

<b>Agenda Item:</b>	5.3
<b>Site:</b>	Former Imex Business Centre, Shobnall Road, Burton Upon Trent, DE14 2AU
<b>Proposal:</b>	Reserved Matters application relating to P/2019/00056 for the erection of 125 residential dwellings (Class C3) including details of appearance, landscaping, layout and scale

### 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/2020/00745	
<b>Planning Officer:</b>	Kerry Challoner	
<b>Type of Application:</b>	Reserved Matters	
<b>Applicant:</b>	Keepmoat Homes Limited	
<b>Ward:</b>	Shobnall	
<b>Ward Member (s):</b>	Councillor Mrs S McKiernan Councillor Mr P Walker	
<b>Date Registered:</b>	31 July 2020	
<b>Date Expires:</b>	30 October 2020. Extension of time agreed until 24 December 2020.	
<b>Reason for being on Agenda</b>	The scheme brings forward a proposal following outline planning permission being granted for residential development on the site by Planning Committee.	

## 1. Executive Summary

- 1.1 The application site consists of 3.5 hectares of brownfield land that was formerly occupied by the Imex Business Centre. The site is bound by small industrial units and residential development to the West, the Cross Country Railway to the East and Moor Street with the Shobnall Road fly over to the South. The surrounding area comprises a mix of residential and industrial uses.
- 1.2 The application seeks approval for reserved matters following the grant of outline application P/2019/00056 for the erection of upto 144 dwellings

including details of access. The outline application was approved subject to S106 Agreement.

- 1.3 The reserved matters for consideration are layout, landscaping, scale and appearance for 125 dwellings. The proposal also includes associated car parking, internal road layout, open space and private rear garden areas. The proposal also makes provision for affordable housing.
- 1.4 The principle of developing the site for residential purposes has been established under the outline planning permission. Statutory consultees have raised no objections to the proposal as it is considered that the submitted reserved matters details accord with the outline approval and accompanying S106 Legal Agreement.
- 1.5 No objections were raised by Shobnall Parish Council and no representations have been received from local residents.
- 1.6 It is considered that the submitted scheme is in accordance with the details of the approved outline application and accompanying S106 Agreement, and complies with the provisions of the relevant adopted development plan policies, Neighbourhood Plan policies and the National Planning Policy Framework. It is not considered that the proposal will have an adverse impact on the residential amenities of nearby residents, have a detrimental impact on the character and appearance of the adjacent Station Street/ Borough Road Conservation Area, highway safety, or the general character of the area. In light of the above conclusions on the planning merits of the case, the application is recommended for **approval** subject to conditions.
- 1.7 **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 which extends to approximately 3.5 hectares comprises a cleared site which was previously occupied by the Imex Business Centre. Site remediation has taken place, with all previous buildings demolished and removed from the site, with the exception of a telecommunications mast which is located adjacent to Curzon Street.
- 2.2 There are two vehicular/ pedestrian accesses which serve the site and are located off Curzon Street to the North and Shobnall Road (an 'A' classified road) to the South West. The Cross Country railway runs along the Eastern Boundary of the site and Moor Street, a pedestrianised route, runs along the Southern edge of the site. The Station Street/ Borough Road Conservation Area lies to the North Eastern boundary and to the North Western boundary is Green line Business Park which comprises of several small scale industrial units, beyond which are residential dwellings fronting onto Shobnall Road and Wellington Road. No.63-79 Curzon Street, a three storey block of apartments is located adjacent to the Northern tip of the site.
- 2.3 The site is located within the Ward of Shobnall within the settlement boundary for Burton upon Trent as set out in the Local Plan.

### 3. Planning history

3.1 There is various planning history associated with the previous use of the site as a large business complex containing a mixture of uses. The most recent planning history is as follows:

- 26 February 2018- **P/2018/00045**- Prior notification for the demolition of existing buildings- Prior approval given.
- 19 July 2018- **P/2018/00827**- Prior Notification for the demolition of existing buildings and structures- Prior Approval not required.
- 22 October 2018- **P/2018/01021**- Site Works and Remediation of land- Approved subject to conditions.
- 30 April 2020- **P/2019/00056**- Outline application for residential development for up to 144 dwellings including details of access- Approved subject to conditions and a S106 agreement.
- 13 August 2020- **P/2020/00830**- Discharge of conditions 15 (ecological enhancement) and 16 (Drainage details) of planning permission P/2019/00056 relating to Outline application for residential development for up to 144 dwellings including details of access – Approved.
- 03 December 2020- **P/2020/00831**- Discharge of conditions 17 (dust mitigation) and 18 (noise mitigation) of planning permission P/2019/00056 relating to Outline application for residential development for up to 144 dwellings including details of access – Approved.

### 4. The proposal

4.1 The application seeks approval of reserved matters for layout, landscaping, scale and appearance for the residential development approved under outline planning application P/2019/00056 which was approved subject to conditions and a S106 Legal Agreement on the 30 April 2020.

4.2 The reserved matters scheme provides for 125 dwellings, associated car parking and access. The proposed means of access to the site is already established under the outline approval which includes utilising and improving the existing access off Shobnall Road and creating a secondary access off Curzon Street. The reserved matters proposal also includes informal areas of open space within the application site.

4.3 The proposal comprises the following housing mix:

House Type/ Bedrooms	Number
2 Bed House (Semi Detached)	41 (33%)

3 Bed House (Semi Detached and Detached)	61 (49%)
4 Bed House (Detached)	23 (18%)
<b>Total</b>	<b>125</b>

- 4.4 Full details of the house types and garages have been provided. The house types are distributed throughout the application site and mainly comprise of two storey, with some two and a half storey dwelling houses. All dwellings would be constructed from brick, with tiles roofs over, albeit a mix of brick types would be used to add visual interest to the street scenes. Samples of materials (bricks and roof tiles) have been provided during the course of the application.
- 4.5 In line with the S106 agreement attached to the original outline consent, the scheme provides for 25% (31 houses) of the total number of dwellings on site to be affordable. The submissions indicate that these would be provided as a mix of 21 Affordable rent and 10 Shared Ownership dwellings.
- 4.6 The site layout demonstrates that 125 dwellings can be accommodated on the site, whilst providing adequate levels of on-site parking commensurate with the size of each property, together with private rear garden areas, means of access to the adopted highway and appropriate landscaping and open space provision.
- 4.7 Detailed information has also been provided to address pre commencement conditions attached to the outline consent. These details will be referred to appropriately in the assessment section below.

#### List of supporting documentation

- 4.8 The following documents have been provided as part of the application:
- Reserved matters application form
  - Site location plan
  - Site layout plan
  - House type floor plans and elevations
  - Vehicle tracking details
  - Materials details and fencing/ wall details
  - Refuse storage/ collection points details
  - Cycle Storage details
  - Construction Management Plan
  - Landscaping and ecological enhancement details
  - Heritage Assessment
  - Planning and Design and Access Statements
  - Noise and Dust Mitigation Plans
  - Air Quality Assessment
- 4.9 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	Confirmed they have no comment to make regarding the application.
5.3	SCC Highways	No objections, information submitted satisfies the conditions attached to the outline consent. An informative relating to necessary Highways Agreements is required.
5.4	SCC Education	No objections, information submitted satisfies the obligations within the S106 agreement attached to the outline consent.
5.5	SCC Historic Environment	A written scheme of archaeological investigation is required.
5.6	Environment Agency	No objections
5.7	Lead Local Flood Authority	No objections were raised.
5.8	Severn Trent Water	No comments received
5.9	The National Forest	No objections were raised, the retention of existing trees along the Shobnall Road frontage is welcomed. Tree protection measures during the construction phase should be conditioned. The size of the proposed trees are considered acceptable, although additional planting could be provided in the POS areas.
5.10	Architectural Liaison Officer	Advice offered about crime reduction measures across the site
5.11	Network Rail	No objections were raised. Advice and information provided in relation to requirements of working in proximity to a railway.

Internal Consultees		Response
5.12	Environment Manager	No objections, details of bin collection points for the private driveways is required.
5.13	Open Spaces	Concerns raised regarding the use of SUDs area as Public Open Space.

## 6. Neighbour/ Ward Councillor responses

6.1 The application has been the subject of local publicity by way of site notices posted and an advert in the local press. In addition, neighbouring occupiers were notified by letter. No responses were received.

- 6.2 Councillor McKiernan has requested if any available green space, particularly along the railway could be considered for allotments, as there are none within Shobnall.

## 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
- 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
- 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

### Supplementary Planning Documents

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

### Shobnall Neighbourhood Plan

- T1 – Transport Assessment
- T2- Highway Design and Traffic Calming
- T3- Travel Planning
- T5- Parking
- T6- Sustainable Transport

- HD2- Housing Design Quality
- HD3- Housing Mix
- BH1- Protecting Shobnalls Heritage Environment
- GN3- Open Spaces

## **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 31st March 2020 and concludes there is 6.04 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 principle of the development of the site has been established with the approval of the outline planning permission. This reserved matters application deals with the appearance, landscaping, layout and scale of the development but will be subject to the requirements of the conditions and the Section 106 Agreement attached to the related outline planning permission. These provisions are referenced where relevant in the following sections of the report.

## **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 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.6 Policy HD2 from the Shobnall Neighbourhood Plan requires new housing development to achieve a high standard of design to include appropriate levels of green space, provision of car parking, sustainable design measures and sustainable drainage systems.
- 11.7 The proposed development is to erect 125 dwellings which would be 2/ 2.5 storeys in height. The proposed house types are a mix of 2, 3 and 4 bedroom dwellings with traditional proportions and brick elevations. Details of the materials which include both red and buff brick types have been provided during the course of the application.
- 11.8 The scheme includes a range of eleven house types, which vary in style and materials to give variety in appearance within the street scenes. No area is dominated by a particular house type or design, and the layout of the road network enables properties to be positioned at varying angles to the highway, to give a more interesting character to the development. Dwellings which surround the open spaces within the site would front onto these public areas providing natural surveillance and active frontages.
- 11.9 The existing residential development in the area has no particular dominant architectural style or character. There are a mix of styles, sizes, materials and ages of properties, therefore it is considered that there are no particularly distinctive architectural features or designs that could be taken from the local vernacular, as it is so varied. In addition, each application is determined on its

own merits, and the styles, sizes and design of dwellings as submitted, are not considered to be out of keeping or harmful to the character of the area.

- 11.10 Each dwelling has access to parking spaces or garages that meet the requirements of the parking standards SPD relevant to the number of bedrooms. A condition will be applied to ensure that the garages are maintained for their intended purpose.
- 11.11 Although the proposed layout results in parking bays to the frontage of the buildings, landscaping plans have been provided which indicate that this is broken up with grassed areas which include shrubs to soften the views within the street scenes. Each dwelling also has private rear garden spaces that meet the minimum guidance in the Separation distances and Amenity SPD.
- 11.12 Homes England have driven the redevelopment of this site by carrying out demolition and remediation works and securing the outline planning consent. Homes England set a range of mandatory requirements for prospective developers who wish to take on the development. One of the requirements is that compliance must be demonstrated with the Building for Life 12 (BfL12) design toolkit principles. BfL12 is a government endorsed standard for providing well designed homes and neighbourhoods, and includes requirements relating to legibility, accessibility, public and private spaces, parking and the surrounding context of the site. An assessment against the BfL12 standards has been provided, which demonstrates that the scheme scores highly in relation to the set standards.
- 11.13 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.
- 11.14 With regard to the existing telecommunications mast, the developer has confirmed that the mast is to be replaced with a modern more slim lined version in the same location. The existing industrial style fencing surrounding the mast would be replaced with close board fencing to improve visual amenity within the area of public open space surrounding the structure.
- 11.15 Based on the above assessment it is considered that the design and layout of the proposed development is acceptable and provides a development that will be integrated in to the surrounding townscape. It is considered that the proposal provides a balance of built form and landscaping particularly to the Shobnall Road boundary that will help to maintain a sense of open space around the edge of the site.

## **12. Historic Environment**

- 12.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 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.
- 12.6 Shobnall Neighbourhood Plan Policy BH1 states that new development proposals will be expected to protect and enhance the character and value of Shobnall's heritage environment, including Listed Buildings, Conservation Areas, and other statutorily protected assets.
- 12.7 The North Eastern boundary of the site adjoins the Station Street/ Borough Road Conservation Area, which was amended and extended in 2018. The nearest Listed Buildings are the Grade II listed Former Midland Grain Warehouse (which has been converted to a Travel Lodge) off Station Street, 125-145 Wellington Street which are Grade II listed Almshouses and Burton Town Hall which is also Grade II listed. Therefore, Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged by this scheme.
- 12.8 The application site previously contained large industrial buildings known as the Imex Business Centre. The site has been cleared and levelled and now forms a vacant brownfield site. Taking into consideration the separation distances

and the scale of the intervening buildings it is not considered that the scheme would cause any detriment to the significance or setting of any Listed Buildings.

12.9 In terms of the Station Street/ Borough Road Conservation Area it is considered that the site at present does not form a positive contribution to the setting of this heritage asset. The proposed scheme would provide a more cohesive street scape to Curzon Street, and whilst it would introduce modern built form, there would be a clear distinction between the modern development and the traditional and historic buildings within the Conservation Area. In this context it is considered that the proposal would 'preserve' the conservation area and achieve the 'desirable' objective described in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12.10 In relation to archaeological matters, the County Archaeologist has requested that a written scheme of investigation is submitted given the close proximity of the site to the projected course of Ryknield Street. The results of the investigation should then be made available for analysis and publication. This is secured by an appropriately worded condition.

### **13. Residential Amenity**

13.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.

13.2 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.

13.3 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.

13.4 The proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them an unacceptable loss of light or privacy or any overbearing impacts. The scheme is therefore compliant with the provisions of Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD and the NPPF.

13.5 Taking into consideration the layout of the scheme the relevant separation distances set out in the Separation Distances and Amenity SPD would be met. The density of the development gives rise to adequately sized front and rear gardens, with appropriate planting proposed to front gardens.

13.6 The floor layout plans indicate a good level of residential accommodation for future occupiers and therefore it is considered that the proposals would result in a good to acceptable standard of living accommodation for future residents.

- 13.7 In terms of noise impact, the main issues arise from the adjacent railway and the road traffic noise from Shobnall Road. A noise survey and mitigation strategy has been provided, in order to discharge condition 18 of the outline consent and to support this proposal. The Environmental Health have confirmed that the provisions to protect future occupiers, which includes specific positioning of dwellings, glazing and ventilation specification and acoustic fencing and walling in specific areas are acceptable.
- 13.8 Given the separation distances between dwellings throughout the development it is not considered that the removal of permitted development rights for the erection of garden structures would be justified in this instance.
- 13.9 In conclusion, therefore, the proposed layout shows that 125 No. dwellings can be accommodated on the site without compromising the reasonable amenities of existing occupiers or the future occupiers of the development, allowing for sufficient outdoor private amenity space and satisfactory integration with the existing and proposed adjoining built form, again complying with the provisions of Local Plan Policies DP1 and DP3, policy HD2 of the Shobnall Neighbourhood Plan, the objectives of the Separation Distances and Amenity SPD and the National Planning Policy Framework.

#### **14. Highway Matters**

- 14.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 14.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 14.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 14.4 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.

- 14.5 The Shobnall Neighbourhood Plan in policy T5 sets out parking requirements. The required level of parking in new developments 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
- 14.6 The means of access to the site has been established under the outline planning consent and includes a 'left in, left out' junction off Shobnall Road and a new access off Curzon Street. The overall layout of the proposed scheme has been assessed by the highways department, and the internal road layouts, together with the parking and access arrangements are considered to comply with current policy standards as set out above, including access by emergency and refuse vehicles. The Highways Officer has confirmed that sufficient information has been provided in order to discharge condition 6 of the outline consent which required a site masterplan to include roads and footpaths which will be adopted in the future.
- 14.7 As some of the properties rely on a parking space within a garage to achieve the necessary parking standards, a condition to ensure that the garages are retained as parking spaces is recommended. In line with the requirements of the Car Parking Standards SPD and condition 13 of the outline consent, details have also been provided of sheds which would be provided in the rear gardens of all dwellings as provision for weatherproof storage of bicycles.
- 14.8 The application plans also provide details of electric vehicle charging points which would be provided to 12 properties across the development. This would satisfy the requirements of condition 11 of the outline planning consent.
- 14.9 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. 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. 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.
- 15.2 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.
- 15.3 The site falls within Flood Zone 2. Flood Zone 2 is deemed to have been shown to have between 0.1% to 1% chance of flooding in any year. The

Environment Agency have confirmed that the scheme is located outside of all the relevant flood events therefore they have no objections to this application. Conditions were attached to the original outline consent to ensure the development is carried out in accordance with the mitigation measures set out in the Flood Risk Assessment.

- 15.4 In addition, an application to discharge condition 16 of the outline planning consent has been approved following consultation with Severn Trent Water who have raised no objections to the proposed drainage scheme to serve the development.
- 15.5 The proposal is therefore considered to be acceptable in terms of flood risk and drainage, and complies with Policy SP27 and the NPPF.

## 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 The Housing Choice SPD expects the following housing mix for Shobnall:

1-bedroom homes (flats, houses or bungalows)	3%
2-bedroom homes (flats, houses or bungalows)	2%
<b><i>Housing for Older People**</i></b>	20%
2-bedroom houses	13%
3-bedroom houses	29%
4-bedroom houses	23%
5-bedroom houses	10%

- 16.4 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(2) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications. The standard should be applied to a range of properties and not just those larger properties.

- 16.5 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%
  - SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.
- 16.6 The Housing Choice SPD provides guidance on the expected affordable housing mix of sites.
- 16.7 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.
- 16.8 The proposed development seeks permission for the construction of 125 dwellings. Across the site, this provides for 2, 3 and 4 bed properties, which are either two or two and a half storey in height. The mix provides 41 two bed dwellings (33%), 61 three bed dwellings (49%), 23 four bed dwellings (18%).
- 16.9 Whilst this mix of house types in terms of bedrooms does not strictly accord with the Housing Choice SPD, from a planning point of view it is considered that this will not adversely affect the overall character of the development, such that it is unacceptable.
- 16.10 The proposed mix provides a good range of 2, 3 and 4 bed properties across 11 housetypes. In line with the requirements of condition 12 of the original outline consent and the requirements of Local Plan Policy SP16, details of 10% of the proposed dwellings which will be M4(2) compliant have been provided.
- 16.11 The S106 Legal Agreement attached to the original outline consent sets out the requirements for the provision of affordable housing across the site. The S106 agreement requires the overall affordable housing provision across the site to be 25%, all shared ownership dwellings. This requirement is provided for within the scheme, with 19 No.2 Bed and 12 No.3 bed dwellings provided across the site, rather than being concentrated in one area.
- 16.12 The proposed housing mix and affordable housing provision is considered to be sufficiently in line with the parameters set by the outline planning consent and agreed s.106 agreement so as to continue to meet with the objectives of the Local Plan in respect of Policies SP16 and SP17 and the NPPF.
- 17. Landscaping, Green Infrastructure and National Forest**
- 17.1 Strategic 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.



- 17.2 Policy DP8 relates to tree protection. This policy states that where there are existing trees of value on site developers must ensure that new developments are designed to retain as many trees as possible.
- 17.3 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.
- 17.4 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.
- 17.5 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.
- 17.6 The proposals include National Forest Planting which has been revised during the course of the application to provide additional planting around the edge of the site and particularly in the areas of public open space. A landscape plan is submitted in support of the application which details the proposed planting regime and anticipated species for areas within and at the immediate edge of the development. Planting has been located so as not to result in visibility issues for streets and parking. The National Forest Company has raised no objections to the proposed landscaping plan.
- 17.7 Details of tree protection have also been provided to protect the retained trees both within and immediately adjacent to the site. This is particularly relevant to the trees located on the edge of the site along the Shobnall Road boundary.
- 17.8 A landscape management plan has also been provided which sets out the provision, requirements and future maintenance of landscaped areas. A management company will be appointed to undertake all management aspects relating to the SUD's and external landscape areas, and the plan and maintenance schedules will be monitored and assessed for their effectiveness on an annual basis for the first five years following completion of the development.
- 17.9 The proposed landscaping, green infrastructure and National Forest planting is considered to be appropriate and in line with relevant local and neighbourhood planning policies and the NPPF.

## **18. Biodiversity**

- 18.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development

cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

- 18.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 18.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 18.4 The outline planning approval was accompanied by an ecological survey that concluded that the site is considered to be of low ecological value at present given that it had recently been cleared and remediated. Details of ecological enhancement have been provided which include bird boxes, swift bricks, bat boxes and gaps in fencing to allow the movement of hedgehogs. This information is sufficient to discharge condition 15 of the outline consent which includes the requirement to install all ecological enhancement measures prior to the final occupation of the dwellings.

## **19. Open space**

- 19.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 19.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 19.3 SP32 and SP33 set out the requirements of open space provision across the Borough.
- 19.4 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.
- 19.5 The approved outline application set out that 0.22 hectares of open space should be provided within the application site, and in addition £64,200 is secured through the S106 agreement to improve the Link Play area located to the South of the application site (and accessed under the Shobnall Road flyover). As set out above, full details of the maintenance of the open space areas have been provided, with a management company taking on future maintenance tasks.

- 19.6 The submitted plans provide for 0.19 hectares of open space, which is provided in an area adjacent to the Curzon Street entrance to the site and along the Southern boundary with Shobnall Road. An additional 0.14 hectares of green planted areas would also be provided within the site, although these would not count towards the provision of public open space due to their overall size.
- 19.7 The area of open space along the Southern boundary would also be used as part of the SUD system for the site, specifically as an attenuation basin which would only be utilised as part of the drainage system if a critical storm occurs. The storm water for 1 in 1, 1 in 2 and 1 in 30 year events will remain in the underground pipe network. Exceedance flows for the 1 in 100 year events or an extreme storm the basin area within the open space will act as an overflow area for flood waters. When the rainfall stops and the backed up water subsides the basin will drain into the existing watercourse, again through flow control. The area along with the existing watercourse form the subject of a maintenance plan which ensures that the area remains free of blockages.
- 19.8 Due to the form and shape of the SUDS proposed, it will be usable open space for the vast majority of the time. The Open Spaces SPD states that *'for those proposals required to provide sustainable urban drainage systems (SUDS), this may form part of landscaped areas or features of a site in some cases. In some appropriate instances, the on site open space provision may also have the ability to provide this role. However, it is important that the primary function of the open space is not jeopardised. The SUDs should not impact on the recreational use of the open space provision'*.
- 19.9 A Landscape Management plan for the lifetime of the development has been provided, which includes both regular and annual maintenance. The area would be adopted by a private management company in line with the requirements set by the S106 attached to the original outline consent.
- 19.10 Whilst the open space provided falls slightly short of the originally anticipated 0.22 hectares, it is noted that there are significant viability issues associated with bringing residential development forward on this site. On balance, the open space provisions proposed within the site are of sizes which are both meaningful and useable for future residents and include suitable access points. In addition, dwellings around the areas of open space are orientated to face public areas in order to increase surveillance.
- 19.11 It is considered therefore, that the proposal is acceptable in relation to the provision of open space and complies with policies 32 and 33 of the Local Plan, Shobnall Neighbourhood Plan GN1 and GN3 and the Open Spaces SPD.

## 20. Other matters

- 20.1 Further to the submission of details with this application and referred to in the report above, the following conditions attached to the outline consent can be discharged:

- Condition 6 (Highways Masterplan)
- Condition 9 (Means of enclosure)
- Condition 10 (Construction Management Plan)
- Condition 11 (Electric Vehicle Charging Points)

- Condition 12 (Details of M4(2) compliant properties)
- Condition 13 (Details of Weatherproof Storage)
- Condition 14 (Materials)
- Condition 15 (Ecological Enhancement)

## 21. Conclusions

- 21.1 This proposal will result in the development of 125 dwellings upon which the principle of development has previously been established by the granting of outline planning permission earlier this year. The scheme would bring back into use a currently large vacant brownfield site.
- 21.2 The submitted details for this reserved matters application demonstrate that the development will fit acceptably into the context of adjoining existing and proposed built form by way of its siting, scale, massing and design. The proposed layout shows that separation distances between existing and proposed dwellings are such that the site can be developed without having any material harm on the reasonable residential amenities of any existing or proposed occupiers. The Highway Authority has confirmed that there are no issues in relation to highway safety arising from the proposals and it is considered that the surface water and flooding issues relating to the site have been satisfactorily resolved, subject to appropriate conditions.
- 21.3 The proposal would cause no harm to heritage assets and would accord with the requirements of the S106 legal Agreement, and will not result in any loss of the specified provisions, which will be secured when the relevant triggers are met.

## 21.4 RECOMMENDATION

### 21.5 APPROVE RESERVED MATTERS, subject to the following conditions:-

#### 1. Approved Plans

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

- 030 1:1250 Site Location Plan dated as received 16 July 2020
- 08 Rev C Tenure Plan dated as received 16 July 2020
- 12 Rev D Planning Layout dated as received 19 November 2020
- 22 Rev B Street Scenes dated as received 16 July 2020
- 23 Rev C Sales/ Show Home Plan dated as received 16 July 2020
- 24 Rev C Massing Plan dated as received 16 July 2020
- 24 Rev E Enclosures Plan dated as received 16 July 2020
- 26 Rev C Materials Plan dated as received 16 July 2020
- 27 Rev C Refuse Plan dated as received 16 July 2020
- 28 Rev D Tenure Plan dated as received 19 November 2020
- 29 Rev C M42 Compliant Unit Plan dated as received 30 July 2020
- 031 Site Block Plan dated as received 16 July 2020
- 32 Rev B Roof Plan dated as received 16 July 2020
- 034 Rev B Technical Highway Details dated as received 16 July 2020
- 035 Rev B Construction Management plan dated as received 16 July 2020

40 Cycle Storage details dated as received 30 July 2020  
41 Substation Floor Plan and Details dated as received 30 July 2020  
42 Green Open Spaces Plan dated as received 04 September 2020  
9513-E-01 Ecological Enhancements dated as received 16 July 2020  
AB -145 - 05 -01 Refuse Vehicle Tracking dated as received 16 July 2020  
c-1805-01 Revision C Detailed Landscaping Proposals (1 of 3) dated as received 30 September 2020  
c-1805-02 Revision C Detailed Landscaping Proposals (2 of 3) dated as received 30 September 2020  
c-1805-03 Revision C Detailed Landscaping Proposals (3 of 3) dated as received 30 September 2020  
AB145-07-01 SUDS Area Sections dated as received 30 September 2020  
Fairfield AS Housetype Plans and Elevations dated as received 31 July 2020  
Fairfield Mid Housetype Plans and Elevations dated as received 31 July 2020  
Fairfield OPP Housetype Plans and Elevations dated as received 31 July 2020  
Abbey AS Housetype Plans and Elevations dated as received 31 July 2020  
Abbey OPP Housetype Plans and Elevations dated as received 31 July 2020  
Dorchester AS Housetype Plans and Elevations dated as received 31 July 2020  
Dorchester OPP Housetype Plans and Elevations dated as received 31 July 2020  
Staveley AS Housetype Plans and Elevations dated as received 31 July 2020  
Staveley OPP Housetype Plans and Elevations dated as received 31 July 2020  
Bamburgh AS Housetype Plans and Elevations dated as received 31 July 2020  
Bamburgh MID Housetype Plans and Elevations dated as received 31 July 2020  
Bamburgh OPP Housetype Plans and Elevations dated as received 31 July 2020  
Rothway AS Housetype Plans and Elevations dated as received 31 July 2020  
Rothway OPP Housetype Plans and Elevations dated as received 31 July 2020  
Eaton AS Housetype Plans and Elevations dated as received 31 July 2020  
Eaton OPP Housetype Plans and Elevations dated as received 31 July 2020  
Lawton AS Housetype Plans and Elevations dated as received 31 July 2020  
Lawton MID/AS Housetype Plans and Elevations dated as received 31 July 2020  
Lawton OPP Housetype Plans and Elevations dated as received 31 July 2020  
Marlow AS Housetype Plans and Elevations dated as received 31 July 2020  
Marlow OPP Housetype Plans and Elevations dated as received 31 July 2020  
Dorchester Corner AS Housetype Plans and Elevations dated as received 31 July 2020  
Dorchester Corner OPP Housetype Plans and Elevations dated as received 31 July 2020  
Rothway Corner AS Housetype Plans and Elevations dated as received 31 July 2020  
Rothway Corner OPP Housetype Plans and Elevations dated as received 31 July 2020  
Single Detached Garage Housetype Plans and Elevations dated as received 31 July 2020  
Double Detached Garage Housetype Plans and Elevations dated as received 31 July 2020  
Landscape Management Plan Dated as received 16 July 2020  
Ecology Statement dated as received 16 July 2020

Letter Detailing the POS functionality dated as received 02 November 2020  
Tree Survey Report dated as received 16 July 2020  
AB Civils Design SUDS Maintenance Letter dated as received 02 November 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 highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP16, SP17, SP23, SP24, SP25, SP26, SP27, SP29, SP32, SP34, SP35, DP1, DP2, DP3, DP5, DP7 and DP8, Shobnall Neighbourhood Plan Policies T1, T2, T3, T5, T6, HD2, HD2, BH1 and GN3, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, the Parking Standards SPD and the National Planning Policy Framework.

## **2. Archaeology**

No development shall take place until a written scheme of investigation securing the implementation of a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication. The programme of work shall be implemented in accordance with the approved details. The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

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 the National Planning Policy Framework.

## **3. Materials**

The development shall be carried out in accordance with the following approved materials unless otherwise agreed in writing with the Local Planning Authority:

- Brick- Ibstock Hardwicke Minster Sandstone Mixture
- Brick- Terca Mulberry Red
- Roof Tile- Galloway Slate Grey
- Roof Tile- Lothian Slate Grey

Reason: To safeguard the character and appearance of the development and its surroundings and the Station Street/ Borough Road Conservation Area in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1, DP3 and DP5 (delete as necessary), Shobnall Neighbourhood Plan Policy BH1, the East Staffordshire Design Guide and the National Planning Policy Framework.

#### **4. Landscape Management Plan**

The development shall be carried out in accordance with the approved Landscape Management Plan and the AB Civils Design SUDS Maintenance Letter as referred to under Condition 1, with all implementation, management, maintenance, monitoring and review being carried out for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way in the interests of the visual amenities of the locality and in the interests of maintaining appropriate drainage to serve the development in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP27, DP1 and DP3, the Shobnall Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

#### **5. Details of lighting**

Prior to the first occupation of any residential units on the site full details of the external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include precise locations and heights of lighting columns and luminance levels. The development shall only be implemented in accordance with approved details and maintained as such for the lifetime of the development.

Reason: As recommended by Network Rail to provide for the safe operation of the adjoining Railway and to safeguard the character and appearance of the locality, biodiversity and the residential amenity of adjacent residents in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP7, the East Staffordshire Design Guide and the National Planning Policy Framework

#### **6. Tree Protection**

All existing trees and hedges shown as being retained on the plans hereby approved and referred to in the Tree Survey Report shall be protected by 2m high fencing in line with the Tree Protection Barrier recommendations set out on the landscaping plans approved under condition 1. Such fencing shall be erected before development commences and shall be retained at all times whilst construction work is taking place.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with East Staffordshire Local Plan Policy DP8 and the National Planning Policy Framework.

#### **7. Retention of Garage/Parking Space**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the approved garage

accommodation/parking space provided in connection with the development shall be made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.

Reason: To ensure adequate off-street parking exists to serve the development to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the Shobnall Neighbourhood Plan Policy T5 and the National Planning Policy Framework.

## **8. Bin Collection Points**

The bin collection points indicated on the approved site plan as listed under condition 1 shall be provided and retained for their designated use prior to the occupation of any related dwelling.

Reason: To ensure the provision of appropriate waste storage facilities in accordance with the National Planning Policy Framework and in accordance with the East Staffordshire Borough Council Waste Storage and Collection Guidance for New Developments.

## **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.2.

This means that a lawful commencement of the approved development 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. Ecological Responsibilities**

The applicant/developer is advised that this permission does not absolve them from their responsibilities in relation to protected species.

### **4. Highways Informative**

This estate road and drainage layout will require approval under Section 7 of the Staffordshire Act 1983 and will require an agreement under Section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'. There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for this design/layout will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that they take on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and advised to take out public liability insurance against claims associated with those responsibilities.

### **5. Pre-commencement Conditions**

In addition to the pre-commencement condition referred to in condition 3 above, the applicant/developer is reminded that the conditions on the original outline approval **P/2019/00056** and the terms of the associated **S106 Legal Agreement** also apply to this approval of Reserved Matters application and need to be satisfied/complied with accordingly.

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

### **6. Network Rail**

The applicant/ developer is advised to note the advice and recommendations set out in the consultation response email from Network Rail dated 20 August 2020.

## **22. Background papers**

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

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference: P/2019/00056

### **23. Human Rights Act 1998**

23.1 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.

### **24. Crime and Disorder Implications**

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

### **25. Equalities Act 2010**

25.1 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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