
Agenda Item:	6.2
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Site:	Land off Forest Road, Shobnall, Burton upon Trent, DE14 2BD
Proposal:	Erection of 64 affordable dwellings on eastern part of the site and construction of vehicular access and associated works

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/2019/00320	
Planning Officer:	Kerry Challoner	
Type of Application:	Detailed Planning Application	
Applicant:	Mr T Broster	
Ward:	Branston	
Ward Member (s):	Councillor A Clarke Councillor Mrs P L Ackroyd Councillor R G W Grosvenor Councillor Mrs S McKiernan Councillor P Walker	
Date Registered:	03 April 2019	
Date Expires:	27 June 2019. An extension of time has been agreed with the agent.	
Reason for being on Agenda	The scheme seeks to alter a consent that was previously granted for residential development on the site by Planning Committee.	
Officer Recommendation	Approval subject to a S106 agreement and conditions	

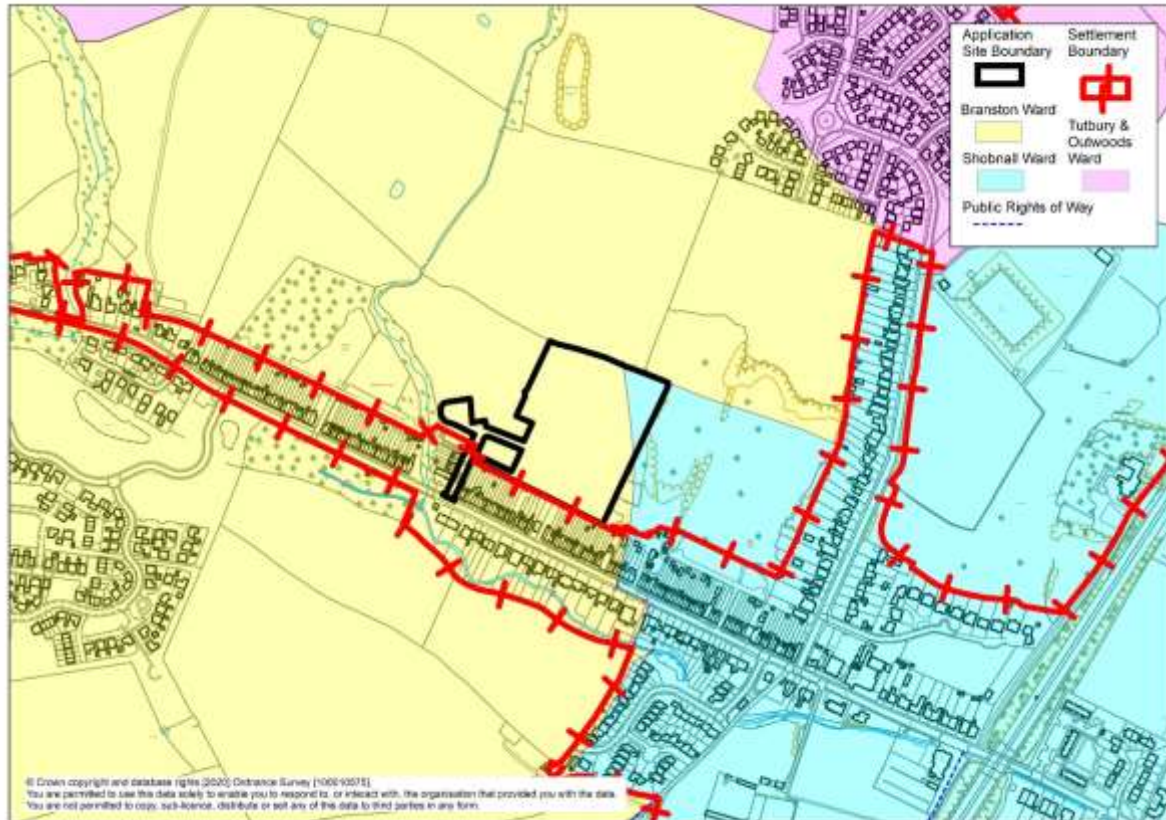
1. Executive Summary

- 1.1 The application site comprises 2.45 ha of undulating grass land to the North of Forest Road in Burton Upon Trent. The application is submitted in full and proposes the erection of 64 dwellings along with associated highways and

drainage infrastructure, public open space and a childrens play area. The site is located within the Parish boundaries of Outwoods and Shobnall.

- 1.2 This scheme seeks to alter part of a development that was granted consent in 2016 (Planning Ref P/2014/01304). This permission is extant as a lawful start has been made to the development. The alterations include revisions to the proposed road layout, the design of the individual dwellings and their tenure, with all 64 dwellings being proposed as affordable rent to be managed by Trent and Dove. The proposed alterations also result in an additional 22 dwellings being provided across the site (in comparison with the 2016 approval).
- 1.3 Statutory consultees have raised no technical objections that cannot be overcome by way of planning conditions.
- 1.4 Shobnall Parish Council have raised objections on the grounds of the highway impacts of the scheme on Forest Road, and seven responses were received from neighbouring occupiers/ local residents raising objections on principle, highway, drainage and ecology grounds. No response was received from Outwoods Parish Council. Councillor McKiernan, the Ward Councillor has expressed concerns on behalf of residents.
- 1.5 The principle of developing the site for residential purposes is established under the existing extant planning permission. The overall design approach, layout and massing of this alternative scheme are considered to be acceptable in visual and residential amenity terms and the County Highway Authority have raised no objections on highway safety grounds.
- 1.6 In addition to the appropriateness of the scheme some weight should also be given to the Section 106 Agreement where fair and reasonably related contributions have been negotiated following viability testing during the current application process. Accordingly, it is considered that the scheme complies with the aims and criteria of relevant policies from the Local Plan, the Council's Supplementary Planning Documents (SPDs), the 'Made' Neighbourhood Plans for the Parishes of Shobnall and Outwoods and the National Planning Policy Framework.
- 1.7 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to the necessary S106 agreement and conditions.

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 of some 2.45 ha comprises undulating grass land to the North of Forest Road in Burton Upon Trent. The site is bounded by existing traditional terraced dwellings to the South, and open fields to its other common boundaries. To the far North of the application site is the Red House Farm residential development.
- 2.2 The application site initially slopes down gently from the Northern boundary to the Southern edge. There are few landscape features within the site, however existing hedgerows add to the urban fringe character of the site.
- 2.3 Access to the site is provided off Forest Road between No's 48 and 48A, and passes in front of No's 48A- 55 Forest Road. No's 50- 55 Forest Road comprise a terrace of traditional dwellings which is set perpendicular to surrounding residential development which fronts Forest Road.
- 2.4 The majority of the site is within Outwoods Parish, although a small section in the North Eastern area is within Shobnall Parish (as is identified on the map above for clarity).
- 2.5 The site lies outside of the settlement boundary as defined in the Local Plan for Burton upon Trent. The site is not allocated for residential development in the Local Plan or either the Shobnall or Outwoods Neighbourhood Plans.

3. Planning history

- 3.1 18 February 2016 - **Application ref: P/2014/01304-** Demolition of existing garages to facilitate the erection of 83 dwellings including access, associated infrastructure and attenuation pond- Approved subject to a S106 Agreement.
- 3.2 31 January 2018 - **Application ref: P/2017/01522-** Discharge of conditions 5,6,8,9,10,11,13,14 and 16 of planning permission P/2014/01304 relating to the demolition of existing garages to facilitate the erection of 83 dwellings including access associated infrastructure and attenuation pond- Approved.
- 3.3 31 January 2018 - **Application ref: P/2017/01597-** Discharge of conditions 3,4,7,12 and 22 of planning permission P/2014/01304 relating to the demolition of existing garages to facilitate the erection of 83 dwellings including access associated infrastructure and attenuation pond- Approved.
- 3.4 18 February 2020- **Application ref: P/2019/000297-** Section 73 Application as an Amendment to Condition 2 of planning permission ref: P/2014/01304 for 83 No. residential properties - Erection of 43 No. Substitute dwelling types on approved scheme- Resolution for approval (by Planning Committee) and awaiting S106 agreement to be completed.

4. The proposal

- 4.1 This application is a full proposal for the erection of 64 affordable dwelling houses and associated highways, drainage and open space infrastructure. The scheme sits within the boundaries of an earlier approved scheme (Planning Ref P/2014/01304) and would utilise the same access off Forest Road between No's 48 and 48A, passing in front of No's 48A- 55. The application seeks to alter the layout of part of a previously approved scheme in response to the ground levels which rise across the site towards the Northern boundary. Previously, the approved scheme P/2014/01304 allowed 42 No. houses within the site area which forms the basis of this submission.
- 4.2 All of the units, with the exception of 8 No. bungalows would comprise two storey detached and semi- detached dwellings. Each dwelling would benefit from off road parking. All 64 No. dwellings would be rented and managed by Trent and Dove Housing Limited.
- 4.3 The proposal comprises the following housing mix:

House Type/ Bedrooms	Number
2 Bed Bungalow	8
2 Bed Semi Detached House	8
3 Bed Detached/ Semi Detached House	46
4 Bed Detached House	2
Total	64

- 4.4 The site layout demonstrates that 64 dwellings can be dispersed across the site, with the buildings based around a cul de sac formation. An area of public open space is provided in the Northern area of the site which includes a childrens play area and National Forest Planting. There is also an area of attenuation to support the drainage system in the Western Area of the site.
- 4.5 Off road parking provision is proposed to serve each dwelling (commensurate with the No. of bedrooms per dwelling), and a landscaping scheme has been submitted with the application which consists of tree planting (mainly to front gardens), specimen shrub and shrub planting, wildflower areas, ornamental gravel and planting to the area of public open space (POS).

List of supporting documentation

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

- Application Forms
- Location Plan
- Site Plan and Masterplan
- Proposed Layout Plan
- Grindleford Housetype Plans and Elevations
- Melbourne Housetype Plans and Elevations
- Milford Housetype Plans and Elevations
- Rosliston Housetype Plans and Elevations
- Tissington Housetype Plans and Elevations
- Grindleford Housetype Plans and Elevations
- Landscape Scheme and Childrens Play Area Details
- Surfaces Layout
- Boundary Treatment Details
- Drainage Details
- Arboricultural Impact Assessment and Method Statement
- Flood Risk Assessment
- Archaeological Evaluation
- Design and Access Statement
- Planning Statement
- Affordable Housing Statement
- Contaminated Land Assessment
- Transport Assessment and Travel Plan

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

5. Consultation responses and representations

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

Statutory and non statutory consultee		Response
5.2	Shobnall Parish Council	Shobnall Parish Council object on the following grounds: <ul style="list-style-type: none"> • The development would adversely impact on Forest Road- this is a narrow road which is already at capacity

		<ul style="list-style-type: none"> Members have also queried what 'future access shown dashed' refers to on the planning layout and query if this could refer to an extension of the site? Is this extension indicated in the Local Plan?
5.3	Outwoods Parish Council	No response was received.
5.4	SCC Highways	No objections were raised subject to conditions and requirements as set out on the originally approved scheme.
5.5	SCC Education	No objections subject to a financial contribution of £203,956.00 towards 13 primary school places.
5.6	SCC Flood Risk Team	No objection subject to a condition to ensure that the development is carried out in accordance with the Flood Risk Assessment and the Drainage details submitted.
5.7	Environment Agency	No objections were raised.
5.8	Severn Trent Water	No objections raised subject to drainage details recently approved under a S104 agreement.
5.9	Natural England	No comment to make on this application.
5.10	The National Forest	No objections were raised as the scheme accommodates sufficient planting on site to satisfy the requirements of Local Plan Policy SP26. Concerns were, however, highlighted that the National Forest Planting does not appear well integrated into the development, with limited access or dwellings fronting onto the planting area.
5.11	Architectural Liaison Officer	No objections were raised although it was recommended that the access way to the rear of Forest Road properties is gated.
5.12	East Staffordshire Clinical Commissioning Group	Request a contribution of £26,880 to support the development of primary care services in the area. In particular, the expansion/ alterations of the Gordon Street and Carlton Street Practices in Tutbury.

Internal Consultees		Response
5.13	Environmental Health	No objections were raised and no conditions in relation to Air Quality, Noise or Land Contamination are required.
5.14	Housing Strategy	The proposed housing mix does not strictly align to that set out in the Housing Choice SPD. To better align there would need to be a reduction in 3 bed dwellings and an increase in 2 bed dwellings.
5.15	Open Spaces	The proposal would meet with the open space requirement
5.16	Environment Manager	The developer will be required to provide appropriate external storage containers for refuse.

6. Neighbour responses

6.1 Site and Press notices were posted, and notification letters were sent to adjacent properties to the site. Responses were received from 7 neighbouring properties raising objections to the proposal which are summarised below:

Neighbour responses	
Principle	<ul style="list-style-type: none"> • Planning permission should never have been granted • The scheme is overdevelopment of greenfield areas • Is this much affordable housing required to serve local people?
Impacts on Amenity	<ul style="list-style-type: none"> • Loss of privacy • Light Pollution • Noise and Air Pollution
Highways Impacts	<ul style="list-style-type: none"> • Concerns were raised regarding the increased traffic and the impacts on Forest Road which is already congested and used too much by HGV's • Proposals should include appropriate wheel wash facilities • Lack of pedestrian crossings on Forest Road- this is a hazard • Rear access to Forest Road properties should be retained as part of the proposals as per the original consent
Flood and drainage impacts	<ul style="list-style-type: none"> • Concerns raised regarding the drainage and flooding implications of dwellings located on current fields.
Biodiversity	<ul style="list-style-type: none"> • Concerns raised regarding the impact on flora and fauna
Other Impacts	<ul style="list-style-type: none"> • Devaluation of property • Future development of surrounding fields
Ward Member	<p>Cllr McKiernan has highlighted concerns raised by residents as following:</p> <ul style="list-style-type: none"> • The site has a very lengthy planning history, but has never been built upon, why is this? • Has the previous application lapsed? • Have the previous applications been put before planning committee? • I do sympathise with residents of Forest Road who will be directly affected. For many years, they have had immediate access from their rear gardens into a lovely field. • The proposed plans include a boundary treatment of a 1.8m high fence- this will block access and restrict

	<p>views of existing residents.</p> <ul style="list-style-type: none"> • The residents of No's 48A- 55 Forest Road will be faced with a main road outside their front door, with no garden to mitigate the disturbance. • The residents are particularly concerned about wildlife and nesting and disruption during building works.
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7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
- SP3: Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- SP8 Development Outside Settlement Boundaries
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP30 Locally Significant Landscape
- SP32 Outdoor Sports and Open Space
- SP34 Health and Wellbeing
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP7 Pollution and Contamination
- DP8 Tree Protection

'Made' Neighbourhood Plans

Outwoods

- TA2 – Roads and Streets
- TA3 – Parking

- TA5 – Public Transport
- RD1 – Design
- RD2 – Public and Private Space
- RD3 – Type and Tenure
- LR2- Play for All
- LR3 – Green Space Strategy
- LR4 – Landscape and Drainage

Shobnall

- T1-Transport Assessment
- T2- Highways Design
- T3- Travel Planning
- T5- Parking
- HD1- Developer Contributions
- HD2- Housing Design
- HD3- Housing Mix
- GN1- Local Green Spaces and the Natural Environment
- GN3-Open Space

Supplementary Planning Documents

- Revised Car Parking Standards SPD
- Separation Distances and Amenity SPD
- Housing Choice SPD
- East Staffordshire Design Guide SPD
- Open Spaces and Playing Pitch Supplementary Planning Document

8. Principle of Development

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

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

8.2 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

9. 5 Year land Supply

- 9.1 The most recent calculation uses figures as at 30th September 2019 and concludes there is 6.30 years of supply. Therefore the policies in the plan can be considered up to date.

10. Local Plan

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

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

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is

appropriate), sustainable waste management practices and minimises construction waste;

- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

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

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

10.4 The application site is located outside the settlement boundary on the edge of Burton Upon Trent. As a result, the proposal does not strictly comply with Strategic Policies 2 or 4 in that it is not an identified housing allocation, nor is it within the settlement boundary where windfall applications would be supported in principle. Notwithstanding this, the previously granted consent is a significant material consideration to which appropriate weight should be added in the planning balance. The application does not exceed the site area of the previous consent, although it is noted that this alternative scheme would increase the density of the previously approved scheme and result in an additional 21 No. dwellings being constructed within the site (in comparison with the 2016 scheme).

10.5 In this case, the previous consent allowing 83 dwellings across a larger site is extant and as such the applicant may go ahead and complete the original scheme if they wish. All of the pre commencement conditions have been discharged and material works to implement the previous permission have been undertaken on the site. Given that the development of the site for residential purposes has been established (and that the applicants have a 'fall back' position) it is possible to conclude that the current application which indicates an alternative scheme; albeit at a higher density; is acceptable in principle having regard to national and local planning policies in relation to the location of sustainable development.

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

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

- 11.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 11.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.
- 11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
 - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
 - (d) Repetitive house types should be avoided;
 - (e) The cramming together of large numbers of detached properties should be avoided.
 - (f) High proportions of frontage car parking will not be acceptable.
- 11.6 Policy RD1 'Design' of the Outwoods Neighbourhood Plan states that new residential development should consider carefully the interface with the wider landscape ensuring that a new, high quality urban edge is created, avoiding rear gardens backing onto the landscape. Policy RD2 'Public and Private Space' requires sufficient private amenity area to be provided to serve new dwellings along with a clear definition of public and private space through the inclusion of front boundaries and safe and secure rear boundaries. Outwoods Neighbourhood Plan Policy TA1 'Public Realm' requires all new development to deliver the very highest quality in public realm design.
- 11.7 Turning to the Shobnall Neighbourhood Plan, Policy HD2 sets out the requirements to achieve a high standard of design in new housing development.
- 11.8 The proposed layout is dictated by the contours of the site, where ground levels rise towards the Northern boundary. The layout has been arranged to

maximise back garden separation, privacy levels, and to achieve good connectivity throughout the site. There is a broad mix of two storey detached, semi-detached dwellings and bungalows proposed. It is considered that there is a sense of spaciousness within the layout as all buildings are set-back from the internal road, of an appropriate scale, and there has been effort to incorporate landscaped frontages which breaks up hard surfacing and parking areas. The incorporation of a soft landscaped open space area aids the visual openness of the scheme.

- 11.9 The proposed layout makes efficient use of available land where houses of a suitable scale would appear well placed around the proposed road. Dwellings which surround the open spaces and children's play area within the site would front onto these public areas providing natural surveillance and active frontages. The density equates to 26 dwellings per hectare, it is not considered that the proposal would result in a scheme which is over intensive.
- 11.10 The proposed dwellings have been designed to complement the existing area in terms of appearance. The dwellings utilise a simple vocabulary of facing brickwork and pitched tiled roofs. Buff stone lintels and sills are utilised on fronting elevations to contrast and compliment the brickwork, with open porches also breaking up the frontages. The local area is of varied building design and materials, and the proposed simple design is consistent with the recently approved dwellings immediately to the West of the site.
- 11.11 The proposed landscaping scheme will be central to softening the development and provide appropriate areas of green infrastructure. Existing hedges will be retained as part of the proposals. The landscaping can be secured through an appropriately worded condition and will ensure that the development sits comfortably on the rural edge of Burton.
- 11.12 Based on the above assessment, it is considered that the design and landscaping of the proposal is acceptable and suitably reflects the surroundings of the site. The development will result in a high quality development which complies with the relevant local plan policies, East Staffordshire Design Guide, the Outwoods and Shobnall Neighbourhood Plan Policies and the National Planning Policy Framework.

12. Residential Amenity

- 12.1 The National Planning Policy Framework and Policies 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.
- 12.2 The Councils recently adopted Separation Distances and Amenity SPD sets out overall spacing standards for new residential development to ensure that existing and future occupiers have a good level of amenity and privacy to enjoy the place where they live.
- 12.3 Policy RD2 'Public and Private Space' of the Outwoods Neighbourhood Plan requires new residential dwellings to have sufficient garden space within their private curtilage to meet the functional domestic needs of the occupants.

- 12.4 In terms of the Shobnall Neighbourhood Plan, Policy HD2 ‘Housing Design Quality’ requires appropriate provision of private garden space to be provided in new residential developments.
- 12.5 Taking into consideration the existing properties in Forest Road to the South of the site, Officers are satisfied that distances and levels between the existing and proposed dwellings remain acceptable to ensure that residential amenity is protected in compliance with the Separation Distances and Amenity SPD. The private amenity spaces afforded to each property are commensurate with the size of the dwellings proposed and would meet with the Separation Distances and Amenity SPD.
- 12.6 The proposed layout shows that the dwellings can be accommodated on the site without compromising the reasonable amenities of their future occupiers, and allowing for sufficient outdoor private amenity space. Whilst objections have been raised on the basis of the impact on privacy, Officers consider that the proposed development integrates satisfactorily with the adjoining built form, in compliance with the provisions of Local Plan Policies SP1, DP1 and DP3 and the Separation Distances and Amenity SPD.
- 12.7 The proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them an unacceptable loss of light or privacy or any overbearing or overshadowing impacts. The scheme is therefore compliant with the provisions of Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, the Outwoods Neighbourhood Plan, the Shobnall Neighbourhood Plan and the NPPF.

13. Sustainability (energy efficiency and low carbon)

- 13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:
- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
 - incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
 - use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
 - incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
 - incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in ‘Biodiversity by Design’ or future revisions;
 - where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
 - aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;

- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

13.2 Policy RD1 ‘Design’ of the Outwoods Neighbourhood Plan states that designs which seek to offer low carbon / carbon neutral buildings through either innovative design or the use of renewable technologies will be supported subject to ensuring that they contribute to a unified street scene and do not appear incongruous or visually prominent within the wider landscape.

13.3 Shobnall Neighbourhood Plan Policy HD2 ‘Housing Design Quality’ requires sustainable design measures to be incorporated into new dwellings.

13.4 Whilst the proposal does not propose to incorporate any renewable energy sources or specific green construction techniques, the dwellings would be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient. It is therefore considered that the proposals would accord with the aims of Policy DP2 of the Local Plan, Policy RD1 of the Outwoods Neighbourhood Plan and Policy HD2 of the Shobnall Neighbourhood Plan.

14. Highway Matters

14.1 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 consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

14.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

14.3 The Council’s revised parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.

14.4 Outwoods Neighbourhood Plan Policy TA2 ‘Roads and Streets’ sets out highway considerations which should be incorporated into new development such as promoting a street hierarchy and maximising pedestrian access. All highways should be designed to accommodate traffic which may be reasonably expected to utilise the proposed development. Vehicles should be able to manoeuvre safely within the development and to enter and exit streets in forward gear. In terms of residential development, highways must be able to accommodate a variety of vehicle types, including, but not restricted to, grocery

delivery vehicles, street cleaning vehicles and waste disposable vehicles. Policy TA5 'Public Transport' of the Outwoods Neighbourhood Plan requires all residential schemes on proposed allocations and committed sites to be located within reasonable walking distance of a bus stop and serviceable route and/or any other public transport provision.

- 14.5 In terms of the Shobnall Neighbourhood Plan, Policy T1 requires new development to mitigate its own traffic generation and impact. Policy T2 relates to Highway Design and requires new development to achieve a high quality in Highway Design. Policy T3 'Travel Planning' seeks to encourage the use of sustainable transport.
- 14.6 The Outwoods and Shobnall Neighbourhood Plans in policies TA3 and T5 respectively set out parking requirements. The required level of parking in new developments in both plans is:
- For dwellings of 3 bedrooms or fewer – a minimum of 2 spaces
 - For dwellings of 4 bedrooms or more – a minimum of 3 spaces
- 14.7 The majority of representations received from local residents and the Parish Council raised objections on the basis of the Highway impacts of this proposal. In particular, the impacts on the existing highway network were raised.
- 14.8 In terms of wider highway impacts, the County Highways Authority have assessed the submissions, including the detailed Transport Assessment (TA). The TA deals with the access to the site from the B5017 and considers other relevant details such as the impact on the surrounding highway network and sustainability. All the information indicates that the development will not have a severe impact on the surrounding highway network. Notwithstanding the objections raised by the Parish Council and local residents, the County Highways Authority are satisfied, subject to conditions and the financial requirements set out on the previously approved scheme being attached that the proposal will cause no harm to the safe and free flow of the adjacent highway network.
- 14.9 In terms of the financial requirement set out on the previously approved scheme, there was a requirement for the developer to enter into a S106 agreement to secure a financial contribution towards the East Staffordshire Integrated Transport Strategy. The original contribution of £35,000 has been given a pro rata figure of £18,132.53 in relation to this scheme. The contribution will be used alongside other contributions that have been secured against other strategic development in the locality to improve highway safety in the vicinity of the site. The contribution towards the East Staffordshire Integrated Transport Strategy has been calculated taking into account the highway safety benefits associated with the provision of the rear access drive to serve existing properties on Forest Road. The requirement for £6,300 towards a travel plan attached to the previous consent will be met by the legal agreement attached to the recently approved S73 application (Ref P/2019/000297).
- 14.10 The proposals include the provision of a private access road to serve the rear of existing properties which front onto Forest road. This access road is gated and formed part of the original scheme for the site.

- 14.11 With regard to parking provision, the dwellings are all allocated off road parking spaces each predominantly on paved side drives. The proposed parking provision is in accordance with the Council's Revised Parking Standards SPD and policies contained within the Shobnall and Outwoods Neighbourhood Plans. Appropriate secure covered cycle storage facilities can be secured by means of condition as there is sufficient room within each rear garden to provide appropriate cycle storage.
- 14.12 The Parking Standards SPD states that development proposals must consider the provision for electric charging infrastructure in new developments and that major developments should ensure that electric infrastructure is sufficient to enable the supply to be provided. The applicant has confirmed that as this scheme is for 100% affordable housing, the viability of the site is limited. On balance, given that there is limited viability, it is not considered reasonable to request the provision of charging points to serve each dwelling. The proposals would not restrict occupiers from installing such infrastructure at the properties in the future.
- 14.13 In conclusion, the highway and access arrangements proposed are considered to be suitable and there will be no significant negative impact on the road network or highway safety arising from the proposal sufficient to sustain a refusal of the scheme. Parking provision is also adequate across the site.

15. Historic Environment

- 15.1 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.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 15.3 Section 66(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.
- 15.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their

significance, as well as the distinctive character of the Borough's townscapes and landscapes.

- 15.5 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.
- 15.6 There are no heritage assets - Conservation Areas or Listed Buildings - within the immediate vicinity of the site. It is not considered that the proposal will have any impacts on views into, or out of any designated areas, or affect the setting of any Listed Buildings. The statutory duties under Section 66(1) and 72 are not therefore engaged by this proposal.

16. Flood Risk and Drainage

- 16.1 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.
- 16.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 16.3 Policy LR4 - Landscape and Drainage - of the Outwoods Neighbourhood Plan requires all new development to introduce Sustainable Urban Drainage Systems to ensure that it reflects the existing runoff rate or better. This should be carefully designed to complement the landscape design for the scheme. Drainage swales, balancing ponds and ditches should be designed as part of wider landscape and habitat creation proposals.
- 16.4 The site lies within flood zone 1 and as per the original consent, the application has been considered by all relevant consultees in relation to flood risk and drainage. The Environment Agency and the Lead Local Flood Authority have raised no objections and Severn Trent have confirmed that all issues in relation to foul and surface water drainage have been granted consent under a Section 104 agreement. A S104 (Section 104 of the Water Industry Act (1991)) agreement is a legal agreement between a developer and a water company, where the developer agrees to build sewers to an agreed standard, which the water company will then adopt.
- 16.5 The requirements of Local Plan Policy 27, Outwoods Neighbourhood Plan Policy LR4 and the objectives of the National Planning Policy Framework are met through this proposed minor material amendment to the original scheme.

17. Affordable Housing and Housing Mix

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

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

17.3 The Housing Choice SPD expects the following housing mix:

	Outwoods	Shobnall	<i>Proposed Scheme</i>
1-bedroom homes (flats, houses or bungalows)	3%	3%	0%
Houses for Older People**	11%	20%	12.5%
2-bedroom houses	14%	13%	12.5%
3-bedroom houses	32%	29%	72%
4-bedroom houses	26%	23%	3%
5-bedroom houses	11%	10%	0%

17.4 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(3) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications. The standard should be applied to a range of properties and not just those larger properties.

17.5 Strategic Policy 17 states that housing-led residential development that will provide 4 or more dwellings or on a site of 0.14 hectares or more shall provide up to 40% of affordable housing. The policy states the following percentages:

- On previously developed land within the built up areas of Burton and Uttoxeter; 25%
- On greenfield sites within and on the edge of Burton and Uttoxeter; 33%
- On other land; 40%

- 17.6 SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.
- 17.7 The Housing Choice SPD provides guidance on the expected affordable housing mix of sites.
- 17.8 Outwoods Neighbourhood Plan Policy RD3 ‘Type and Tenure’ states that planning permission will be granted for residential development which delivers an appropriate mix to meet locally assessed needs for open market dwellings.
- 17.9 Shobnall Neighbourhood Plan policy HD3 ‘Housing Mix’ sets out Shobnalls particular housing needs and reinforces the requirements of Local Plan Policies SP16 and SP17 of the Local Plan and the Housing Choice SPD.
- 17.10 The scheme proposes 100% affordable dwellings to be provided on site through a variety of properties in the form of 2, 3 and 4 bedroom houses and 2 bedroom bungalows across the site which will be taken on by a Registered Social Landlord. As indicated in the table above the housing mix does not meet with the guidance set out in the Housing Choices SPD.
- 17.11 SP17 states that well-planned affordable housing led residential development providing an appropriate mix will be welcomed. The Housing Choice SPD provides more guidance on such schemes, considering that there remains a risk that development of larger sites can cause segregation of social housing, sustainability concerns and polarisation within the community. To address these concerns, the SPD states that as a guide, developments of exclusively rented affordable housing should not normally contain more than 25 dwellings. Where sites are for more than 25 dwellings they should also include other types of housing for example rented affordable designated to older people, market housing for sale or rent, owner-occupied affordable housing where appropriate or self build plots. By including a wider mix schemes can enhance the inclusivity and sustainability of the development.
- 17.12 The proposal includes 64 affordable rent properties and there is a range of property sizes proposed. The range and tenure (affordable rent) has been dictated by the requirements set by Trent and Dove, the registered Social Landlord who will take on the properties. Whilst it is noted that in terms of 3 and 4 bedroom properties, the mix is not in strict accordance with the guidance set out in the Housing Choice SPD, this mix has been formulated in response to local housing need established by Trent and Dove. The provision of the affordable housing and the mix will be secured by a S106 agreement.
- 17.13 On balance, given the range of properties being proposed, which includes bungalows and M42 compliant dwellings, and the need referenced by the Registered Social Landlord who will take on the site, the proposed housing mix is considered to be acceptable.

18. National Forest

- 18.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for

society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.

- 18.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet
- 18.3 Strategic Policy 26 supports the National Forest Strategy expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.
- 18.4 Policy GN3 of the Shobnall Neighbourhood Plan sets out requirements in terms of open space in new development including the requirement to achieve the objectives of the National Forest.
- 18.5 The proposals include National Forest Planting which has been previously agreed through the original permission and the discharge of its associated conditions. The planting would remain in line with these details, and essentially would all be provided on site largely in an area adjacent to the Public Open Space. On this basis, the National Forest Planting (which would be secured by condition) would comply with the objectives of Policy SP26 of the Local Plan and GN3 of Shobnall Neighbourhood Plan.

19. Biodiversity

- 19.1 Paragraph 175 within Section 15 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.
- 19.2 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.
- 19.3 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.
- 19.4 The application is supported by an Ecological Impact Assessment which sets out that there are no roosting bats or evidence of other protected species within the site. The assessment also sets out a range of mitigation measures as it is noted that the future development of the site provides an opportunity to enhance the existing situation through measures such as bird and bat boxes and hedgehog boxes. A suitably worded condition is recommended to ensure that appropriate ecological enhancement measures are provided as part of the redevelopment of the site.

20. Open space

- 20.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 20.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 20.3 SP32 and SP33 set out the requirements of open space provision across the Borough.
- 20.4 Outwoods Neighbourhood Plan Policy LR2 ‘Play for All’ sets out the requirement that all new residential development is required to provide a mixture of children’s play facilities, of an appropriate scale to meet need, as set out in the East Staffordshire Borough Council ‘Open Space’ guidance. In addition to the provision of play equipment for children and infants, facilities must be provided for teenagers and adults. Play provision must be suitably located, accessible to people with disabilities, dispersed throughout the proposed development and located away from busy roads and benefit from natural surveillance.
- 20.5 Policy LR3 of the Outwoods Neighbourhood Plan sets out requirements in terms of Green and Blue Infrastructure. All new development proposals should attempt to create additional green space of value to, and accessible to the public and preserve and enhance existing trees, hedgerows and other woodland cover. Schemes which remove mature trees, hedgerows and ponds (regardless of their age or quality) will not be supported unless suitable, high quality mitigation is proposed within the application site in order to maintain the current landscape quality.
- 20.6 In terms of the Shobnall Neighbourhood Plan, Policy GN1 ‘Local Green Spaces and the Natural Environment’ provides support for development that provides new public open space, subject to compliance with other policies. Policy GN3 ‘Open Space in New Development’ sets out the requirements for the maintenance of open space within residential developments.
- 20.7 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.
- 20.8 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document
- 20.9 The overall site is 2.45 hectares in size. A total area of 0.8 hectare of Public Open Space is proposed incorporating a children’s play area 0.06ha in size along with broader Open Space and National Forest planting. In addition, there is an attenuation pond feature. Full details of landscaping and management

have been provided in this application which accords with details approved under discharge of conditions applications and the S106 agreement relating to the original consent. The provision of open space is consistent with the extant consent, and includes suitable access points for residents. Furthermore, a financial contribution of £41,868.01 towards the management of the open space is requested, in line and pro rata with the original consent. The open space would be adopted by the Council, as such the contribution would provide a sum towards the 15 year maintenance of the site.

20.10 In terms of open space, the provision remains in accordance with those previously approved and the objectives of the relevant Local and Neighbourhood Plan Policies and the NPPF are therefore met by this proposal.

21. Section 106 Contributions

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

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

21.2 National Planning Practice Guidance states that when CIL is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

21.3 Policy HD1 of the Shobnall Neighbourhood Plan relates to ‘Developer Contributions’. The community have identified a range of local improvements which should be supported by contributions arising from planning permissions granted in the plan area. These improvements include traffic calming in areas experiencing high volumes of traffic, including along Shobnall Road, signposting to direct HGV vehicles and improvements to existing cycle infrastructure/ creation of new facilities.

21.4 The following contributions are sought as set out below:

Item	Planning Obligation	Cost (where applicable)
Education	A contribution towards 13 No. primary school places.	£203,956.00
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling	£4,800.00
Open space	The required provision is to be provided on	£41,868.01

Maintenance	site. 15 Year contribution towards ongoing maintenance of provision on site and adopted by the Council.	
Affordable Housing	All affordable housing to be provided on site.	
Clinical Commissioning Group	Reconfiguration of primary health services to provide the necessary infrastructure requirements of the increased population.	£26,880.00
Transport Strategy	Financial contribution towards the East Staffordshire Integrated Transport Strategy.	£18,132.53
National Forest	Planting to be provided on site.	
Childrens Play Area	To be provided on site.	

21.5 A total financial contribution of £295,636.54 has been requested as set out in the table above. A Viability Appraisal has been put forward by the developer, which has been independently assessed by the Councils appointed Viability Expert. In overall conclusion it has been agreed that whilst the proposal cannot afford all usual contributions, the scheme can provide some capital and on-site contributions.

21.6 The application is proposed to provide 100% of the dwellings as affordable. As such, the full policy requirement for affordable homes as set out in Policy SP17 would be provided on site.

21.7 The applicant has put forward an obligation offer of £120,000 following rigorous viability testing. Having taken the advice of the independent viability expert appointed by the Council, Officers recommend that this offer of £120,000 alongside the provision of 64 on site affordable dwellings is acceptable. The scheme would meet the full policy requirement for affordable homes as set out in Policy SP17.

21.8 Given that £120, 000 is a reduction in the original requirement of £295,636.54 set out above it is recommended that the allocation of the monies is made on a pro rata basis to the original contributions with the exception of refuse containers where there is a clear need for the full sum to be allocated, as follows:

Original Planning Obligation	Amount	% of Total	Pro Rata of £115,200 (Contribution of £120,000 minus £4,800 for refuse containers)
Education	£203,956.00	70%	£80,640
Transport Strategy	£18,132.53	6%	£6,912

Open Space Maintenance	£41,868.01	14%	£16,128
Clinical Commissioning Group	£26,880.00	10%	£11,520
Refuse Containers	£4,800.00	N/A	£4,800.00
Total	£295,636.54	100%	£120,000.00

21.9 The Officer opinion is that the developer contribution has been split reasonably so as to benefit all of the requests put forward.

22. Conclusions

22.1 In overall locational terms, the principle of this proposal has been established by the extant consent P/2014/01304 and the proposed housing mix is considered to be acceptable.

22.2 The site is capable of accommodating the level of housing being proposed and statutory consultees and relevant departments who have been consulted have raised no objections to the proposal. Full details of the access have been provided and the arrangements along with a financial contribution towards the East Staffordshire Integrated Transport Strategy are considered to be acceptable by the County Highway Authority. Sufficient parking provision has been demonstrated in accordance with the Revised Car Parking Standards SPD and the policies set out in the Outwoods and Shobnall Neighbourhood Plans and the scheme includes a vehicular access road to serve existing dwelling houses fronting onto Forest Road.

22.3 Overall, the design, layout and massing of the proposed development is acceptable and the scheme would result in no unacceptable detriment to the residential amenities of neighbouring occupiers and mitigation measures would safeguard and enhance habitats of protected species.

22.4 The scheme as proposed would not result in any demonstrable harm upon the character and significance of the historic environment.

22.5 Taking into consideration the environmental, social and economic impacts of this scheme it is considered that the proposal is acceptable and would be in accordance with relevant policies within the Local Plan, the Outwoods Neighbourhood Plan, the Shobnall Neighbourhood Plan and the NPPF.

22.6 In addition to the appropriateness of the scheme some weight should also be given to the Section 106 Agreement where appropriate financial contributions have been negotiated following viability testing.

22.7 RECOMMENDATION

22.8 Conditions or reason for refusal

22.9 **Permit**, subject to the following conditions and the completion of a S106 Agreement:

1. Standard Time Limit (Standard Condition No. 0000001a)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Compliance with the approved plans (Standard Condition No. 0002).

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

18-363-12A Location Plan dated as received 26 March 2019
18-363-11 Rev I Planning Layout dated as received 27 June 2019
18-363-20 Services Layout dated as received 28 June 2019
18-363-15A Surfaces Plan dated as received 18 March 2020
GL0840 06A Soft Landscape and Childrens Park Details dated as received 18 March 2019
GL0840 07 Soft Landscape and Childrens Park Details dated as received 18 March 2019
GL0840 09 Tree Protection Plan and Method Statement dated as received 18 March 2019
18-363-16B Boundary Treatment Plan dated as received 18 March 2019
7388 C 10 1.8m High Timber Fence Detail dated as received 18 March 2020
7388 C 11 1.8m High Wall Detail dated as received 18 March 2019
HT-M4-EL Grindleford (M42) Proposed Elevations dated as received 28 June 2019
HT-M4-PL Grindleford (M42) Proposed Floor Plans dated as received 28 June 2019
HT-M-EL Rev A Grindleford Proposed Elevations dated as received 18 March 2019
HT-M-PL Rev A Grindleford Proposed Floor Plans dated as received 18 March 2019
HT-N-EL Rev B Melbourne OPP Proposed Elevations dated as received 18 March 2019
HT-N-PL Rev B Melbourne OPP Proposed Floor Plans dated as received 18 March 2019
HT-B-EL Rev A Milford Proposed Elevations dated as received 18 March 2019
HT-B-PL Rev A Milford Proposed Floor Plans dated as received 18 March 2019
HT-C-EL Rev A Rosliston Proposed Elevations dated as received 18 March 2019 sent 9/12/19
HT-C-PL Rev A Rosliston Proposed Floor Plans dated as received 18 March 2019 sent 9/12/19
HT-L-EL Rev B Rosliston Detached Proposed Elevations dated as received 18 March 2019
HT-L-PL Rev B Rosliston Detached Proposed Elevations dated as received 18 March 2019

HT-L-O- EL Rev A Rosliston Detached (Opp) Proposed Elevations dated as received 18 March 2019
HT-L-O- PL Rev A Rosliston Detached (Opp) Proposed Elevations dated as received 18 March 2019
HT-E-A- EL Tissington Proposed Elevations dated as received 18 March 2019
HT-E-A- PL Tissington Proposed Elevations dated as received 18 March 2019
PJS18-38-100A Drainage General Arrangement dated as received 26 March 2019
PJS18-38-102 Long Section dated as received 26 March 2019
PJS18-38-103A Long Section dated as received 26 March 2019
PJS18-38-105 Drainage Construction Details dated as received 26 March 2019
PJS18-38-107 Attenuation Crate Details dated as received 26 March 2019
PJS18-38-108A Control Chambers General Arrangement dated as received 26 March 2019
PJS18-38-109A Control Chambers General Arrangement dated as received 26 March 2019
PJS18-38-110 Pond General Arrangement dated as received 26 March 2019
PJS18-38-114 Contour Plan dated as received 26 March 2019
PJS18-38-117C Private Drainage External Works dated as received 18 May 2020
PJS18-38-118B Private Drainage External Works dated as received 18 May 2020
PJS18-38-120 Planning Storm Drainage Area Plan dated as received 26 March 2019
PJS18-38-122 Shared Drive details dated as received 18 May 2020

Planning Statement dated as received 18 March 2019
Design and Access Statement dated as received 18 March 2019
Landscape Management Statement dated as received 18 March 2019
Arboricultural Impact Assessment and Method Statement dated as received 18 March 2019
Affordable Housing Statement dated as received 18 March 2019
Flood Risk Assessment dated as received 18 March 2019
Ecological Impact Assessment dated as received 18 March 2019
Phase I Site Appraisal dated as received 18 March 2020
Phase II Site Appraisal dated as received 18 March 2020

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies Principle 1, NP1, SP1, SP2, SP4, SP8, SP16, SP17, SP23, SP24, SP25, SP26, SP27, SP29, SP30, SP32, SP34, SP35, DP1, DP2, DP3, DP5, DP7 and DP8, the Outwoods Neighbourhood Plan Policies TA1, TA2, TA3, TA5, RD1, RD2, RD3, LR2, LR3 and LR4, the Shobnall Neighbourhood Plan Policies T1, T2, T5, HD1, HD2, HD3, CS2, GN1 and GN3, the Housing Choice Supplementary Planning Document, Revised Car Parking Standards Supplementary Planning Document, Open Spaces and Playing Pitch Supplementary Planning Document, the East Staffordshire Design Guide, the Separation Distances and Amenities Supplementary Planning Document and the National Planning Policy Framework.

3. Details of Materials (Bespoke)

No development shall take place above damp proof course until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the Outwoods Neighbourhood Plan, the Shobnall Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

4. Slab Levels (Standard Condition No.00016b)

No development shall take place above damp proof course until details showing the existing and proposed land levels of the site including spot heights and the finished floor levels, ridge and eaves heights of all buildings hereby permitted with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings shall have been submitted to and approved in writing by the Local Planning Authority. The floor levels shall generally be reflective of those shown on Drawing No PJS18-38-117C Private Drainage External Works dated as received 18 May 2020. The development shall be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide, the Separation Distances and Amenities Supplementary Planning Document and the National Planning Policy Framework.

5. Construction Management Plan (Bespoke)

No development shall take place until a Construction Management Plan has been submitted to, and agreed in writing with the Local Planning Authority. The submitted Construction Management Plan shall include:

- The routing of all demolition and construction vehicles to and from the site. The measures shall include the phasing of movements to avoid traffic congestion.
- The parking of vehicles of site personnel, operatives and visitors
- Arrangements for the loading and unloading of plant and materials
- Areas of storage for plant and materials used during the construction of the development
- Measures to prevent the deposition of deleterious material on the public highway during the construction of the development

The approved Construction Management Plan shall be implemented and adhered to throughout the construction period.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, the Outwoods Neighbourhood Plan, the Shobnall Neighbourhood Plan and the National Planning Policy Framework.

6. Provision of the Residents Parking Area

Before any on site construction work commences the parking court access and the parking area to serve the existing dwellings shall be surfaced and thereafter maintained in a bound material with the parking bays clearly delineated on the ground in accordance with details which shall be submitted to, and approved in writing by the Local Planning Authority and will thereafter be retained for the lifetime of the development.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, the Outwoods Neighbourhood Plan, the Shobnall Neighbourhood Plan, and the National Planning Policy Framework.

7. Provision of Access Road Gate (Bespoke)

Prior to the first use of the access road to serve the rear of dwellings fronting onto Forest Road the access gates as indicated on the plans approved under condition 2 shall be installed and maintained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35 and the National Planning Policy Framework.

8. Site Access Road (Bespoke)

No development on the site shall take place until the access road between the edge of Forest Road (B5017) and the Northern side of the access to the parking court, and the rear access road to serve properties on Forest Road as indicated on the drawings approved under condition 2 have been completed to base level.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35 and the National Planning Policy Framework.

9. Surface Water Drainage Interceptor (Bespoke)

Where a private access falls towards the public highway a surface water drainage interceptor connected to surface water outfall, shall be provided across the access immediately to the rear of the highway boundary unless otherwise agreed in writing with the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35 and the National Planning Policy Framework.

10. Provision of Parking (Bespoke)

Prior to the first occupation of each dwelling hereby granted permission the access, parking and turning areas shown on the approved plans (listed at condition 2 above) shall be provided in a bound porous material in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and thereafter shall be made available at all times for their designated purposes.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, the Outwoods Neighbourhood Plan, the Shobnall Neighbourhood Plan, the Parking Standards SPD and the National Planning Policy Framework.

11. Ecological Enhancement Measures

No development shall take place above damp proof course until details of ecological enhancement measures (including bird nesting and bat roosting facilities along with hedgehog boxes) to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the first occupation/use of any of part of the development and thereafter made available at all times for their designated purposes.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

12. Cycle storage facilities provided in accordance with details to be submitted before occupation of any dwellings. (Bespoke)

No dwelling hereby permitted shall be occupied until a scheme of secure weatherproof cycle storage facilities to serve the dwellings has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Once provided the approved secure weatherproof cycle storage facilities shall thereafter be retained as available at all times for its designated purposes.

Reason: In the interests of highway safety and site sustainability to comply with East Staffordshire Local Plan Policies SP1, SP35 and DP1 and the National Planning Policy Framework.

13. Visibility Splays (Bespoke)

Before any on site construction commences the visibility splays shown on the drawings approved under condition 2 onto Forest Road shall be provided and thereafter maintained at all times for the lifetime of the development to retain visibility over a height of 600mm above the adjacent carriageway level.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35 and the National Planning Policy Framework.

14. Implementation of Landscaping (Standard Condition No. 00003b)

All planting, seeding or turfing comprised in the approved details of landscaping as set out on the drawings approved under condition 2 above shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and occupiers of adjacent dwellings and in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the Outwoods Neighbourhood Plan, the Shobnall Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

15. Implementation of Walling and Fencing (Bespoke)

The approved scheme of walling and fencing as set out on the drawings approved under condition 2 above shall be completed in accordance with the approved scheme before each dwelling served by the fencing/ walling is first occupied and thereafter maintained for the lifetime of the development.

Reason: In the interests of the residential amenities of the future occupiers of the dwellings in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP3, the Outwoods Neighbourhood Plan, the Shobnall Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

16. M42 Compliant Dwellings

Each of the dwelling units on Plots 51, 52, 95, 96, 97 and 98 as identified on the approved plans (listed at condition 2 above) shall be completed to Building Regulation 2010 Standard M4 (2) before the first occupation of the relevant dwelling unit(s) concerned.

Reason: In the interests of residential amenities and in accordance with East Staffordshire Local Plan Policy SP16, East Staffordshire Housing Choice Supplementary Planning Document and the National Planning Policy Framework.

17. Development to be carried out in accordance with the Archeological Scheme of Investigation

The programme of work shall be implemented in accordance with the Archaeological Written Scheme of Investigation dated as received 18 March 2019.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation in accordance with East Staffordshire Local Plan Policies SP1, SP25 and DP5 and the National Planning Policy Framework.

INFORMATIVES

1. Engagement

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

2. Pre-commencement Conditions

The conditions identified below require details to be approved before commencement of the development.
Condition No's 5 and 6

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

3. Details of Proposed Materials

The applicant is advised that in complying with Condition 3 above regarding the submission of samples and details of all external materials, ensuring the product name and manufacturer is provided and must be submitted in writing to the Local Planning Authority as part of the relevant Discharge of Condition application along with correspondence confirming that date on which samples will be made available on-site and where they will be located.

4. Ecological Responsibilities

The applicant/developer is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found at any point all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

5. The development will need approval under Staffordshire Act 1983 and Highways Act 1980

The County Highway Authority advise this consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980 for the proposed new footway. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. There are several detailed issues that may need to be revised in order to achieve technical approval under that process and the developer is advised to contact Staffordshire County Council to ensure that the necessary approvals and agreements are secured before the commencement of works.

6. Soakaways

The County Highway Authority advises that any soakaways shall be located a minimum distance of 5.0 metres back from the rear of the highway boundary.

7. Construction Hours/ Days

The applicant is advised that the Environmental Health Manager recommends that construction hours be restricted to the following: -

Mon-Fri: 07:30 - 18:00

Sat: 08:00 - 14:00

Sun/Bank Hol: No Working

23. Background papers

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

- Papers on Planning Application file ref: P/2019/00320
- Papers on Planning Application file ref: P/2014/01304
- Papers on Planning Application file ref: P/2019/00297
- The Local and National Planning Policies and Supplementary Planning Documents outlined in the report above.
- The Outwoods Neighbourhood Plan
- The Shobnall Neighbourhood Plan

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.

For further information contact: Kerry Challoner
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