it is considered that the scheme as proposed would be appropriately flood resilient, flood risk would not increase elsewhere and surface water flows would be suitably managed.
- 1.5 Eight letters of objection and concern have been received from local residents. Within the reasons for objection there were several references to matters covered by the outline application and are not to be discussed in this application. The more pertinent issues related to this reserved matters application include provision for security on the periphery of the site, design of house types and the impact of the character of the area.
- 1.6 It is considered that full details for each reserved matter has been provided and an acceptable layout has been designed to bring forward house types that would achieve a high standard of appearance in built form.
- 1.7 Accordingly, it is considered that the reserved matters details would achieve good design in compliance with the aims and criteria of policies from the Local Plan, the Design Guide, the Parking Standards SPD, the Outwoods Neighbourhood Plan and the National Planning Policy Framework.

#### Map of site



## **2. The site description**

- 2.1 The overall application site comprises approximately 20.5 hectares of agricultural land, used predominantly for dairy farming, with a small area of arable farming, on the north-western edge of the settlement of Burton upon Trent. The site is predominantly undeveloped, with the exception of a two storey farmhouse and associated farmyard at Glenville Farm, which were situated towards the north western boundary.
- 2.2 This application, which considers phase 1, is located to the north western part of the site with access onto Tutbury Road A511 and is 5.7 hectares in area. This phase contains the site of the Glenville Farmstead itself which has been razed with only some concrete plinths and trees as reference to its former location. The remainder of the site is agricultural land.
- 2.3 The site contains several established hedgerows, which run to the east, south and west boundaries and mature trees; none of which are protected or worthy of protection.
- 2.4 The site is allocated as a strategic urban extension in the Local Plan. The area immediately to the north of the site is shown as a strategic green gap.

## **3. Relevant Planning history**

- 3.1 The site currently has outline planning permission under application ref: P/2015/00202 which was granted by Planning Committee in October 2015.
- 3.2 Condition 7 of P/2015/00202 has been discharged under ref P/2017/01510 which related to the strategic movement strategy of the site.

## **4. The proposal**

- 4.1 This application relates to the details of all reserved matters which are the appearance, landscaping, layout and scale of phase 1 (of 3) of the development which includes 110 dwellings and some amenity space only with the commercial areas of the site reserved for a later phase along with the remainder of the housing and open space.
- 4.2 Within the phase are 17 affordable units grouped in small clusters (fewer than 8).
- 4.3 Although the heart of this proposal deals with the above reserved matters the application is also an opportunity to discharge some technical details pursuant to the original outline permission (P/2015/00202). Some of the details have been submitted, namely surface water treatments, materials, boundary treatments and can subsequently be discharged if deemed acceptable.

## 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	Tutbury Parish Council	Objection – Impact on highways and schools. New road should be installed parallel to Harehedge Lane.
5.3	Outwoods Parish Council	Objection – accept that this site has outline approval but impact in highway and link road through site should be proposed.
5.4	Rolleston parish Council	No objection but concern over increased use of highways. Suggest condition of construction traffic management.
5.5	SCC Highways	No objection subject to conditions
5.6	SCC Education	No objection subject to contributions
5.7	SCC Flood Risk Team	No objection subject to conditions
5.8	Severn Trent Water	No objections

Internal Consultees		Response
5.9	Environmental Health	No objections subject to conditions.

## 6. Neighbour responses

6.1 Eight letters were received.

Neighbour responses	
Principle	Houses should not be permitted in this location. Infilling with houses would ruin the character of the area. Outwoods Neighbourhood Plan requires buffer zone edge of all developments and that apartments near settlement edge are not acceptable. A brownfield site should be preferred. There is sufficient capacity of housing in the area; no more is needed.
Impacts on Amenity	Manoeuvring cars will shine light into existing houses.
Highways Impacts	Proposed access close to access for school Increased use of egg packing facility so more demand for road Roads already too busy and too fast Inaccuracy of plan and ghost island Road and access design poor – should be moved. Errors in Planning Statements play down the actual impacts. Not enough details on road improvements Risks to existing residents having to emerge onto a busier and more complex road.

Design	<p>Infilling with houses would ruin the character of the area. Three storey houses would be out of character of the area.</p>
Other	<p>Local Centre not included in phase Environmental damage Building on the site would ruin views and character of the existing greenfield site. More pressure on existing services such as <u>drainage</u>, sewers, schools and healthcare Concern over security of existing properties that back onto the site / open spaces.</p>

## 7. Policy Framework

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
- SP3: Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- SP6 Managing the Release of Housing and Employment Growth 2012 – 2031
- SP7 Sustainable Urban Extensions
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- 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
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP6 Protecting the Historic Environment: Other Heritage Assets
- DP7 Pollution and Contamination
- DP8 Tree Protection

### Supplementary Planning Documents

- Parking Standards SPD
- East Staffordshire Design Guide SPD
- Housing Choice SPD

## Outwoods 'Made' Neighbourhood Plan

- TA1 – Public Realm
- TA2 – Roads and Streets
- TA3 – Parking
- TA4 – Footpaths and Cycle Routes
- CF4 – Local Shops
- CF5 – Places to Meet
- RD1 – Design
- RD2 – Public and Private Space
- RD3 – Type and Tenure
- LR1 – Sports Pitches
- LR2 – Play for All
- LR3 – Green Space Strategy
- LR4 – Landscape and Drainage
- LR5 – Protected Open Spaces and Views

### **8. Principle of Development**

- 8.1 The principle of development for the erection of up to 500 dwellings (2 to 4 bedrooms), a local centre, with up to 500m<sup>2</sup> of retail (A1) or public house (A4) use, specialist care housing (C2), together with associated car parking and servicing at the wider application site is already established through outline permission ref: P/2015/00202 which was granted in October 2015 by the Planning Committee.
- 8.2 The development also includes Green Infrastructure (GI) of retained hedges and trees, new green spaces and potentially allotments, Sustainable Urban Drainage Systems (SuDs), cycle and foot paths and new play areas (under 12 LEAPs and over 12 NEAP). The proposal is split into character areas which enable definition of the various constituent parts of the site. A green buffer will be retained at the north edge of the site keeping the limit of development roughly in line with Athlestan Way across to 11 Tutbury Road.
- 8.3 The proposed development is to occur in three phases with this application dealing with the reserved matters of the first phase.

### **9. 5 Year land Supply**

- 9.1 The most recent calculation uses figures as at 30<sup>th</sup> September 2018 March 2018 and concludes there is 6.19 years of supply. Therefore the policies in the plan can be considered up to date.

### **10. Local Plan**

- 10.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.
- 10.2 The site forms part of the Local Plan's housing strategy and is allocated for housing. Additionally the site has been approved for housing development and

an outline permission is in place. There is desirability for the site to be delivered in order to play a part in meeting the boroughs housing requirements and achieving sustainable growth. It is considered that the layout as proposed can suitably accommodate the required number of dwellings as approved in outline whilst allowing the other phases of the wider site to be satisfactorily delivered. The general principles for sustainable development can be integrated within the layout and are discussed further in the assessment below in addition to relevant technical matters.

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

- 11.1 The NPPF attaches great importance to the design of the built environment. Local Plan Policy SP1 and SP24 state that development proposals must contribute positively to the area in which they are proposed giving a list of criteria developments are expected to achieve. Policy DP1 explores high quality of design in more detail and requires compliance with the East Staffordshire Design Guide. This Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Policy DP2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.2 The Outwoods Neighbourhood Plan has a number of policies to steer development to create high quality places that continue and respect the character of the rest of the Parish. These include appropriate peripheral planting, limiting three storey buildings and encouraging generous amenity in and around developments.
- 11.3 The ‘layout’ reserved matter relates to the way in which buildings, routes and opens spaces within the development are provided, situated and orientated to each other and to buildings and spaces outside the development. The ‘scale’ reserved matter relates to the height, width and length of each building proposed within the development in relation to its surroundings.
- 11.4 Within the proposed layout new plots have been arranged to maximise back-to-back garden relationships with strong perimeter blocks, a good sense of place and good connectivity through the site. There a mix of houses with some bungalows but most being 2 storey properties. There will be a mix of detached and semi-detached along with one block of maisonette apartments (four apartments over two floors).
- 11.5 It is considered that there is a sense of spaciousness within the layout as all houses are set-back from internal roads with landscaped frontages. Gaps between buildings and the incorporation of side detached garages also help to ensure that visual breaks are perceived between buildings which in turn helps to develop a street scene rhythm.
- 11.6 This phase is split into four key areas;
1. Rural edge to the north of the site; more spacious, lower density, highest quality.
  2. Key Frontage to Tutbury Road (A511); mixed house types with strong presence to help reflect existing properties opposite.



3. Boulevard Entrance along the main entry to the site with deeper setbacks from the road, more landscaping a rhythm of complementary properties.
  4. Core development which is the main part of the development inset from the peripheral parts mentioned above including a mix of house types but still keeping the general density low and quality high.
- 11.7 The proposed layout makes efficient use of available land where houses of a suitable scale would appear well placed around the proposed road network but also taking future phases into account. There is a modest area of public open space within the built up area, a pocket park/rain garden (small area of open space designed to act as a mini-SUDS), to the east of centre of 380m<sup>2</sup> which is easily accessible and with passive surveillance from nearby new houses. The largest public open space is to the north of the development and acts as a buffer to the open countryside to the north. This area contains planting, footpaths, swales and SUDS; this is 50% of the buffer zone and is approximately 5.3acres (2.13ha). This public open space is consistent with Condition 40 of the outline permission requiring a 'mode average' depth of the buffer over 81m and area of at least 9 acres (3.46ha). As well as the remaining buffer zone to the north of the development site there will be two significant areas of public open space in future phases which will help to centralise a public amenity within the wider site. Overall, it is considered that the proposed design and layout of the site is of a suitably high quality and density (22dph) to respect the character of the area and therefore accords with the policies of the Local Plan, Outwoods Neighbourhood Plan and the NPPF.
- 11.8 The 'appearance' reserved matter relates to the aspects of the buildings within the development which determine the visual impression of the place including the external built form, its architecture and materials. A variety of house types are proposed which share some traditional architectural elements such as bay windows however it has been ensured that excessive detailing which draws attention has been avoided. The external facing materials has been clarified on the plans and a good balance of house design has been achieved, avoiding all buildings appearing the same and avoiding too many different designs which would lead to a confused and unrelated appearance. Overall, it is considered that the development would achieve a good standard of appearance in built form.
- 11.9 The 'landscaping' reserved matter deals with the treatment of land other than buildings and has the purpose of enhancing the amenities of the site and area in which it is situated. This includes screening by boundary treatments, the planting of trees, hedges, shrubs or grass, the laying out or provision of gardens and other amenity features. Full landscaping plans have been submitted which outlines new hedging and planting within the site and turfed open frontages to plots which can help to support an element of green within the street scenes. It is shown on the plans that the existing boundary treatments to sole existing property to the North West of the site, 11 Tutbury Road, would be retained and new landscaping planted around them within the application site. Each plot would also have the provision of sufficient size garden areas for a suitable level of residential amenity. Overall, it is considered that the details for landscaping are acceptable and would help to enhance the experience of the new housing estate. In the interests of ensuring landscaping is completed efficiently a condition should be attached to any decision which



requires planting to be completed for that respective plot prior to first occupation and managed, not only during the construction phase of the development but into the initial phase of the lifetime of the development.

## **12. Residential Amenity**

- 12.1 The National Planning Policy Framework and DP1 and DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 12.2 With regards to neighbouring amenity it is considered that the scheme as proposed would not result in any significant adverse impact. The back-to-back garden relationships would help to ensure that new houses have sufficient separation to afford privacy to all occupants.
- 12.3 There is only one existing property directly abutting the site, 11 Tutbury Road, and sufficient separation screening from the proposed development is detailed. This will avoid any overbearing, overlooking or overshadowing impacts.
- 12.4 The houses fronting Tutbury Road (A511) are set back from the road and are a sufficient distance from those opposite to afford them a reasonable outlook and level of privacy.
- 12.5 Amended plans have been negotiated in order improve the overall layout, parking areas to the frontages and focal points along streets. This has resulted in an improved form of development that will contribute positively to the wider area and sets the tone for the further two phases in accordance with the policies mentioned above.

## **13. Highway Matters**

- 13.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Local Plan Policies SP1 and SP35 aim to ensure that developments do not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. 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.
- 13.2 The Outwoods Neighbourhood Plan in Policy TA2 promotes a street hierarchy, limited capacity for 'rat-runs and natural speed reduction, amongst others. TA3 sets out parking principles to ensure that there is sufficient capacity within the development for occupiers and visitors.
- 13.3 The access to the site was approved under the outline permission but this application deals with the internal roads, parking and visibility splays of the first phased served from the approved access. The school car parking on Harehedge Lane, road re-alignment and other general improvements to facilitate this development are conditioned on the outline application to be delivered prior to the occupation of any dwellings ensuring the improvements are in place to cope with the development from as soon as it is habitable.

- 13.4 From a parking point of view each plot has been designed with appropriate off-street parking spaces in accordance with the Council's Parking Standards SPD. In order to ensure adequate off-street parking exists to serve the development and to avoid excessive numbers of vehicles parking on the road and obstructing the free flow of movement of traffic, a condition will be attached to any approval which removes permitted development rights for converting garages. Large swathes of parking areas have been removed from the plans through negotiation and most parking areas are now broken by roadside planting.
- 13.5 Plans have been provided to show sufficient manoeuvrability of bin lorries and that the internal road network is satisfactory. There is a hierarchy of streets which complements the development and helps to give a sense of place with the boulevard being wider to denote a main road and more private drives to the periphery.
- 13.6 Bin collection points are noted to be in appropriate locations and surface choice is considered acceptable with private drives being block paved to demarcate the areas and increase the quality of the development.
- 13.7 The ability to install electric charging points will be present in all properties. Broadband is also to be provided to all properties with superfast capabilities.
- 13.8 County Highways have reviewed the amended drawings and approve the scheme subject to conditions and it is considered that the aforementioned policies are accorded with satisfactorily.
- 13.9 Within representations received about access and highway safety it is clear that there is still concern but most of the matters raised were covered under the outline application which was subsequently approved following consultation with County Highways.

#### **14. Historic Environment**

- 14.1 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.
- 14.2 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. 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. If there would be some harm to the setting of the listed building the Council should refuse planning permission unless the harm is outweighed by the planning benefits of the proposed development. This is a statutory presumption in favour of preservation (Barnwell Manor Wind Energy Ltd).
- 14.3 Local Plan Policy SP25 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 with Policy DP5 going into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Policy DP6 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.

- 14.4 The nearest Listed Building to the site is a Grade II C19 milepost near the roundabout to Harehedge Lane over 320m away from the site entrance. The proposed development would not affect the Listed Building or any other heritage assets based on the proximities involved and the intervening road and school.
- 14.5 It is considered that the statutory duties under Section 66 and under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been considered as part of this application and are not engaged by it.

## **15. Flood Risk and Drainage**

- 15.1 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. Local Plan Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS).
- 15.2 The application site falls within Flood Zone 1 and The Environment Agency has therefore raised no objections to the development on the grounds of fluvial flood risk.
- 15.3 The technical view of the LLFA is that the drainage engineering which would be put into place would definitely improve the existing drainage situation in terms of dealing with surface water subject to the installation of an attenuation pond, the details of which haven't been fully agreed, but can be conditioned. The attenuation pond has also been designed at a capacity to store the volume of surface water run-off that would be generated from the site being developed. Consequently, the LLFA has advised they have no objections subject to a condition relating to drainage of the scheme.
- 15.4 Severn Trent has raised no objections and advised that the details for disposal of foul and surface waters are controlled by conditions connected with the outline permission P/2015/00202 that will cover the issue.
- 15.5 Within objections from the Parish Council and nearby residents issues have been raised about riparian ownership of the watercourse which water would be discharged to. The legal ownership and control over waterways is a private legal matter and is not a matter to be considered or taken into account in determining this reserved matters application.
- 15.6 Overall, taking into account the technical opinion of the LLFA, The Environment Agency and Severn Trent Water Company it is considered that the proposed scheme would be appropriately flood resilient, flood risk would not increase elsewhere and surface water flows would be suitably managed by giving priority to a sustainable drainage system. A condition should be attached to any decision which requires the drainage engineering to be implemented and operational prior to the first occupation of any houses.

## **16. Affordable Housing and Housing Mix**

- 16.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.
- 16.2 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.
- 16.3 Strategic Policy 16 states that there needs to be Building Regulations 2010 Standard M4(2) compliance within the site which relate to accessible and adaptable dwellings. The Housing Choice SPD states that the standard will be expected on 10% of major applications and applied to a range of properties.
- 16.4 Strategic Policy 17 sets out the level and percentage of affordable housing required and that they must not be in clusters of more than eight. The Housing Choice SPD provides guidance on the expected affordable housing mix of sites.
- 16.5 The proposed layout includes 17 affordable units of mixed tenure open to the market demand at the time (the S106 covers all potentials). The affordable houses would each be of 2 storeys. The affordable units would be located centrally within the layout surrounded by market houses, and in clusters of no more than 8 dwellings. The clusters have also been assessed by a Registered Provider (RP) and deemed to be acceptable from their perspective. The provision of 17 units on site is in accordance with the S106 (yet to be completed but links to the outline permission P/2015/00202) which requires a 15% on-site contribution as well as a financial off site contribution to make up for the shortfall.
- 16.6 The scheme would bring forward an appropriate mix of housing with 12 bungalows and a mix of 2, 3, 4 and 5 bedroom houses as noted on the Accommodation Schedule of the Site Layout Drawing. The applicant has provided 12 bungalows that will be constructed to M4(2) of the Building Regulations which conforms with the policy for this phase of the wider development. Overall, it is considered that the scheme provides a suitable housing mix and no specific market housing mix requirements were attached to the original outline permission.

## **17. Green Infrastructure and Landscape**

- 17.1 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. Local Plan Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. Policy 30 states that development proposals will be expected to demonstrate that they have taken into account the Landscape Character Assessment for Staffordshire and consist of a scheme which reflects the landscape character and where possible enhances the landscape quality.

Policy 31 and the Proposals Map contains requirements of 'strategic green gaps' aims to maintain the openness of these areas and to prevent coalescence of conurbations.

17.2 The site is not within the National Forest but on its periphery and includes a large swathe of public amenity space to its north acting as a buffer to the edge of the development and the surrounding countryside whilst ensuring the green gap to the north of the site is maintained and enhanced. This will have a substantial level of planting as will be the built development with street trees, hedges and verges it help soften the development, enhance the environment and provide for the requirements of the policies above.

## 18. Biodiversity

18.1 Matters relating to the biodiversity of the site were covered on the outline application and were considered acceptable subject to condition. This matter is not to be revisited here but will be suitably dealt with by the existing conditions.

## 19. Open space

19.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Local Plan Policies SP32 and SP33 set out the requirements of open space provision across the Borough.

19.2 The layout includes suitable provision for public open space and landscaping in this phase in accordance with what was agreed in outline details and the S106, when complete, with future phases to contain the remainder and lion's share of the public open space. What has been provided is satisfactory and is of high quality.

## 20. Education

20.1 There is a need for education facility provision in East Staffordshire, particularly in Burton Upon Trent. The need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be expected in Uttoxeter and Burton Upon Trent. A significant contribution has been requested by County Education and this is to be included into the S106 but was covered in full at outline ~~(figures have been suitably updated to reflect the change in requirement over the past two to three years.~~

## 21. Section 106 Contributions

21.1 Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations.

21.2 The Section 106 was covered by a Grampian condition owing to the landowner situation (Staffordshire County Council). This is being drawn up concurrently with this application and contains requirements as noted in the outline permission and all are to be Index Linked from the date of the outline permission. ~~e with most updated to reflect the change over the past two to three years.~~ The S106 is to be phased so that each phase delivers the correct proportion of the contributions and with appropriate trigger points.

21.3 The contributions are considered CIL compliant with no more than five obligations pooled for a particular purpose (improvements to the immediate road network surrounding the site and schools provision).

21.4 The following contributions are sought for the entire site, a proportion of which will be requested for each phase with relevant trigger points unless they need to be delivered at the start. These contributions are set out below:

Item	Planning Obligation
Education	Primary Education provision of £922,790, Secondary Education provision £1,129,129.
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling.
Open space	<del>Delivery of open space provision and equipment appropriate for the respective phase. £425,000 for 15 years maintenance and £60,000 contribution to make up shortfall of provision (6.6ha provided but 7.8ha required).</del>
Common Amenity Area Management Scheme	Management scheme to be created for a management company to control.
Affordable Housing	15% On site for Phase I; On-site provision of Phases 2 & 3 dependent on policy and requirement at time of application and off site contribution £686,502; 50% upfront cost with the remainder paid before 50% occupancy of the entire development.
Traffic Regulation Order Contribution	£10,000 (upfront cost)
Travel plan monitoring / off site highway works	£6,300 (upfront cost)
Off Site Sports Contributions	£198,722 for sports hall uplift at secondary school and to support the delivery of Tatenhill Sports Club.

## 22. Conclusions

22.1 The principle of the development for housing is already established by the approval of the outline permission and by the site being a strategic urban extension in the Local Plan. 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. It is considered that the details submitted in respect of each reserved matter are acceptable and the layout as proposed integrates the principles for sustainable development. The house types as arranged would also achieve a high standard of appearance in built form and

the scheme is considered to have acceptable levels of amenity in terms of relationships to existing properties.

22.2 It is considered that the scheme as proposed would not result in any demonstrable harm upon the character and significance of the historic environment and there are no other material considerations which should be added to the planning balance.

22.3 Accordingly, it is considered that there are insufficient grounds for a refusal based on any aspect of the reserved matters details being unacceptable as the layout would bring forward a housing scheme as per the terms of the host 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. Furthermore details of materials and boundary treatments associated with the development are acceptable and can be discharged through the grant of this permission.

#### 22.4 **RECOMMENDATION**

The Planning Committee is asked to resolve to **GRANT** planning permission for the development subject to the following conditions:

1. Approved Plans (00002)
2. Prior to first occupation a scheme of sustainable drainage needs to be submitted to account for a number of aspects. (bespoke as recommended by LLFA)
3. Prior to first occupation ensure landscaping is carried out for that respective plot (bespoke)
4. Prior to first occupation ensure boundary treatments are erected for that respective plot and retained/repared as such (bespoke)
5. Remove permitted development rights for garage conversions (bespoke)
6. Phasing for this phase. (bespoke)
7. Prior to first occupation of the proposed dwelling, the proposed site access off Tutbury Road shall be. (bespoke)
8. Details and timescales of the off-site highway works associated with the Bitham Lane/ Rolleston Road/ Harehedge Lane junctions. (bespoke)
9. Details of the proposed bollards fronting Tutbury Road. (bespoke)
10. Details of lighting of highway.
11. Details of species of trees and tree pits within Highway.
12. Revised surface water strategy.
13. Prior to first occupation of any dwelling, the parking and turning areas for that dwelling shall be provided.

#### 23. **Background papers**

23.1 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 outline planning application file ref: P/2015/00202 (decision notice for P/2015/00202 attached as appendix to demonstrate the conditions yet to be discharged.)

#### 24. **Human Rights Act 1998**



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

## **25. Crime and Disorder Implications**

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

## **26. Equalities Act 2010**

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

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