

<b>Agenda Item:</b>	5.2
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<b>Site:</b>	Churnet House High Street Rocester Staffordshire ST14 5JU
<b>Proposal:</b>	<p><b>Application 1 (Outline)</b> Application for outline planning permission for the erection of 71 No. dwellings with all matters reserved except for access (including demolition of existing outbuildings).(Amended Scheme)</p> <p><b>Application 2 (Full)</b> Erection of 18 No. dwellings with new vehicular access and associated garaging/parking facilities following the demolition of the existing farm outbuildings along with restoration works to the existing dwelling at Churnet Farm (Amended Scheme)</p>

### 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 Nos.</b>	(1) P/2017/00667 and (2) P/2017/00668
<b>Planning Officer:</b>	Alan Harvey
<b>Type of Application:</b>	(1) Outline Planning Application (P/2017/00667) (2) Full Planning Application (P/2017/00668)
<b>Impact on Heritage Assets under S66(1) and S72</b>	The scheme would have less than significant harm on the setting of heritage assets although it is considered this harm would be outweighed in the 'Planning Balance' by the material benefits of the scheme.
<b>Applicant:</b>	Condor Developments Ltd
<b>Ward:</b>	Churnet
<b>Ward Member (s):</b>	Councillor Steve Sankey
<b>Date Registered:</b>	2 September 2017
<b>Date Expires:</b>	30 September 2021 - A series of extensions of time have been agreed with the applicants.
<b>Reason for being on Agenda</b>	Major Application of local interest and also formally called in to committee by Cllr S Sankey
<b>Officer Recommendation</b>	In the light of the planning balance undertaken under paragraph 202 of the (July 2021*) NPPF the officer recommendation is for the Approval of Outline and Full applications subject to conditions and Joint Section 106 Agreement (*formerly paragraph 196 of the 2019 NPPF)

## 1. Executive Summary

- 1.1 Members are advised that the schemes the subject of this report comprise two separate residential applications; one being in outline form (ref: P/2017/00667) and other one being a full submission (ref: P/2017/00668); which together relate to an overall site of 4.7 ha on the southern side of High Street in Rocester allocated for housing in the Local Plan (under Policy SP4). The schemes are therefore reported here together as they share common development plan policy backgrounds, single point of access arrangements (off High Street) and *in combination* flood alleviation and surface water disposal schemes.
- 1.2 A Section 106 Agreement is also necessarily a joint document in terms of the delivery of overlapping infrastructure provisions and heritage asset benefits of the applications. Where the material considerations vary having regard to the level of detail provided with the respective outline and full applications - for example in terms of visual and residential amenity impacts - that is clearly identified in this report under the sub-headings '*Outline Scheme*' and '*Full Application.*' Similarly, any differences in condition requirements between the respective applications are clearly identified by the separate lists at the end of this report. The reference to the '*application site*' in this report shall unless otherwise stated be considered to be a reference to the combined lands (of applications ref: P/2017/00667 and ref: P/2017/00668).
- 1.3 The application site comprises the former farm house at Churnet Farm (hereafter referred to as 'Churnet Farmhouse'), its farmyard and some wider agricultural lands on the southern side of High Street within the village of Rocester. The Farmhouse and outbuildings are in various states of disrepair; with the house having been deemed unsuitable for habitation and the occupant having moved to a mobile home in the farmyard. Other retained agricultural lands lie to south of the application site.
- 1.4 The northern part of the application site lies within the village conservation area boundary and a Grade II listed mill and bridge lie to the west of the site at the entrance to the village off the roundabout junction with Uttoxeter Road (B5030) To the north of the site (on the opposite side of High Street) there are mature three and two storey brick built properties - predominantly in residential use - which largely rely upon on-street car parking. To the east are two and three storey dwellings along Riversfield Drive. Immediately to the west is the access and car parking serving the JCB Finance Offices; behind which (to the south-west) are the JCB garaging premises. The application site itself lies within lands on Flood Zones 2 and 3 from the River Churnet.
- 1.5 The application submissions are respectively an outline application for the erection of 71 No. dwellings and a full application for the erection of No.18 dwellings following the demolition of the existing farm outbuildings at Churnet Farm. The full scheme, which relates to the northern area of the site (being that closest to the High Street) originally proposed the demolition of Churnet Farmhouse, however, the scheme as now amended provides for its restoration and re-occupation as a single dwelling. The new dwellings (on Plots 2-9 inc.) grouped around the farmhouse (on the full submission) have been sited and designed to reflect the historic farmyard nature of this part of the site.

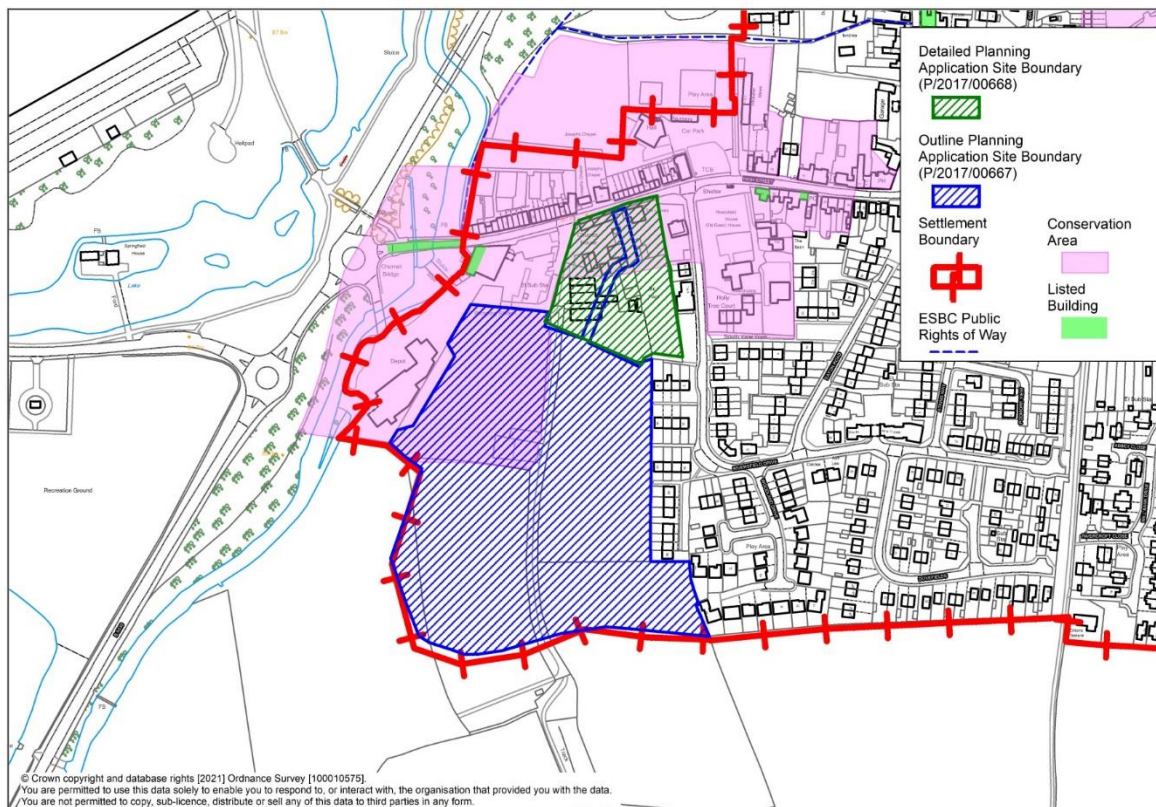
- 1.6 The scheme would have a single point of vehicular access from High Street, immediately to the west of the farmhouse; for which to provide the necessary visibility splays a boundary wall height will be reduced in front of Churnet Farmhouse and the outbuildings to the west demolished and replaced by properties of similar scale and character set back from the highway.
- 1.7 The application process has had a lengthy duration, including the submission of amended and additional reports on flood risk and highway safety, at the end of which statutory consultees now raise no technical objections that cannot be otherwise be overcome by way of planning conditions/Section 106 clauses.
- 1.8 Rocester Parish Council state in terms of the principle of the delivery of new housing in Rocester that no objections are raised to the full application (for 18 No. dwellings and the renovation of Churnet Farmhouse), however, objection is raised to the outline scheme for 71 No. dwellings as it is contended that these are no longer required in the light of the recent housing developments and approvals which mean the Local Plan allocation for the village over the Local Plan period 2012-2031 has already been met. The Parish Council also raise objections and concerns to the development in respect of highway safety (including access by farm vehicles to remaining lands) and flood risk and drainage.
- 1.9 There have been representations received from 27 No. local residents/interested parties over the duration of the application process. Many of the representations have raised similar concerns to those of the Parish Council and these are summarised and addressed in this report.
- 1.10 Submissions have also been received from the councillors at Borough and County Council levels, and the former MP, who have expressed support for the local parties with all of them raising concerns about the development of the site on flood risk and highway safety grounds as well as questioning the need for housing in the village in the light of recent new developments.
- 1.11 In overarching development plan terms, with the site being allocated for residential development in the adopted Local Plan (under Policy SP4) the development proposals are acceptable in principle in sustainable location terms.
- 1.12 It is also considered that the scheme would not adversely affect existing residential amenities, biodiversity or ecology interests. There are also no drainage, flood risk or contamination concerns raised by statutory undertakers that cannot be addressed by commensurate mitigation measures. The County Highway Authority raise no objections in principle on grounds of highway safety
- 1.13 A Joint Section 106 Agreement would secure provisions/financial contributions in relation to healthcare provision, open space (off-site), refuse storage and travel plan monitoring as well for the provision of off and on site affordable housing and the establishment of a site maintenance company. These provisions do not meet in full the pro rata requirements of the relevant Planning Policies and associated Supplementary Planning Documents (specifically in respect of off-site affordable housing provision), however, an independent review of the applicant's submissions commissioned by Officers concluded that in terms of viability the development is capable of delivering the following:

- Twelve No. on-site affordable dwellings
- An off-site affordable housing commuted sum totalling £304,000\*
- Open space, health, travel plan, refuse (refuse containers) and legal costs totalling £115,470.\*\*

(\* the Housing Choice SPD indicates that the full provision would be £944,000.\*\*  
Figure subsequently revised to £116,850 with updated figures from the County Highway Authority and ESBC Waste Services)

- 1.14 In relation to heritage assets; namely the village conservation area and the setting of the Grade II listed mill and bridge, it is concluded (by the Conservation Officer) that the scheme would have *'less than significant harm'* on the setting of these heritage assets.
- 1.15 This conclusion necessarily engages a presumption against granting planning permission via failure to achieve the desirable objectives details in Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, there is a test set out within paragraph 202 of the NPPF (of July 2021) which would allow planning permission to be granted provided it delivers wider public benefits which would outweigh the harm to the historic environment.
- 1.16 In relation to this weighted balance - as is set out in detail in Section 23 of this report - it is considered that the combined benefits, including where relevant to be secured by a joint Section 106 agreement, of the two schemes comprising the restoration of Churnet Farmhouse along with the delivery of 89 No. new dwellings on a site allocated for residential development in the Local Plan to meet the Borough's identified housing need – including on-site and off-site affordable housing provisions – along with financial contributions to health and leisure facilities, represent wider public benefits which would outweigh the identified *'less than material harm'* of the scheme to the historic environment.
- 1.17 Accordingly, having undertaken the relevant Planning Balance assessment in line with the NPPF it is considered that the application schemes in combination comply with the aims and criteria of relevant policies of the Local Plan, the Council's Supplementary Planning Documents (SPDs) and the National Planning Policy Framework.
- 1.18 In light of the above conclusions on the planning merits of the cases, therefore, the applications are recommended for **approval** subject to the necessary joint Section 106 agreement(s) 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 the site(s)****2. The site description**

- 2.1 The application site comprises Churnet Farmhouse, its farmyard and wider agricultural lands on the southern side of High Street (C10) within the village of Rocester. The northern part of the site - and thus that closest to High Street - is within the Rocester Conservation Area.
- 2.2 Churnet Farmhouse sits on the site frontage and to the west are outbuildings located close to the back of the highway. A vehicular access between the farmhouse and outbuildings leads into a farmyard area where there are a number of farm buildings both traditional and modern which are in a state of disrepair. Churnet Farmhouse has been deemed as being unsuitable for habitation
- 2.3 Immediately to the west of the application site on the High Street frontage is the car parking area serving the JCB finance offices which lie some distance back from the road. The western boundary of the application site has a stone wall where the site adjoins the High Street, but otherwise is largely of post and rail fencing.
- 2.4 To the west of the car park - and some 46 m and 80 m respectively from the nearest point of the application site (where it fronts onto High Street) - are the Grade II listed mill and stone bridge. These buildings provide the visual entrance to the village along High Street off the roundabout junction with Uttoxeter Road (B5030). The original three storey Mill building comprises the western most element; although a substantial two storey brick extension with porch has been added in the post second world war period. The application site wraps around the back (northern boundary) of the car parking area to the

Grade II listed mill at which point the application site is a minimum distance of 10 metres from the mill building. To the south-west of the Mill - and adjoining the western boundary of the application site - are the JCB garaging premises.

- 2.5 To the east of the application site the nearest listed building is some 70 metres distant at No. 50 High Street.
- 2.6 To the north of the site on the opposite side of High Street, properties are largely two or three storey mature terraced dwellings which are built up to the highway and thus use High Street for on-street car parking. The dwellings are of red brick with slate/tile roofs. The Panacea Indian Takeaway is diagonally opposite Churnet Farmhouse to the north-west.
- 2.7 Immediately to the east of Churnet House on the High Street frontage – is the detached dwelling at The Laurels which is set back from the road behind a mature hedge. The remainder of the eastern boundary of the site is adjoined by two and three storey dwellings/flats built in the latter part of the twentieth century on Riversfield Drive. The common boundaries with the application site are predominantly mature hedges; with some boundary fencing.
- 2.8 To the south of the site are agricultural lands also in the applicant's ownership.
- 2.9 The site is situated within Flood Zones 2 and 3 from the River Churnet and is within the settlement boundary for Rocester as defined in the Local Plan. The site is identified as a housing allocation (for 90 No. dwellings) under Policy SP4 of the Local Plan.

### **3. Relevant Planning History**

- 3.1 Application ref: **P/2012/00201**: In February 2012 an outline application (including details of means of access) was submitted for the erection of up to 90 dwellings and 10,000 square feet of Class B1 (Business), Class B2 (General Industry) and Class B8 (Storage and Distribution) employment floor space, with associated open space, balancing pond and the demolition of the existing Churnet Farmhouse and associated farm buildings.
- 3.2 Application ref: **P/2012/00205**: an application for Conservation Area Consent which was submitted concurrently (to application ref: P/2012/00201) to provide for demolition of Churnet Farmhouse and outbuildings
- 3.3 The applications were reported to Planning Committee in December 2014 whereby it was initially resolved that the outline application be supported, but that the conservation area consent application be deferred. However, given that in turn the Planning Committee indicated at its meeting in May 2015 that it was unable to support the associated application for conservation area consent to demolish Churnet Farmhouse, and that the Committee had received legal advice that the December 2014 planning application decision needed to be re-visited with the regard to the weight to be given in any determination in respect of the demolition, the applications were subsequently withdrawn without determination.
- 3.4 Application ref: **P/2016/00632**: An application for the retention of a caravan in farm yard area was approved on 25 May 2017. The caravan was to be

occupied by the tenant of Churnet Farmhouse with the dwelling having been declared as being unfit for human habitation.

#### **4. The Proposal(s)**

##### **Full Submission**

- 4.1 This scheme is a detailed proposed for the erection of 18 No. dwellings with new vehicular access and associated garaging/parking facilities following the demolition of the existing farm outbuildings along with restoration works to the existing dwelling at Churnet Farmhouse.
- 4.2 The renovation works to Churnet Farmhouse (Plot 1) include the removal of a blockwork constructed lean-to to the western side elevation, the provision of new roof structure and the installation of replacement door and windows units.
- 4.3 The outbuildings located close to the site frontage are to be demolished and replaced by new buildings (comprising two No. dwelling units on Plots 2 and 3) which in terms of their design and scale seek to replicate vernacular agricultural outbuildings. The demolition of the existing buildings will facilitate the provision of the visibility splay to the west of the new access (of 2.4 m x 38 m). To the east – to achieve a visibility splay of 2.4 x 43 m - this will be facilitated by the lowering of the boundary wall to Churnet Farmhouse. The access drive to serve the development will have a width of some 5.0 metres with footways of 2.0 metres in width either side.
- 4.4 The other outbuildings to the rear of Churnet Farmhouse are to be demolished and replaced by a terrace of dwellings (Plots 4 - 8 inc.) and associated garaging/stores which in terms of their design and scale seek to replicate the characteristics of agricultural outbuildings. A large glazed opening - reminiscent of a threshing barn opening in scale - is proposed within the dwelling units on Plots 6 and 7 which would be the focal point of views through the vehicular access from High Street.
- 4.5 The remaining plots (Plots 9 - 19 inclusive) in their design are reasonably simple vernacular style house types with a two storey height.
- 4.6 The proposed dwellings and associated outbuildings are to be constructed in brick and tiles to reflect those that prevail to existing properties in this part of the conservation area.
- 4.7 In terms of the proposed housing mix, the scheme comprises:
  - 1 x 1 No. Bed dwellings
  - 8 x 2 No. Bed dwellings
  - 2 x 3 No. Bed dwellings
  - 7 x 4 No. Bed dwellings
- 4.8 Parking provision is proposed by way of a combination of garaging and/or parking within individual residential curtilages or in shared garaging/parking areas.
- 4.9 The full application was amended during the application process to address concerns raised by officers in relation to the originally proposed demolition of

Churnet House and design matters (in terms of impacts on heritage assets), along with the technical issues raised by the County Highway Authority (access junction details) and the Environment Agency and the Lead Local Flood Authority (in respect of flooding and drainage).

### **Outline Application**

- 4.10 The application for outline planning permission is for the erection of 71 No. dwellings with all matters reserved except for access (including demolition of existing outbuildings). The submissions show the road layout and the link through from the part of the site the subject of the full application. Reference is necessarily again made to the demolition of the outbuildings along the High Street frontage in connection with the provision of the visibility splays to the new single access point to serve the whole development site.
- 4.11 As per the full application the scheme was amended during the application process in response to the requirements of statutory consultees in relation to flooding, drainage and highway safety matters.

### **Shared Infrastructure Provisions**

- 4.12 In addition to whole development site utilising the same new access road off High Street, the drainage infrastructure has been designed to serve both application schemes. The drainage arrangements are a SuDs scheme with a storage lagoon to the south-east of the development providing for limited discharge rate into the nearby River Churnet. In terms of flood risk, the schemes are proposed to accommodate finished floor levels in line with those specified during the consultation process by the Environmental Agency and the County Council as the Local Lead Flood Authority.

### **Supporting Documentation (including Viability Report)**

- 4.13 The documents listed below were provided as part of the final application submissions; with those originally submitted having been revised/updated and supplemented - and others superseded - during the application process reflecting the amendments to the scheme and the need to respond to the requirements of statutory consultees and officers of the Local Planning Authority.
- 4.14 In the Planning Statement and supplementary submissions in connection with the revised scheme, the applicants agent points out amongst other things that the principal change both from the previous applications (of 2012) and the original submissions in connection with the current applications is that Churnet Farmhouse is to be restored and brought back into use rather than demolished. The applicant's agent also points out that this has been achieved whilst still providing the relevant visibility splays to the new access onto High Street in accordance with the requirements of the County Highway Authority.
- 4.15 The applicants also submitted a viability appraisal on the basis that it was contended by the developers that the scheme would not be viable if the applicants had to meet in full the identified Section 106 requirements. The report was reviewed by an independent party appointed on behalf of the Council; with the findings and outcomes set out in Section 22 of this report.



4.16 In terms of the delivery of specific elements of the scheme, including the heritage benefits and infrastructure, the applicants agent confirms that :-

- the renovation of the external elevations to the Churnet Farmhouse and replacement outbuildings on the High Street frontage will be completed prior to the completion of 10 No. dwellings.
- the construction of Units 4 - 9 inc. on the full application scheme will be completed prior to the completion of 20 No. dwellings.
- it is the intention to deliver the on-site affordable housing in the outline scheme and the off-site financial contribution can be paid prior to the completion of 18 No. dwellings on the application site(s).
- a management company will be established to oversee the maintenance of the common areas throughout the site(s)

### **List of supporting documentation**

#### **Outline Application (Final Document List)**

- Site Location Plan
- Proposed site layout plan
- Access details onto High Street
- Churnet House - Existing and Proposed Elevations/Floor Plans
- Outbuildings to Churnet House - Existing and Proposed Elevations/Floor Plans
- Proposed Dwellings - Proposed Elevations/Floor Plans
- Existing and Proposed Streetscenes (along High Street)
- Design and Access Statement
- Planning Statement
- Site Photographs
- Ecology Appraisal and Addendum
- Arboricultural Survey and Method Statement
- Archaeological Desk Based Assessment
- Heritage Impact Assessment
- Transport Statement and Addendum
- Flood Risk Technical Note
- Surface water Drainage Strategy
- Financial Viability Assessment

#### **Full Application (Final Document List)**

- Site Location Plan
- Access details onto High Street
- Outline Masterplan (Road Layout)
- Design and Access Statement
- Planning Statement
- Site Photographs
- Ecology Appraisal and Addendum
- Arboricultural Survey and Method Statement
- Archaeological Desk Based Assessment

- Heritage Impact Assessment
- Transport Statement and Addendum
- Flood Risk Technical Note
- Surface water Drainage Strategy
- Financial Viability Assessment.

4.17 The relevant findings of the reports are dealt with in section 8 onwards below.

## 5. Consultation responses and representations

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

Statutory and non statutory consultee		Response
5.2	Rocester Parish Council	<p>The Parish Council raised objections and concerns in relation to the revised schemes in substantive written submissions; as they also did in respect of the original applications. The comments of the Parish Council on the revised scheme are attached in full at Appendices A and B.</p> <p>The Parish Councils principal objections and concerns are largely common to the submissions and are summarised as follows</p> <p>In terms of the principle of the delivery of new housing in Rocester no objections are raised by the Parish Council to the full application (for 18 No. dwellings and the renovation of Churnet Farmhouse), however, objection is raised to the outline scheme for 71 No. dwellings as these are no longer required in the light of the recent housing developments and approvals which mean the Local Plan allocation for the village over the Local Plan period 2012-2031 has already been met.</p> <p>The Parish Council also raise objections and concerns to the development in respect of highway safety - including use of the access by farm vehicles to remaining lands, the potential of the loss of existing parking facilities on High Street and adequacy of the proposed access to cope with agricultural traffic.</p> <p>The Parish Council also continue to question the adequacy of the scheme to mitigate flood risk and deliver sustainable drainage solutions. The Parish Council also comment that the possibility of archaeological remains being present within the site must be also be recognised.</p> <p>The Parish Council were also opposed to the demolition of Churnet Farmhouse (as shown on the original scheme), however, as set out in this report this no longer forms part of the revised application.</p>

5.3	SCC Highways	Following the receipt of the revised plans and additional information, they have no objections subject to technical conditions and a travel plan. SCC Highways indicate that in their deliberations they have taken into account the existing parking situation along High Street and other approved and allocated housing developments in the village and comment specifically on the use of the new access road in serving agricultural lands that the access road would of sufficient width to accommodate the occasional traffic that may need to use the new road(s) to continue access the agricultural lands to the south of the application site.
5.4	SCC Education	Do not require a financial contribution towards education provision on the basis that school places are available to serve the development (as at June 2021).
5.5	SCC Flood Risk Team	No objections subject to conditions to effectively secure a combined surface water drainage scheme with restricted discharge flows from the site.
5.6	Historic England	Comment that they are pleased that the LPAs discussions with the applicant have secured the retention of the former farmhouse which even in present condition makes a positive contribution to the Conservation Area and also request that careful attention is given to all architectural details, materials and finishes of the new dwellings, and appropriate boundary treatments and landscaping, in order to ensure that the resulting development is of a standard appropriate to the Conservation Area
5.7	SCC Archaeologist	No objection subject to an archaeological recording condition.
5.8	Environment Agency	No objection subject to conditions, including the setting of finished floor levels.
5.9	Severn Trent Water	No objection subject to condition to securing appropriate foul and surface water drainage facilities for the site
5.10	Architectural Liaison Officer	No objections in principle with advice provided on pedestrian and vehicle routes and their security in the line with the guidance set out by 'Secured By Design'
5.11	Primary Care (Clinical Commissioning Group)	The increased population that this development will bring will increase the need for local primary care provision therefore an financial contribution (£65,860 in total) towards primary care provision should be secured through a S106 Agreement
5.12	(Former) MP Andrew Griffiths	Commented on the original scheme that he supported the concerns of the local residents from whom he had received a number of representations in terms of the development of the site. Those concerns related to the adequacy of the access and the local roads, the levels of traffic generation and increase in on-street parking, the impact of developing on a flood zone and the potential to direct flooding to elsewhere to existing properties, the validity of the report submissions with the application and the capacity of local

		<p>services (including doctors). The correspondence also raised concerns about the demolition of Churnet Farmhouse as it was believed that could be readily restored by a local builder.</p>
5.13	County Councillor Philip Atkins	<p>Comments that :-</p> <p><i>“I write as Uttoxeter Rural County Councillor in support of the community and Rocester Parish Council’s previous responses and representations on earlier planning applications, the Pre-submission Local Plan and at the Inspector’s Hearings prior to the adoption of the Local Plan on these sites.</i></p> <p><i>Unless it can be guaranteed that the existing on-street parking provision in Churnet Row and High Street is maintained or spaces lost by the development site’s access requirements are relocated within said site close to the existing highway, I object to the proposals as submitted.</i></p> <p><i>Unless there is a planning condition or obligation in accordance with NPPF paragraph 54 to ensure that any flooding arising from a 1 on 100 year plus 40% climate change flood event is to be limited to within the development boundary and must not be allowed to migrate to adjacent properties, I object to the development proposal.</i></p> <p><i>As the site is in a conservation area and a historical village, the possibility of archaeological remains being present must be recognised.</i></p> <p><i>Whilst it has been accepted that 115 new dwellings could well be needed in Rocester, there have been long-standing reservations in the local community as to whether the Churnet Farm site declared as the sole Strategic site was suitable for as many as 90 dwellings.</i></p> <p><i>Prior to the formal adoption of ESBC’s Local Plan 2012-2031, one significant residential site for 53 dwellings outside the settlement boundary for Rocester (as defined in Inset 7 in said Plan) have been granted planning approval under the National Planning Policies Framework’s (NPPF’s) Presumption in Favour of Sustainable Development.</i></p> <p><i>Subject to comments below about access to the development site, if planning approval is granted for the 19 dwellings proposed in Application P/2017/00668, these 53 dwellings should be set against the remaining 71 of the Strategic Allocation</i></p>

		<p><i>Rocester Parish Council has always expressed its concerns about the continued access for modern agricultural vehicles to land within the Applicant's ownership that will not be used for development.</i></p> <p><i>Both the Design and Access Statement and the Heritage Impact Statement contain aerial and ground-level photographs respectively of the track, the former of which clearly shows access through the farmstead on Churnet Row / High Street.</i></p> <p><i>These amended planning submissions for 18 dwellings and that for the 71 dwellings on the same Strategic Site still give no details as to how said farm track is to join to the highway network.</i></p> <p><i>The Applicant may have already made binding arrangements with adjoining landowners for access to such land. If so, this is neither mentioned nor indicated in the application documents so the matter must be regarded as not having been given due consideration or ignored.</i></p> <p><i>Consequently, it can only be assumed that access will remain through the site of the farmstead. No alternative access is possible from the western side since the area is 'river-locked' by the (River) Churnet, whilst the fields on the southern and eastern boundaries are not shown as owned by the Applicant and so access therefrom may not have been granted.</i></p> <p><i>From the above, ESBC as the local planning authority may wish to:</i></p> <ul style="list-style-type: none"> <li><i>• advise the Applicant to update the Design and Access Statement (DAS) or provide an addendum (or explanatory note if covered elsewhere in the supporting information) to deal with the very real concerns raised: and/or</i></li> <li><i>• submit this scheme and that for P/2017/00667 to a Design Review if it considers that this and other local issues are not adequately covered in the DAS and the masterplan for the whole of the Strategic site; or refuse the application.</i></li> <li><i>• Advise the various statutory and non-consultees as to whether or not they should be considering agricultural vehicle movements in formulating their advice."</i></li> </ul>
5.14	Councillor Steve Sankey	<p>Comments in calling the application to Committee that there are;</p> <p><b>"1. Concerns about access onto the site - The two linked proposals will result in some agricultural land behind the</b></p>

	<p><i>site remaining, which will require large agricultural vehicles including trailers to pass through the estate. I believe the proposed roads aren't sufficiently wide to accommodate such vehicles. In addition the access onto the high street will impact the current on street parking. The High street already has highway issues especially over a narrow bridge.</i></p> <p><i>2. (In terms of) <b>Flood Risk</b> - there is concern that the site is prone to flooding and I do not have confidence that the current proposals are adequate to prevent flooding on the site or to the neighbouring areas."</i></p>
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	Internal Consultees	Response
5.15	Conservation Officer	<p>Comments that :-</p> <p>The '<i>application</i>' comes in two sections, a detailed submission for the area nearest around Churnet Farm and in outline for the wider site to the south and west.</p> <p>Churnet Farmhouse is not a listed building, however it does make a positive contribution to the special architectural and historic character and appearance of the conservation area within which it sits. Its retention is a desirable outcome of the proposal, together with the removal of some of the more unfortunate later additions, such as the bare concrete blockwork of the lean-to extension to its west side. The barn along the roadside to the west of the main house is also a positive component of the streetscape and the proposal for the site involves the construction of a replacement structure in a similar simple agricultural style to retain this element of the context for the retained former farmhouse. The existing building is not in particularly good condition but also creates difficulties in achieving safe access and visibility splays.</p> <p>To the northwest of the site are a grade II listed former cotton mill and a grade II listed bridge over the Churnet. The part of the site nearest to these structures is that which is presented as outline, however the primary relationship of these listed buildings is focused on the river and the route of High Street the bridge as a crossing point of the two and the mill as a building which has a relationship with the river as a source of power and with the road for transport and access. The mill also has a relationship with surrounding built form, being located in an established settlement to take advantage of a resident workforce.</p> <p>The proposed developments would not negatively impact the relationship of the listed buildings to the significant aspects of their settings, it is also notable that the portion of the outline portion of the site nearest to the mill is set aside as an access road, given that the mill already has a</p>

		<p>large expanse of tarmac to its west as a parking area this doesn't adversely impact its setting and helps ensure that housing is kept a little further back from the mill building itself.</p> <p>Within the detailed element of the submission the part of the site nearest to Churnet House and the replacement High Street Frontage barn style building is set out and designed with some buildings in forms and styles with an agricultural character. From the access on High Street what can be seen within the site will broadly be buildings and structures which make some effort to have a relationship to the retained house in this way. Further into the site as the access road bends around to the west the character of the housing becomes more domestic. I have been involved in the evolution of the designs of the 'agricultural' inspired dwellings nearest to Churnet House and several suggestions were taken into account in refining the design of these units.</p> <p>Overall I am satisfied that the detailed component of the site represents a scheme which would retain and complement existing positive features within the conservation area and the outline element certainly is not of a form which would exclude appropriate reserved matters submissions. I have considered the heritage statement submitted with the application and would agree that the proposals would still result in some minor adverse impact upon both the character of the conservation area and the settings of listed buildings. This harm would be minor, certainly at the lower end of the wide scale represented by the concept of 'less than substantial harm'.</p> <p>This would engage a presumption against granting planning permission via failure to achieve the desirable objectives details in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a test set out within paragraph 196* of the (2019) NPPF (*now Paragraph 202 in the July 2021 version) which would allow planning permission to be granted provided it delivers wider public benefits which would outweigh the harm to the historic environment. The test is not a simple balance but a weighted one – the benefits must not simply outweigh harm but must do so sufficiently to justify departure from the statutory presumptions. I have set out my professional opinion on the relative scale of the harm, assessment of benefits and consideration of their relative weight will be for the case officer (<i>and of course in turn the members of the Planning Committee</i>).</p>
5.16	Waste Services	No objections subject to a Section 106 contribution of £80 per dwelling for the provision of refuse bins.

5.17	Environmental Health	No objections subject to conditions regarding dust and noise mitigation and contaminated land.
5.18	Housing	The scheme(s) in combination will require the provision of affordable housing on site (12 No.) and a commuted sum (of £944,000) to be secured through a S106 Agreement
5.19	Open Spaces Officer(s)	Have indicated a preference for off-site financial contributions towards the enhancement and upgrading of existing facilities in the village rather than on site provision. In respect of the value of the commuted sums these are worked out from an on line calculator and the relevant commuted sum would be an open space/playing pitch contribution of £27,000 to be secured by way of a Section 106 Agreement.

## 6. Neighbour responses

- 6.1 The applications have been subject to advertisement on site and in the local press, along with consultations with local residents.
- 6.2 Representations were received from 27 No. local residents/interested parties during the course of the application process. In relation to the original submission there were a number of objections to the demolition of Churnet Farmhouse; which are no longer salient given the revision to the scheme whereby the property is now proposed for retention and restoration. The relevant issues raised are summarised in the table below:

Neighbour responses	
<b>Principle of Development</b>	<p>It is contended that Rocester does not need any more residential development and therefore it is questioned whether the allocated provision of 90 No. new dwellings are now even needed on this strategic site.</p> <p>New housing developments in village have already addressed any need in the locality; with at the most only the full application scheme now required at Churnet House to meet the Local Plan allocation.</p> <p>There is insufficient capacity in terms of education facilities to accommodate the pupils the development will bring</p> <p>There is insufficient shopping facilities in the village to serve this new development.</p> <p>It is questioned whether the doctors surgery able to cope with the increased numbers of residents. Residents already have to wait between 1-2 hours to see the doctor in the drop in slot in the mornings and can never get an evening slot</p> <p>The village has inadequate public transport links.</p>
<b>Heritage/Visual Amenity Impacts</b>	<p>The scheme is too large for the locality.</p> <p>There is a need to protect the character of the 'village' and not slowly turn it into a suburb of Uttoxeter</p> <p>Churnet Bridge, a historical landmark in the village, would be inadequate to cope with the excess traffic passing over it, firstly during the building of the houses, and subsequently, with the arrival of the occupants of the properties.</p>



	<p>Whilst a detailed archaeological report has been provided even with the site being close to a Roman Road and important river crossing, the possibility of archaeological remains being present need to be recognised.</p>
<b>Residential Amenities</b>	<p>The scheme will be overlooked by adjoining dwellings The additional traffic generated to the site will be detrimental to existing residential amenities</p>
<b>Highway Safety</b>	<p>There is insufficient road capacity in the village to cope with the additional traffic. There is already gridlock along High Street at peak times with commuter and school traffic (including buses) and employees going to the various JCB Offices and buildings. This congestion is only going to be exacerbated particular as the road narrows to the cross over the bridge near the mill. The new junction will be likely to create an additional hazard leading to an increased chance of accidents. It is considered that the applicants have not demonstrated that the access can cater for all relevant agricultural vehicles. The development would be likely displace existing car parking facilities used by residents along High Street. This is particularly likely to be a consequence of the need for the new access junction to accommodate agricultural traffic which will still need to access the retained agricultural lands to the south of the site. The scheme would exacerbate on street car parking issues in the area. During quieter times traffic travels at around 40mph along High Street so this needs to be addressed by the application also.</p>
<b>Flooding</b>	<p>The site is designated by the Environment Agency as medium/high risk of flooding and in recent times has flooded on a number of occasions. This has affected house insurance prices for dwellings in the locality in recent times. As an existing flood plain it has a protective function for existing housing in the immediate vicinity which would diminish in effectiveness with the development. The scheme may therefore cause flooding to properties outside the site which are not affected presently. The climate is rapidly changing and incidences of flooding are increasing in frequency and intensity and the current designation of risk for this site may inevitably change The development can only lead to increased levels of stress, anxiety and financial hardship for those who may be inclined to buy a property on a known flood plain.</p>
<b>Biodiversity</b>	<p>The trees on the site have been nesting sites for birds and these will be disturbed.</p>
<b>Climate Change</b>	<p>The increase in traffic and slow/stationary traffic will adversely impact air quality in the locality.</p>

<b>Other Matters</b>	<p>The increased housing numbers will be likely to slow internet speeds in the locality.</p> <p>The restoration of Churnet House Farm itself would be welcomed as it an absolute eye sore.</p> <p>Given their lamentable condition the existing farm buildings have been allowed to get into their demolition is not objected to.</p> <p>It appears that planning approval for the access to the site and the necessary demolition of the existing farm buildings is being sought via the outline application, meaning that approval of the full application can only be given if the outline approval is granted.</p> <p>Local businesses would be likely to welcome the additional customer.</p>
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6.3 Representations were also received on behalf of a local resident in relation to securing access from the application site to their property to access parking /garaging. The correspondence referenced the fact that such an access had been promised to them in writing correspondence from the Borough Council in the 1980s. The resident concerned has also written on the issue to the (former) local MP and Borough Councillors (former and present incumbents); who in turn have also raised the query with the LPA. Officers have responded to resident involved - and all other parties - to advise that the applicants of the current scheme are under no obligation to provide such access and whilst officers have raised the query with the developers they indicated they were unable to accommodate the local resident's request.

## 7. Policy Framework

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2: Settlement Hierarchy
- SP4 Distribution of Housing Growth 2012 – 2031
- SP9: Infrastructure Delivery and Implementation
- SP10: Education Infrastructure
- SP16: Meeting Housing Needs
- SP17: Affordable Housing
- SP23: Green Infrastructure
- SP24: High Quality Design
- SP25: Historic Environment
- SP27: Climate Change, Water Body Management and Flooding
- SP29: Biodiversity and Geodiversity
- SP30: Landscape Character
- SP32: Outdoor Sports and Open Space

- 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

- Car Parking Standards SPD
- Housing Choice SPD
- East Staffordshire Design Guide SPD
- Separation Distances and Amenity SPD
- Open Spaces and Playing Pitch SPD
- Planning Obligations SPD
- Waste Storage and Collection Guidance SPD

## **8. Assessment**

8.1 It is considered that the key issues relevant to the determination of this application are as follows:-

- Principle of the Development
- Heritage Asset and Visual Amenities impacts
- Residential Amenity impacts
- Highway Safety Matters
- Flood Risk and Drainage
- Biodiversity and Ecology
- Section 106/Viability matters
- Conclusion (including The *Planning Balance*)

## **9. Principle of Development**

### **Relevant Policies**

9.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 11 of the NPPF states that for decision-taking this means:

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

- ii. 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.

## **5 Year land Supply**

- 9.2 The most recent calculation uses figures as at 31st March 2021 and concludes that there is a 5.67 years of supply.

## **Local Plan**

- 9.3 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.
- 9.4 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.

9.5 Strategic Policies 2 and 4 sets out 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

9.6 The Local Plan - under Policy SP4 - identifies the site as being allocated for residential development (for 90 No. dwellings) within the settlement boundary for Rocester.

### **Assessment**

9.7 Rocester Parish Council and local residents challenge the need to now develop the whole of the overall site; with the Parish Council specifically stating that in terms of the principle of the delivery of new housing in Rocester that whilst no objections are raised to the full application for 18 No. dwellings along with its renovation of Churnet Farmhouse, objection is raised to the outline scheme for 71 No. dwellings as it is contended that these units are no longer required in the light of the recent housing developments in the village and extant approvals which mean the Local Plan allocation for the village over the Local Plan period 2012-2031 has already been met.

9.8 The objections being raised are acknowledged, however, the application site is specifically allocated for residential development in the Local Plan as being acceptable in terms of being a sustainable location - having been the subject of public consultation prior to its adoption - and therefore in line with paragraph 11 of the NPPF it would essentially be incumbent on the LPA to support in principle development proposals that accord with an up-to-date development plan without delay.

9.9 Accordingly, it is considered that the submissions in principle are in line with the provisions of Policies SP1, SP2, and SP4 of the Local Plan (with the issue of affordable housing allocation and housing mix being dealt with in relation to Section 106 matters later in this report – see Section 16). It is of course necessary for any scheme to also meet the detailed and technical requirements

of salient development plan policies and these issues are dealt with in the remaining sections of this report.

## 10. Heritage Asset and Visual Amenities impacts

### Relevant Policies

- 10.1 Section 16 of the National Planning Policy Framework states that proposals should not pose significant harm to any heritage asset and should aim to preserve or enhance the asset by way of sensitive and appropriate design.
- 10.2 Paragraph 189 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 10.3 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.
- 10.4 Policy SP25 of the Local Plan indicates amongst other things that development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Such heritage assets may consist of undesignated and designated assets including conservation areas, listed buildings, scheduled monuments, archaeological sites, registered parks and gardens and historic landscapes which contribute to the Borough's historic environment and local distinctiveness.
- 10.5 Detailed Policy 5 of the Local Plan goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology and states that development which protects the character of listed buildings and conservation areas will be permitted.
- 10.6 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. The NPPF at paragraph 130 sets out a series of criteria for good design as follows: -
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) are sympathetic to local character and history, including the surrounding built*

*environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

10.7 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. 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. Policy DP1 of the Local Plan re-iterates the design principles set by Policy 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.

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

## **Assessment**

### **Full Application**

10.9 The proposal for the 18 No. dwellings occupies the position fronting onto High Street and thus visually relates to the area immediately adjacent to and surrounding the property at Churnet Farmhouse and lands within the conservation area. The Grade II listed Mill and bridge lie some 42 m and 80 m to the west of the (full) application site at the High Street entrance to the village and thus have indivisibility with the site. To the east of the application site the nearest listed building at No. 50 High Street, with intervening buildings between, has little or no visual association with the site in terms of its setting.

10.10 Churnet House occupies a prominent position on High Street and whilst it is not a listed building, it does make a positive contribution to the special architectural and historic character and appearance of the conservation area within which it sits. Its retention and restoration is a notable desirable outcome

of the proposal (and indeed as consequence of negotiations with officers), together with the removal of some of the more unfortunate later additions, such as the bare concrete blockwork of the lean-to extension to its west side. The lowering of the boundary wall (to accommodate the access visibility splay) is not considered to have a detrimental impact on the historic streetscape.

10.11 Immediately to the west of Churnet House are brick barns which occupy a position along the back boundary to the highway. These buildings are proposed for demolition and replacement with new buildings with two stories of accommodation which reflect the character, scale and materials of the existing. As such this element of the scheme would largely have a neutral impact on the historic streetscape.

10.12 With regard to the other existing outbuildings presently on the site these are either of no historic interest, are in poor structural condition or make little or no significant contribution to the visual amenities of the streetscape. As such, it is considered that the new buildings which in their design and scale respect the agricultural setting of Churnet House and would both be in keeping with their heritage environs and an enhancement to the locality.

### **Outline Application**

10.13 In terms of its relationship with the conservation area there will be limited views of the lands the subject of the outline application scheme from the public domain on High Street and when it will be seen the views would often be glimpse views through the new development the subject to the full scheme.

10.14 The nature of the scale, siting and the impact of this element of the scheme on the Grade II listed mill and bridge will necessarily be addressed in detail at the reserved matters stage (should outline approval be granted). At this stage, nevertheless, the ESBC Conservation Officer comments that the primary relationship of these listed buildings is focused on the river and the route of High Street; with the bridge as a crossing point of the two and the mill as a building which has a relationship with the river as a source of power and with the road for transport and access. The mill also has a relationship with surrounding built form, being located in an established settlement to take advantage of a resident workforce. The introduction of new development in close proximity to these listed buildings will nevertheless have some negative impacts on the existing setting of these listed buildings given that their existing open aspects will be impinged upon.

### **Overall impacts**

10.15 In overall terms, the ESBC Conservation Officer therefore concludes that they are *“satisfied that the detailed component of the site represents a scheme which would retain and complement existing positive features within the conservation area and the outline element certainly is not of a form which would exclude appropriate reserved matters submissions. I have considered the heritage statement submitted with the application and would agree that the proposals would still result in some minor adverse impact upon both the character of the conservation area and the settings of listed buildings. This harm would be minor, certainly at the lower end of the wide scale represented by the concept of ‘less than substantial harm.’”*



10.16 This conclusion of the Conservation Officer would thus engage a presumption against granting planning permission via the failure to achieve the desirable objectives details in Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, there is a test set out within paragraph 202 of the NPPF which would allow planning permission to be granted provided it delivers wider public benefits which would outweigh the harm to the historic environment. The test is not a simple balance but a weighted one – the benefits must not simply outweigh harm but must do so sufficiently to justify departure from the statutory presumptions. The necessary assessment of that planning balance having regard to paragraph 202 – and the associated paragraphs - of the NPPF is set out in the Conclusion section of this Assessment (in Section 23 of this report).

10.17 In relation to archaeology, the County Archaeologist has no objections to the scheme providing there is recording work undertaken to the interior of Churnet Farmhouse prior to the restoration of the building. This will necessarily be secured by way of a condition being attached to the full application.

## **11. Residential Amenities Impacts**

### **Relevant Policies**

11.1 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.

11.2 Policy DP7 of the Local Plan identifies that development will only be granted permission where they will not give rise to or be likely to suffer from, land instability and/or unacceptable levels of pollution in respect of noise or light, or contamination of ground, air or water.

11.3 The Councils 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.

11.4 Policy DP2 of the Local Plan provides for the designing in of sustainable construction/energy efficiency in any new development scheme.

### **Assessment**

#### **Full Application**

11.5 The detailed scheme shows that the 18 No. new dwellings can be successfully accommodated on their site having regard to the relationship with the adjoining dwellings to the east of the application site. Specifically, the scheme would not give rise to significant overbearing, overshadowing or overlooking impacts by the reason of the following;

- The nearest built form to the existing adjoining dwelling at The Laurels is single storey in height and some 10 metres from the side elevation of the existing property.

- The proposed dwellings on Plots 5-8 are positioned such that the two storey gable element of the structure – with no first floor window units - is some 16 metres from the rear elevation of the two storey dwellings at No. 1a and 1b Riverside Drive; with the single storey element to the new building being some 13 metres distant.
- The proposed two storey dwelling on Plot 15 is positioned such that the 45 degree line is achieved in terms of the relationship of the window units to the northern elevation of the flats in the three storey high Nos. 1-9 Mill Mews.

11.6 The scheme would also have an acceptable relationship with the dwellings to the north at Nos. 2-8 (evens) Riverside Drive as the nearest two storey gable of the dwelling on the development site (on Plot 16) would be some 21 metres from the main rear elevation of an adjoining dwelling. This would ensure that there would be no significant overbearing or overshadowing impacts on the existing residents concerned. As there is no first floor window units to the northern gable of the proposed dwelling on Plot 16 no overlooking issues will arise.

11.7 The scheme therefore would in all these relationships with existing dwellings have full regard to the guidance set out in the Council's Separation Distances and Amenity SPD.

11.8 With regard to the relationship with the dwellings opposite the site- on the northern side of High Street - the front facades of the new dwellings (on Plots 2 and 3) would be some 10 - 14 metres away from the front elevations of the existing dwellings. Such separation distances between front elevations would be considered to offer an acceptable relationship without giving rise to any significant loss of privacy to the residents concerned; particularly given the existing dwellings in question already front onto High Street with its daily pedestrian and vehicular traffic.

11.9 Within the development there are adequate separation distances between respective proposed properties. In terms of the future amenities of the occupants of the proposed dwellings, the proposed dwellings provide garden areas that are commensurate to the sizes of the dwellings they serve having regard to the aims of the Council's Separation Distances and Amenity SPD.

11.10 With regard to the business activities, including traffic movements, associated with the JCB offices and garaging to the west of the site, it is considered that these are unlikely to have sufficient impact on future residents of dwellings on the full application site in terms of levels of noise and activity to warrant a refusal of planning permission on these grounds.

11.11 In relation to potential noise and disturbance to existing properties it is not considered that the use of the proposed new road and associated parking facilities to serve the development is likely to give rise to any significant impacts to surrounding existing residential properties. Nor is it considered that the use of the new access road by agricultural vehicles to serve retained agricultural lands to the north of the site would give rise to significant impacts on residential amenities given the likely levels of usage involved. Such machinery already passes close to existing dwellings when using High Street (C10).

- 11.12 With regard to sustainable construction/energy efficiency measures these will necessarily be secured by condition in line with Policy DP2 of the Local Plan.

### **Outline Application**

- 11.13 The detailed impact of any dwellings will necessarily have to be considered in relation to any reserved matters stage (with any outline permission approval). There is, however, considered to be no reasonable reason to suggest that in principle residential units cannot be accommodated on the site without compromising the residential of amenities of existing dwellings adjoining the site or those proposed on the full application scheme.
- 11.14 It is also considered that the business activities, including traffic movements, associated with the JCB offices and garaging adjoining the western boundary and north-west area of the application site are unlikely to have sufficient impact on future residents of dwellings on the outline application site in terms of levels of noise and activity to warrant a refusal of planning permission on these grounds.
- 11.15 As per the full application, in relation to potential noise and disturbance to existing properties it is not considered that the use of the proposed new road and associated parking facilities to serve the development is likely to give rise to any significant impacts to surrounding existing residential properties. Nor is it considered that the use of the new access road by agricultural vehicles to serve retained agricultural lands to the north of the site would give rise to significant impacts on residential amenities given the likely levels of usage involved.
- 11.16 With regard to designing in of sustainable construction/energy efficiency these are provisions that can be necessarily secured at the detailed reserved matters stage in terms of the outline scheme in line with Policy DP2 of the Local Plan.

## **12. Highway Safety Matters**

### **Relevant Policies**

- 12.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should 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.
- 12.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

- 12.3 The Council's Parking Standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.

### **Assessment**

- 12.4 The submission includes a Transport Statement in support of the proposals and on request from SCC Highways additional information has been provided by the applicants; in particular traffic speed data to inform the dimensions of the visibility splays; and in turn to demonstrate that their provision need not result in the demolition of Churnet Farmhouse.
- 12.5 Vehicular access to the site would be taken from the High Street immediately to the west of Churnet Farmhouse with the access having a width of some 5.0 metres. In terms of the provision of visibility splays these would be of 2.4 metres x 38 metres westwards and 2.4 metres x 43 metres eastwards. There would be footways of 2 metres in width provided to run alongside.
- 12.6 SCC Highways are satisfied from the evidence submitted that the access proposed is appropriate to the serve the development. The visibility splays will necessarily be secured and maintained by way of conditions.
- 12.7 With regard to the concerns about the scheme impacting on existing on-street car parking in the locality the County Highway Officer comments that *“at this location the southern side of High Street is protected by double yellow lines (and) consequently there is no parking in the vicinity of the proposed access (and that) parking in High Street occurs at discrete locations on the northern side and this remains unaffected by the proposed access point.”*
- 12.8 On the issue of the future use of the new road to serve the development for agricultural traffic, SCC Highways advise that the access road would be of sufficient width to accommodate the occasional traffic that may need to use the new road(s) to continue access the agricultural lands to the south of the application site. Essentially, the residents of the dwellings on the new development would merely be experiencing (some of) the same agricultural traffic as is presently the case for existing residents on High Street.
- 12.9 In respect of the full application SCC Highways are satisfied that the proposed car parking and turning facilities are acceptable to serve the dwellings proposed and recommend conditions to ensure that these facilities are provided and retained. A construction management plan is considered necessary for the development phase and will be secured by condition accordingly.
- 12.10 In relation to the outline submission SCC Highways recommend conditions to ensure that specific details regarding road construction (including timings of delivery), visibility splays, car parking provision in line with this Councils Parking Standards SPD, and again the submission of a construction management plan is provided for. These again will be secured on any grant of approval.
- 12.11 A financial contribution is also requested by County Highways towards the monitoring of the site(s) in terms of the Travel Plan for each application scheme and this would be necessary secured by way of Section 106 Agreement; which is a matter that is considered in greater detail later in this report (see Section 15 onwards).

12.12 Accordingly, in terms of Policies SP1 and SP35 of the Local Plan the scheme is considered to be acceptable in relation to highway safety.

### 13. Flood Risk and Drainage

#### Policy Context

- 13.1 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.
- 13.2 Paragraph 159 of the NPPF states that “*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*” Paragraph 167 of the NPPF indicates that in determining planning applications, Local Planning Authorities should ensure that the flood risk is also not increased elsewhere.
- 13.3 The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 13.4 Policy SP27 of the Local Plan expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 13.5 Proposals for new development must be accompanied by a site-specific flood risk assessment where relevant - such as this case where the site lies within Flood Zones 2 and 3 - and proposals must demonstrate that flood risk and any impact on sewerage systems, will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant. Information with the application should show how mitigation measures will be satisfactorily integrated into the design and layout of a development.

#### Assessment

- 13.6 In relation to on-site drainage Severn Trent Water Ltd have no objections in principle to the proposals subject to precise details of the disposal of foul and surface water flows being provided and these will be necessarily secured by condition.
- 13.7 In relation to flood risk it is recognised that objections have been raised by a number of parties on the basis that site is located on Flood Zones 2 and 3 and there has been recent events of flooding of lands within the application site. Indeed, in respect of the initial submissions objections were raised by the Environmental Agency and the County Council as the Lead Local Flood Authority

13.8 The Flood Risk Assessment (FRA) was, however, amended in response to these objections of statutory undertakers and the Environmental Agency and the County Council as the Lead Local Flood Authority have now withdrawn their objections. The revised FRA provides for set finished floor levels to dwellings on both outline and full submissions and these will be secured by conditions. The Lead Local Flood Authority also seek to ensure that the attenuation and surface water drainage arrangements provide the capacity to serve to 90 No. dwellings (irrespective of which scheme is built first). This can necessarily be secured by a clause of a Section 106 Agreement.

## **14. Biodiversity and Ecology**

### **Relevant Policies**

- 14.1 Paragraph 180 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 14.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 14.3 Policy SP29 of the Local Plan 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.

### **Assessment**

- 14.4 An Extended Phase 1 Habitat Survey has been submitted in support of the proposals which indicates no protected species were identified on the site, although it advises that the hedgerows to the site provide a suitable habitat for a number of species in relation to foraging and providing linkages. The Survey also recommends a number of ecological mitigation proposals including the provision of bat and bird boxes, controls on lighting and the use of suitable habitat planting to the SuDs pond. These mitigation measures, along with a requirement to provide swift bricks, will be necessarily secured by way of conditions to any approval. Another condition would require the provision of hedgehog holes in fences to provide 'hedgehog highways'
- 14.5 It is therefore concluded, in the light of the applicant's submissions along with the necessary mitigation conditions being proposed to the outline and full schemes that the issue of the impacts on protected species and biodiversity of the scheme has been appropriately addressed in line with Policy SP29 of the Local Plan and the National Planning Policy Framework.

## **15. Section 106 Contributions/Matters**

- 15.1 Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

15.2 In this case the issue of the provisions/contributions are salient in relation to the following matters:

- Affordable Housing
- Education
- Health
- Open Space
- Refuse Containers
- Travel Plan
- Common Amenity Area Management Scheme

15.3 The background to, and the specific requirements in relation to these matters, are considered in turn; and finally (in Section 22) the contention that the applicants cannot fulfil all these provisions without impacting on the viability of the scheme is addressed with reference to the external assessment commissioned by the officers of the LPA.

## 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 of the Local Plan 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 (December 2019) expects the following housing mix as shown in the table below.

Unit Size	Housing Choice SPD requirements for Strategic Villages
<b>Housing for the Elderly</b>	35%
<b>1 Bedroom dwellings</b>	2%
<b>2 Bedroom dwellings</b>	26%
<b>3 Bedroom dwellings</b>	23%
<b>4 Bedroom dwellings</b>	10%
<b>5 Bedroom dwellings</b>	4%

16.4 In terms of the proposed housing mix as detailed at this stage, the full application scheme of 18 No. dwellings comprises; 1 x 1 No. Bed dwellings; 8 x 2 No. Bed dwellings; 2 x 3 No. Bed dwellings; and 7 x 4 No. Bed dwellings. Having regard to this mix, and given the outline and full schemes will be

progressed in conjunction with each other to deliver the housing allocation in the Local Plan (with that being secured by joint Section 106 Agreement) there is no reason as to why the future reserved matters application (to any outline approval) would not be able to ensure the delivery of a housing mix across the site in line with the aims of the Housing Choice SPD.

- 16.5 Strategic Policy 17 states that market housing-led residential development in such a location ('on other land') shall provide 40% affordable housing and the local housing needs survey indicates that a minimum of 13% of affordable housing must be provided on site, with the remainder as a commuted sum payment.
- 16.6 Policy SP17 of the Local Plan also states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings and the Housing Choice SPD provides guidance on the expected affordable housing mix of sites.
- 16.7 In this case, the ESBC Housing Officer advises that in relation to the overall site of 89 No. dwellings, that 12 No. dwellings would meet the 13% on site provision in the Housing Choice SPD comprising a tenure of 70% affordable rent and 30% shared ownership (with the option written into any Section 106 to convert this to affordable rent if unable to sell). In terms of bedroom numbers it is considered that these should be 6 No. two-bed, 5 No. three-bed and 1 No. 4-bed. In terms of off-site contribution this *pro rata* would be £944,000.

## 17. Open Space

- 17.1 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.
- 17.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 17.3 Policy SP32 of the Local Plan sets out the requirements of open space provision across the Borough.
- 17.4 The Council will seek to deliver new provision and protect and enhance existing outdoor open space in accordance with the standards set out in the Local Plan and the guidance set out in the Open Space and Playing Pitch SPD (and associated on line calculator).
- 17.5 In this case, the Open Spaces Team have indicated that they would wish to use commuted sums from the development to upgrade and enhance existing facilities in Rocester rather than new areas provided on site. The relevant commuted sum would be an open space/playing pitch contribution of £27,000 and this would need to be secured by way of the Section 106 Agreement.



## **18. Healthcare Provision**

- 18.1 Policy SP34 of the Local Plan requires the health and wellbeing of residents in the Borough to be taken into consideration and Policy SP9 requires developers to contribute to infrastructure and services required as a consequence of a development. Health is included in the definition of infrastructure in the Local Plan
- 18.2 In this case the Clinical Commissioning Group for the Borough have identified that the increased population as a result of the development will bring an increase in the need for local Primary Care provision. The team have therefore requested a total financial contribution of £65,860 for inclusion in the Section 106 Agreement.

## **19. Refuse Containers**

- 19.1 In line with the Waste Storage and Collection Guidance SPD the developer will be required to pay for the provision of refuse storage bins for each dwelling at a cost of £80 per dwelling. As such the total for inclusion in any Section 106 Agreement would be £7,200.

## **20. Travel Plan Monitoring Fee**

- 20.1 SCC Highways seek that a combined Travel Plan Monitoring fee of £13,790 (in total) be secured as part of the Section 106 Agreement. The fee would be used to oversee - and where necessary modify - the Travel Plan(s) for the development of the site.

## **21. Common Amenity Area Management Scheme**

- 21.1 Whilst the scheme would not provide for any on site formal play provision (as set out above in Section 17 of this report above) there are areas of open space, and associated landscaping, that will require maintenance as the scheme is built out and into the future (when all plots are occupied). As such the Section 106 Agreement will include a requirement for the establishment a management company to oversee the maintenance of the common areas throughout the site.

## **22. Education**

- 22.1 Strategic Policy 10 of the Local Plan describes how proposals for education facilities will be assessed. Applications will be required to demonstrate that the location is accessible for the need for which it is intended to meet.
- 22.2 In this case SCC Schools Organisation Team have not requested a financial contribution towards school places at any level of the local education structure. The Schools Organisation Team advise that (as of at the end of June 2021) the Dove Street Church of England Academy, Ryecroft Church of England (C) Middle School and Thomas Alleyne's High School are projected to have some vacancies based on the current and projected pupil numbers and conclude that *"although the development will put additional pressure on school places, current pupil demographics indicate that the schools should be able to accommodate the likely demand from pupils generated by the development."*

## 23. Viability

23.1 Having regard the Section 106 requirements (as set out above) the full suite of measures to be delivered by the overall development would be:-

- Twelve No. on-site affordable dwellings (being the necessary full on site provision based on the Councils policies and SPDs)
- An off-site affordable housing commuted sum totalling £944,000.
- Financial contributions towards open space, health, travel plan, refuse disposal facilities and legal costs totalling £115,470.

23.2 The applicants, nevertheless, submitted a viability report following the completion of the consultation exercise on the revised plans (and thus when the relevant Section 106 requirements were known in full). Based on these submissions, the applicants therefore contended that the scheme would only be able to deliver 10 per cent of the affordable housing provision in addition to financial contribution of £115,470 in relation to open space, health, travel plan, refuse disposal facilities and legal costs

23.3 The Council's independent assessor, however, in turn concluded that in terms of viability the development was capable of delivering the following:

- Twelve No. on-site affordable dwellings (being the necessary full on site provision based on the Councils policies and SPDs)
- An off-site affordable housing commuted sum totalling £304,000.\*
- Open space, health, travel plan, refuse disposal facilities and legal costs totalling £115,470.\*\*

(\* As noted above the Housing Choice SPD indicates that the development would generate a need for a commuted sum of £944,000.\*\* Subsequently revised up to £116,850 due to updated figures provided by County Highways and ESBC Waste Services).

23.4 The applicants have now accepted these conclusions (and the updated commuted sum figures) and thus it is considered that these provisions should necessarily be included in a joint Section 106 Agreement in relation to any approval of the outline and full application schemes. The applicants propose that the 12 No. affordable housing units are to be delivered on the outline scheme (in line with the ESBC Housing Officers requirements), which is considered to be acceptable as it they will accommodated within this overall scheme of 71 No. dwelling units.

23.5 Accordingly, the joint Section 106 Agreement to deliver the schemes would provide for the following (updated) financial and other requirements set out in the table below.

Section 106 Requirement	Provision
<b>Affordable Housing (on site)</b>	Twelve No Units on the Outline Scheme; being a tenure split of (appox.) 70% Affordable Rent and 30% shared ownership (with the option to convert this to Affordable Rent rent if unable to

Section 106 Requirement	Provision
	sell). Dwellings (bedroom Nos) would be 6 No. two-bed; 5 No. three-bed and 1 No. 4-bed.
<b>Affordable Housing (off site)</b>	Committed sum of £304,000 (to be paid upon the construction of the 18 <sup>th</sup> dwelling on the site)
<b>Health</b>	Committed sum of £65,860
<b>Open Space (off-site provision)</b>	Committed sum of £27,000
<b>Travel Plan</b>	Sum of £13,790
<b>Refuse Containers</b>	Sum of £7,200 (based on £80 per property)
<b>Common Amenity Areas</b>	To provide for the establishment of a management company to oversee the maintenance of the common areas throughout the application site(s)
<b>To Restore the external elevations of Churnet House</b>	To be undertaken prior to the completion of 10 No. dwellings on the site(s)
<b>To Construct Units 2 and 3 on the full application scheme</b>	To be undertaken prior to the completion of 10 No. dwellings on the site(s)
<b>To Construct Units 4 - 9 inc. on the full application scheme</b>	To be undertaken prior to the completion of 20 No. dwellings on the site(s)
<b>To provide attenuation pond/lagoon and surface water drainage arrangements of a capacity to serve 90 No. dwellings (being the proposed dwellings and Churnet Farmhouse).*</b> (*technical details to be secured by conditions of the respective permissions.)	To be undertaken to an agreed timetable to serve the total site capacity of 90 No. dwellings.

## 24. Conclusions (including the ‘*Planning Balance*’)

24.1 In the light of the conclusion of ‘*less than material harm*’ on heritage assets (as set out in Section 10 above) it is necessary to assess how that impacts upon the planning balance exercise in relation to the development proposals in combination (given their progression would be secured by a joint Section 106 Agreement).

24.2 In relation to the heritage implications of the scheme(s) particular regard should be given to the following paragraphs of the NPPF (of July 2021) alongside other national and local development plan policies set out in this report above which establish the overall policy framework against which a decision is made: -

“199. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

200. *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting),*

*should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

and;

202. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

- 24.3 In addition to this special attention must be paid to the statutory duties under Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 24.4 As already identified in this report the application site(s) make a visual contribution to the setting of the Grade II listed Mill and bridge. Further with regard to the impacts on the character and appearance of the Conservation Area, Churnet Farmhouse and its associated outbuildings along the street frontage are of merit in the Conservation Area. The application site(s) also makes a visual contribution to the setting of the Grade II listed Mill and bridge.
- 24.5 In giving special regard to heritage assets as required by the NPPF ‘great weight’ must be attached to the asset’s conservation. Even in circumstances where it is the view of the Local Planning Authority that ‘less than substantial’ harm has occurred (as in the case of this site(s)) there is still a strong presumption against the granting of development. This position was made clear in cases such as East Northamptonshire DC v Secretary of State for Communities and Local Government [2015] 1 WLR 45 and of Mordue v Secretary of State for Communities and Local Government [2015] EWHC 539. Both of these cases concluded that in instances where heritage assets are involved, as is the position with this application site(s), and in such cases the Local Planning Authority cannot apply a ‘simple planning balance’ and conclude that the harm to such assets is outweighed by the benefits associated with the granting of planning permission. It is necessary that the starting point of any decision is a strong presumption against any development that causes harm to a heritage asset(s), in this instance the setting of listed buildings and the character and appearance of the Conservation Area, and the decision maker must give ‘considerable weight’ to these impacts.
- 24.6 The strong presumption against planning permission being granted when harm to heritage assets is identified is however rebuttable and it can be outweighed by material considerations powerful enough to do so, and it is this balance to be considered
- 24.7 When considering the planning balance the positive contributions of the development include its fundamental contribution towards meeting the Borough’s requirement to provide additional housing to meet the needs of

present and future generations which weigh heavily in support of the proposal. Indeed the application site is specifically allocated in the adopted Local Plan (under Policy SP4) to deliver 90 No. housing units over the plan period of 2012 - 2031. The site is also well-located relative to local services and facilities in the village, which are accessible by a range of modes of sustainable travel and constitutes a logical expansion to the existing built settlement. The development therefore clearly meets national and local development plan criteria for the delivery of new housing in sustainable locations.

- 24.8 With regard to the detailed (full application) proposal, the scheme will provide for the restoration and economic re-use of Churnet House which will represent an enhancement of the historic streetscape; as would the demolition of the buildings in poor condition to the rear (within the farmyard) and their replacement with new buildings sympathetic in their scale, design and materials to the setting of the farmhouse. In terms of other works to the site frontage, the erection of the replacement buildings on Plots 2 and 3 following the demolition of the existing outbuildings would both facilitate the development but maintain the established character and appearance of the conservation area. The detailed element would also maintain the wider setting of the listed buildings to the west; namely the mill building and the bridge.
- 24.9 Whilst in relation to the outline application the detailed design and layout is reserved for later approval, it is concluded that there is no reason given the approach that has been taken to date to the detailed scheme to suggest other than an appropriate approach to the development of the remainder of the site can be achieved in urban design terms, and gives sufficient assurance that a high quality environment appropriate to its context can be secured in accordance with the provisions of the East Staffordshire Design Guide and National Design Code (as referred to in the NPPF at paragraphs 128-129) and the relevant national and local plan policies which set the parameters for sympathetic development in terms of the setting of heritage assets. The site is also sufficiently spacious to allow development without unacceptably affecting the amenities enjoyed by the occupiers of existing dwellings.
- 24.10 The highway impact of the individual/combined schemes has been assessed by Staffordshire County Council (Highways) and it is concluded that the shared access onto High Street would be safe and that traffic generated by the proposal can be accommodated by the existing highway network.
- 24.11 The flooding and drainage issues raised by the proposals can all be mitigated by the imposition of suitably worded conditions/the joint Section 106 Agreement. Subject to the mitigation measures suggested by the ecological appraisal, in combination with the landscaping planting (to be secured by conditions) it is considered that the proposals will not unacceptably harm protected species or their habitat.
- 24.12 The impacts of the proposal on existing social infrastructure including health and recreational facilities can be mitigated through a financial contributions (whereas the scheme would not generate need for additional education provision). These can all be secured via (joint) Section 106 obligations. A significant amount of informal open space is also proposed on site; which over time will become the responsibility of a management company (again secured by a clause of the Section 106 Agreement).

24.13 In this instance, therefore, in light of the above factors which are considered to weigh heavily in support of the application in sustainable development terms, and taking into account the applicants clearly defined and detailed proposals to renovate Churnet Farmhouse and sensitively develop the area around it on - and close to - the High Street frontage, it is considered that the proposals are of over-riding public benefit and the applications both individually and in combination (with the use of a joint Section 106 Agreement) represent an exceptional case(s) where the benefits of the proposals outweigh the considerable weight given to the identified impacts of the proposal on heritage assets. In coming to this conclusion it is considered this report has fully considered the requirements of the NPPF and Sections 66(1) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and the special attention that should be paid in relation inter alia to preserving or enhancing the setting of listed buildings and the character and appearance of Conservation Areas.

24.14 Having regard to the Planning Balance, therefore, the proposed development scheme(s) is therefore considered to be in line with the overall aims of the policies in the East Staffordshire Local Plan, the associated supplementary planning documents and the National Planning Policy Framework.

## 25. RECOMMEDATION(S)

### Application 1 (Outline)

#### Grant outline planning approval subject to the following conditions and the completion of a (Joint) Section 106 Agreement

##### **Condition 1- Time Limit for Reserved Matters to be Submitted.**

An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990.

##### **Condition 2- Reserved Matters**

No development shall take place until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority:

- a - Appearance
- b - Landscaping
- c - Layout
- d - Scale

The development shall be carried out strictly in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

##### **Condition 3- Time Limit for Development to Start**

The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Condition 4- Approved Plans/Documents**

The development hereby permitted insofar as it relates to the extent of the application site and means of access only shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission.

Drawing No. 1815-ROC-MMA-A2-ZZ-DR-A-01001-S0-P1 (Site 2 Location Plan) dated as being received on 17/01/2020

Drawing No. 1815-ROC-MMA-A2-ZZ-DR-A-01007-S0-P2 (Site 2 Layout Plan) dated as being received on 23/04/2020

Drawing No. ADC1465/002-Rev D (Access Arrangement) dated as being received on 17/01/2020

Ecology Appraisal by Aspect Ecology (January 2016)

Ecology Appraisal Addendum: Update Survey and Appraisal Information by Aspect Ecology (dated 4 Nov 2019) dated as being received on 17/01/2020

Flood Risk Assessment (ref Final Report Rev I: 15th April 2018) by EWE Associates dated as being received on 20/04/2020

Surface Water Drainage Design for 71 units only (Technical Note 002C - date 17 February 2020) by EWE Associates dated as being received on 17/02/2020

Arboricultural Survey Report and Method Statement (May 2017) by JA Booth dated as being received on 26/05/2017

Archaeological Desk Based Assessment (July 2018) by CGMS

Heritage Impact Assessment by Locus Consulting (Project ref: 19-036 - November 2019) dated as being received on 17/02/2020

Reason: For the avoidance of doubt to ensure the development will not adversely affect the setting of heritage assets/appearance of the locality, the amenities of neighbouring properties, flood risk and drainage, biodiversity/ecology or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP3, SP4, SP9, SP16, SP17, SP24, SP25, SP27, SP29, SP30, SP32, SP35, DP1, DP2, DP3, DP5, DP7 and DP8, the Housing Choice Supplementary Planning Document, the East Staffordshire Parking Standards Supplementary Planning Document, Open Spaces and Playing Pitch Supplementary Planning Document, the East Staffordshire Design Guide, the East Staffordshire Separation Distances and Amenities Supplementary Planning Document and the National Planning Policy Framework.

#### **Condition 5 - Details of Levels**

The details required under condition 4 above shall include plans to a metric scale showing the proposed land levels of the site including site sections, all regrading works and the finished floor levels of all buildings and the finished levels of the access and other road(s) and footway(s). The proposals should be provided in the context of the details of existing land levels and using a fixed

datum and with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings. The development shall be undertaken strictly in accordance with all approved details.

Reason: To ensure the development will not adversely affect residential or visual amenities or the setting of heritage assets nor exacerbate flooding or contamination risks or compromise ecological interests in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, SP27, SP29, DP1, DP3, DP5 and DP7, the East Staffordshire Design Guide, the East Staffordshire Separation Distances and Amenity Supplementary Planning Document and the National Planning Policy Framework.

### **Condition 6 - Garage and Parking Size Requirements**

The reserved matters submissions required under condition 2 shall provide for garages and parking spaces which accord with the standards and minimum dimensions set out in the East Staffordshire Parking Standards Supplementary Planning Document. Any single garages to serve dwellings shall have minimum internal dimensions of 6.0 metres x 3.0 metres.

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

### **Condition 7 - Scheme of Landscaping**

The reserved matters submissions required under condition 2 above shall include a scheme of landscaping, including details of any trees and hedges to be retained and how they will be protected during construction, along with details of fencing and walling. All close boarded fencing and solid walling shall have provision for hedgehog holes.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP29, DP1 and DP8, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **Condition 8 - M4 (2) Compliance**

The reserved matters submissions required under condition 2 above shall include a scheme to provide for at least ten per cent (10%) of dwellings on site to be constructed in accordance with Building Regulation 2010 Standard M4 (2) standards. The development shall be completed to the 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.

### **Condition 9 - Archaeological Recording**



Prior to the commencement of the development hereby permitted (including any site clearance works), a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of the approved archaeological investigation and the development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the approved written scheme of archaeological investigation 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 Policy DP5 and the National Planning Policy Framework

### **Condition 10 – Construction Management Plan (highways)**

Before construction works of any kind are commenced on site a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted Construction Management Plan that shall include the demolition phase, shall provide the following details:

- The measures shall indicate that no vehicles in excess of 7.5 Tonnes associated with the development shall arrive or depart from the site outside the hours of 09.30 - 15.30 Monday to Friday during school terms;
- Parking facilities for vehicles of site personnel, operatives and visitors;
- Arrangements for the loading and unloading of plant and materials;
- The location of any crushing plant;
- The location of stockpiled crushed material;
- Areas of storage for plant and materials used during the construction of the proposed development;
- A wheel cleaning regime.

The approved Construction Management Plan shall be adhered to for the demolition and construction phase of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, and the National Planning Policy Framework.

### **Condition 11 - Disposal of Foul Water Flows**

The development hereby permitted should not commence until drainage plans for the disposal of foul water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure adequate foul water drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by Severn Trent Water Limited in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7 and the National Planning Policy Framework.

### **Condition 12 – Disposal of Surface Water Flows**

No development shall take place until a detailed surface water drainage scheme for the site (including a timetable for implementation) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Severn Trent Water. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical storm to 12.5l/s.
- Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- No residential buildings or critical drainage infrastructure to be located within the defined Flood Zone 2 and 3 areas as agreed with the Environment Agency.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

The scheme shall be implemented in accordance with the approved details including the timetable of implementation.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by Severn Trent Water Limited and Staffordshire County Council as the Local Lead Flood Authority in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7 and the National Planning Policy Framework.

### **Condition 13 – Dust Prevention and Air Quality (Construction Phase)**

Prior to any development/site clearance or demolition works commencing on the site an assessment and associated plan shall be submitted to and approved in writing by the Local Planning Authority specifying how emissions of noise, vibration and dust shall be controlled during construction and earth moving

works so as not to impact on nearby receptors. The approved scheme shall be adhered to at all times of the site clearance, demolition and construction phases unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard human health and the water environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

#### **Condition 14 - Contaminated Land**

No development approved by this permission shall be commenced prior to the submission and approval in writing of the documents listed in paragraphs (1) and (2) below to the Local Planning Authority (LPA), together with a timetable of works. Works can only proceed once written approval of the submissions has been obtained from the Local Planning Authority.

The developer will need to satisfy paragraphs 1 to 4 below in full before first use of the development and before any properties can be first occupied.

Any contaminated land assessment must be carried out in accordance with current UK guidance and should include a conceptual site model.

##### **(1) Site Investigation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i). a survey of the extent, scale and nature of contamination;
- (ii). an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii). an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

##### **(2) Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### (3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

### (4) Validation

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

### (5) Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of paragraph 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of paragraph 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted for the approval in writing of the Local Planning Authority in accordance with paragraph 4.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

### **Condition 15 - Tree/Hedge Protection (Bespoke)**

No development shall take place on the site until a tree and hedge protection scheme and a method statement for the works within the Root Protection Area to 'British Standard BS 5837' has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme as shown on the approved plans/documents shall be put in place prior to any works commencing on the site (including any ground or site clearance works) and

shall be retained in situ at all times during the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP24, SP29 and DP8, and the National Planning Policy Framework.

#### **Condition 16 – Access road constructed to base level**

Before any site clearance, demolition or construction works are commenced on site other than necessarily required in relation to this condition (and condition 17 below), the access road (as shown on the approved plans listed at condition 4 above) shall be completed to base level for a minimum distance of 15.0 metres back from the rear of the highway on High Street (C10).

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

#### **Condition 17 - Visibility splays to the new access onto High Street**

Before any site clearance, demolition or construction works are commenced on site other than necessarily required in relation to this condition (and condition 16 above), the visibility splays to the new access onto High Street shall be provided in accordance with the approved plans (listed at condition 4 above). The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm 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 Policies SP1 and SP35, and the National Planning Policy Framework

#### **Condition 18 - Details of Materials**

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) along with details of the sustainable building techniques to be used in the construction process 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: In the interests of visual amenities/setting of heritage assets and sustainability in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1, DP2, DP3 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

#### **Condition 19 – Highways (Access and Footway works)**

No dwelling shall be first occupied until the proposed access works and revisions to the existing footway on the site road frontage as indicated on the approved plans (listed at condition 4 above) have been completed in

accordance with detailed scheme which shall have been first submitted to, and approved in writing by, the Local Planning Authority.

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

### **Condition 20 – Surfacing of Parking and Turning Areas**

Prior to the first occupation of each dwelling on the development site any access, turning and car parking provision to serve that dwelling shall be provided in a bound porous material, and thereafter once provided shall be retained and made available at all times for their designated purposes for the life 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, and the National Planning Policy Framework

### **Condition 21 - Electric Vehicle Charging**

Prior to the first occupation of any part of the development hereby permitted a scheme for the provision of electric vehicle charging points, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed in accordance with the approved details prior to the first occupation of each dwelling concerned and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of low emission vehicles in accordance with Policies SP1 and SP35 of the Local Plan and the Parking Standards Supplementary Planning Document.

### **Condition 22 - Flood Risk Mitigation Measures**

The development shall be carried out in accordance with the submitted flood risk assessment (ref Final Report Rev I: 15th April 2018) and the following mitigation measure it details:

- Finished floor levels shall be set no lower than 600mm above the 100 year plus Higher Central allowance for climate change flood level applicable at each phase of the development site in metres above Ordnance Datum (AOD) - Section 5.1 and Table 5.1.

These mitigation measures shall be fully implemented prior to the first occupation of any dwelling unless any timing/phasing arrangements are otherwise agreed in writing by the Local Planning Authority.

All approved mitigation measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and in the interests of future occupants in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7, and the National Planning Policy Framework.

### **Condition 23 – Ongoing Flood Risk Mitigation**

There shall be no raising of ground levels or erection of any building, structure or any other such obstruction to flood flows (including sheds, cycle storage or garages, gates, walls or fences) within the 1 in 100 plus Higher Central allowance for climate change flood plain extent as part of this development, as shown in Appendix F of the FRA revision I dated 15th April 2018, unless otherwise agreed in writing by the Local Planning Authority (in consultation with the Environment Agency.)

Reason: To safeguard the efficient workings of the area of floodplain from inappropriate development and to provide for the permanent retention of a continuous unobstructed area is an essential requirement for the preservation of the water course corridor, wildlife habitat, flood flow conveyance and future watercourse maintenance or improvement in accordance with East Staffordshire Local Plan Policies SP1, SP27, SP29 and DP7, and the National Planning Policy Framework.

### **Condition 24 - Noise Mitigation (Construction Hours)**

No development/construction works shall be undertaken on the site outside of the following hours :-

- 08:00 to 18:00 Monday to Fridays
- 08:00 to 16:00 on Sats (with any external works to finish at 14:00)
- 10:00 to 14:00 on Sundays & Bank Holidays

Reason: In the interests of the amenity of the occupiers of existing surrounding and nearby dwellings in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

### **Condition 25 - Ecology (Bespoke)**

Unless otherwise first agreed in writing by the Local Planning Authority the construction phase of the scheme hereby approved shall be undertaken in accordance with the recommended mitigation measures set out in the submitted report.

Reason: In the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP24, SP29 and DP8, and the National Planning Policy Framework.

### **Condition 26 - Details of Ecological Enhancement Measures**

Prior to first occupation of any part of the development hereby a scheme of ecological enhancement measures (including bird nesting and bat roosting facilities and swift bricks) to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological

enhancement measures shall be installed prior to the first occupation 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.

### **Condition 27 – Lighting**

No lighting shall be erected on the site until the scheme has first been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and no other lighting shall be installed on the site unless first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the locality and the setting of heritage assets and in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP29, DP1, DP3, DP5, and DP7, and the East Staffordshire Design Guide and the National Planning Policy Framework.

### **Condition 28 - Landscape Implementation**

All planting, seeding or turfing comprised in the approved details of landscaping required under condition 7 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 in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **Condition 29 – boundary treatments**

Any scheme of boundary approved as part of the landscaping scheme required by Condition 7 above shall be completed prior to the relevant dwelling(s) being first occupied.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide 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 Nos. 9-15

The conditions identified below require details to be approved during the course of the development.

Condition Nos. 18,19,21,26 and 27

This means that a development may not be lawful until the particular requirements of these conditions have been met.

The 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 the Local Planning Authority 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. 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.

### **4. Dust Control**

With regard to the dust control submissions required under condition 13 above, the ESBC Environmental Health Section advise as follows:

- For the purpose of the above assessment the scheme of noise and vibration control measures shall be devised according to BS 5228-1 &

2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites or updated guidance.

- For the purpose of the above assessment the scheme of dust control measures shall be devised according to the principles of ‘Guidance on the assessment of dust from demolition and construction’ version 1.1. (or latest version) produced by the Institute of Air Quality Management.

## **5. Highway Works**

You are advised that off-site highway works will require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk).

The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. Please see: <https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

## **6. Highway Works**

You are advised that this scheme will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. Swept path analysis for an 11.9m long refuse vehicle shall be provided in support of the Section 7 application.

## **7. Highway Works**

You are advised that road construction details submitted following the granting of Reserved Matters Consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. You are advised to contact Staffordshire County Council to resolve this matter.

## **8. Highway Works**

You are advised by the County Highway Authority that the reserved matters residential road layout should be designed for a maximum speed value of 20mph.

## **9. Illustrative Plans**

Any submitted layout is considered to be merely indicative and does form part of the approved documentation for this application.

## **10. Architectural Liaison Officer**

Your attention is drawn to the attached comments of the Architectural Liaison Officer, although it also pointed out that any works suggested would not override any need to secure planning permission for any development.

### **11. Construction Manager Details**

The applicant(s) is/are advised that the contact details for the construction manager should be supplied to the Environmental Health Manager prior to the commencement of construction works by emailing the Pollution Team (pollution.team@eaststaffsbc.gov.uk).

### **12. Section 106**

This permission is subject to a Joint Section 106 Agreement (comprising application refs: P/2017/00667 and P/2017/00668

### **13. Associated Application**

You are reminded to also comply with the conditions of full planning permission ref: P/2017/00668.

### **Application 2**

### **Grant full planning permission subject to the following conditions and the completion of a (Joint) Section 106 Agreement**

#### **Condition 1 - Time limit**

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.

#### **Condition 2 – Approved Plans/Documents**

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:

Drawing No. 1815-ROC-MMA-A1-ZZ-DR-A-01001-S0-P1 (Site 1 Location Plan) dated as being received on 17/01/2020

Drawing No. 1815-ROC-MMA-A1-ZZ-DR-A-01006-S0-P4 (Site 1 Layout Plan) dated as being received on 02/09/2021

Drawing No. 1815-ROC-MMA-B2-ZZ-DR-A-02030-S0-P2 (Plot 1 Elevations) dated as being received on 21/09/2021

Drawing No. 1815-ROC-MMA-B2-ZZ-DR-A-02002-S0-P1 (Plots 2 and 3 General Arrangement) dated as being received on 17/01/2020

Drawing No. 1815-ROC-MMA-B2-ZZ-DR-A-02004-S0-P3 (Plot 4 General Arrangement) dated as being received on 02/09/2021

Drawing No. 1815-ROC-MMA-B6-ZZ-DR-A-02005-S0-P4 (Plots 5, 6, 7 and 8 General Arrangement) dated as being received on 17/01/2020

Drawing No. 1815-ROC-MMA-B7-ZZ-DR-A-02009-S0-P2 (Plots 9 and 10 General Arrangement) dated as being received on 02/09/2021

Drawing No. 1815-ROC-MMA-B7-ZZ-DR-A-02011-S0-P2 (Plots 11 and 12 General Arrangement) dated as being received on 02/09/2021  
Drawing No. 1815-ROC-MMA-B7-ZZ-DR-A-02013-S0-P1 (Plot 13 General Arrangement) dated as being received on 17/01/2020  
Drawing No. 1815-ROC-MMA-B8-ZZ-DR-A-02014-S0-P1 (Plot 14 General Arrangement) dated as being received on 17/01/2020  
Drawing No. 1815-ROC-MMA-B9-ZZ-DR-A-02015-S0-P1 Plot 15 (General Arrangement) dated as being received on 17/01/2020  
Drawing No. 1815-ROC-MMA-B12-ZZ-DR-A-02019-S0-P1 (Plot 19 General Arrangement) dated as being received on 17/01/2020  
Drawing No. 1815-ROC-MMA-B13-ZZ-DR-A-02017-S0-P1 (Plot 17 and 18 General Arrangement) dated as being received on 17/01/2020  
Drawing No. 1815-ROC-MMA-B14-ZZ-DR-A-02016-S0-P1 (Plot 16 General Arrangement) dated as being received on 17/01/2020  
Drawing No. ADC1465/002-Rev D (Access Arrangement) dated as being received on 17/01/2020  
Ecology Appraisal by Aspect Ecology (January 2016)  
Ecology Appraisal Addendum: Update Survey and Appraisal Information by Aspect Ecology (dated 4 Nov 2019) as being received on 17/01/2020  
Transport Statement by ADC dated as being received on 06/08/2019  
Flood Risk Assessment (ref Final Report Rev I: 15th April 2018) by EWE Associates dated as being received on 20/04/2020  
Surface Water Drainage Design for 19 units only (Technical Note 001B - date 17 February 2020) by EWE Associates dated as being received on 17/02/2020  
Arboricultural Survey Report and Method Statement (May 2017) by JA Booth dated as being received on 26/05/2017  
Archaeological Desk Based Assessment (July 2018) by CGMS  
Heritage Impact Assessment by Locus Consulting (Project ref: 19-036 - November 2019) dated as being received on 17/02/2020

Reason: For the avoidance of doubt to ensure the development will not adversely affect the setting of heritage assets/appearance of the locality, the amenities of neighbouring properties, flood risk and drainage, biodiversity/ecology or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP4, SP9, SP16, SP17, SP24, SP25, SP27, SP29, SP30, SP32, SP35, DP1, DP2, DP3, DP5, DP7 and DP8, the Housing Choice Supplementary Planning Document, the East Staffordshire Parking Standards Supplementary Planning Document, Open Spaces and Playing Pitch Supplementary Planning Document, the East Staffordshire Design Guide, the East Staffordshire Separation Distances and Amenities Supplementary Planning Document and the National Planning Policy Framework.

**Condition 3 - Archaeological recording**

Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of the approved archaeological investigation and the development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the approved written scheme of archaeological investigation 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 SP25 and DP5 and the National Planning Policy Framework.

**Condition 4 - Construction Management Plan (highways)**

Before construction works of any kind are commenced on site a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted Construction Management Plan that shall include the demolition phase, shall provide the following details:

- The measures shall indicate that no vehicles in excess of 7.5 Tonnes associated with the development shall arrive or depart from the site outside the hours of 09.30 - 15.30 Monday to Friday during school terms; -
- Parking facilities for vehicles of site personnel, operatives and visitors;
- Arrangements for the loading and unloading of plant and materials;
- The location of any crushing plant;
- The location of stockpiled crushed material;
- Areas of storage for plant and materials used during the construction of the proposed development;
- A wheel cleaning regime.

The approved Construction Management Plan shall be adhered to for the demolition and construction phase of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, and the National Planning Policy Framework.

**Condition 5 - Disposal of Foul Water Flows**

The development hereby permitted should not commence until drainage plans for the disposal of foul water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure adequate foul water drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by Severn Trent Water Limited in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7 and the National Planning Policy Framework.

**Condition 6 - Disposal of Surface Water Flows**

No development shall take place until a detailed surface water drainage scheme for the site (including a timetable for implementation) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Severn Trent Water. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical storm to 12.5l/s.

- Provision of surface water run-off attenuation storage in accordance with the requirements specified in ‘Science Report SC030219 Rainfall Runoff Management for Developments’.
  - No residential buildings or critical drainage infrastructure to be located within the defined Flood Zone 2 and 3 areas as agreed with the Environment Agency.
  - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
  - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
  - Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.
- The scheme shall be implemented in accordance with the approved details including the timetable of implementation.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by Severn Trent Water Limited and Staffordshire County Council as the Local Lead Flood Authority in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7 and the National Planning Policy Framework.

### **Condition 7 - Dust Prevention and Air Quality**

Prior to any development/site clearance or demolition works commencing on the site an assessment and associated plan shall be submitted to and approved in writing by the Local Planning Authority specifying how emissions of noise, vibration and dust shall be controlled during construction and earth moving works so as not to impact on nearby receptors. The approved scheme shall be adhered to at all times of the site clearance, demolition and construction phases unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard human health and the water environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

### **Condition 8 - Contaminated Land**

No development approved by this permission shall be commenced prior to the submission and approval in writing of the documents listed in paragraphs (1) and (2) below to the Local Planning Authority (LPA), together with a timetable of works. Works can only proceed once written approval of the submissions has been obtained from the Local Planning Authority. The developer will need to satisfy paragraphs 1 to 4 below in full before first use of the development and before any properties can be first occupied. Any contaminated land assessment must be carried out in accordance with current UK guidance and should include a conceptual site model.

### (1) Site Investigation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i). a survey of the extent, scale and nature of contamination;
- (ii). an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii). an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### (2) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### (3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

### (4) Validation

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the



remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

**(5) Reporting of unexpected contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of paragraph 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of paragraph 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted for the approval in writing of the Local Planning Authority in accordance with paragraph 4.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

**Condition 9 - Tree/Hedge Protection (Bespoke)**

No development shall take place on the site until a tree and hedge protection scheme and a method statement for the works within the Root Protection Area to 'British Standard BS 5837' has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme as shown on the approved plans/documents shall be put in place prior to any works commencing on the site (including any ground or site clearance works) and shall be retained in situ at all times during the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP24, SP29 and DP8, and the National Planning Policy Framework.

**Condition 10 - Access constructed to base level**

Before any site clearance, demolition or construction works are commenced on site other than necessarily required in relation to this condition (and condition 11 below), the access road (as shown on the approved plans listed at condition 2 above) shall be completed to base level for a minimum distance of 15.0 metres back from the rear of the highway on High Street (C10)

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

**Condition 11 - Visibility splays to the new access onto High Street**

Before any site clearance, demolition or construction works are commenced on site other than necessarily required in relation to this condition (and condition 10 above), the visibility splays to the new access onto High Street shall be provided in accordance with the approved plans (listed at condition 2 above). The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm 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 Policies SP1 and SP35, and the National Planning Policy Framework

### **Condition 12 – Materials**

No development shall take place above damp proof course level until samples and details of all materials to be used externally (ensuring the product name and manufacturer is provided) along with details of the sustainable building techniques to be used in the construction process 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: In the interests of visual amenities/setting of heritage assets and sustainability in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1, DP2, DP3 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **Condition 13 - Fenestration details**

No development shall take place above damp proof course level until details of all proposed external window/roof lights/door units (and associated structures) including materials and finish(es), and sections to a minimum scale of 1:5 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented strictly in accordance with the approved details.

Reason: In the interests of visual amenities/setting of heritage assets in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1, DP3 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **Condition 14 - Sample Panel**

No new build development shall take place above damp proof course nor shall repointing works be undertaken on retained buildings until a sample panel(s) at least one metre square showing the proposed mortar mix and colour and pointing/re-pointing method has first been provided and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenities/setting of heritage assets in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1, DP3 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

**Condition 15 - Levels**

The development shall be undertaken strictly in accordance with all approved details of the finished floor and ground levels shown on the approved plans listed at condition 2 above.

Reason: To ensure the development will not adversely affect residential or visual amenities or the setting of heritage assets nor exacerbate flooding or contamination risks or compromise ecological interests in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, SP27, SP29, DP1, DP3, DP5 and DP7, the East Staffordshire Design Guide, the East Staffordshire Separation Distances and Amenity Supplementary Planning Document and the National Planning Policy Framework

**Condition 16 – Use of surface water drainage interceptor**

Where any private access falls toward the public highway a surface water drainage interceptor, connected to a surface water outfall, shall be provided across the access immediately to the rear of the highway boundary.

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

**Condition 17 – Details of new access**

No dwelling shall be first occupied until the proposed access and revisions to the existing footway on the site road frontage as indicated on the approved plans (listed at condition 2 above) have been completed in accordance with detailed scheme which shall have been first submitted to, and approved in writing by, the Local Planning Authority.

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

**Condition 18 - Surfacing of Parking and Turning Areas**

Prior to the first occupation of each dwelling on the development site any access, turning and car parking provision to serve that dwelling shall be provided in a bound porous material, and thereafter once provided shall be retained and made available at all times for their designated purposes for the life 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, and the National Planning Policy Framework

**Condition 19 - Details of Ecological Enhancement Measures**

Prior to first occupation of any part of the development hereby a scheme of ecological enhancement measures (including bird nesting and bat roosting facilities and swift brick) to be installed on the site shall be submitted to and

approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the first occupation 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.

### **Condition 20 – Highways**

The 1.5m x 1.5m pedestrian visibility splays to the boundary wall at the vehicular accesses to the cycle store and bin store shall be provided before the facility is first brought into use and thereafter maintained for the life 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, and the National Planning Policy Framework

### **Condition 21 – Electric Vehicle Charging**

Prior to the first occupation of any part of the development hereby permitted a scheme for the provision of electric vehicle charging points, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed in accordance with the approved details prior to the first occupation of each dwelling concerned and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of low emission vehicles in accordance with Policies SP1 and SP35 of the Local Plan and the Parking Standards Supplementary Planning Document.

### **Condition 22 – Flood Risk Mitigation**

The development shall be carried out in accordance with the submitted flood risk assessment reference 2019/2458, Technical Note 001B dated 17th February 2020 and the following mitigation measures it details:.

The finished floor levels shall be set at or above the levels shown in Table 2 of the submitted Flood Risk Assessment.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To safeguard the efficient workings of the area of floodplain from inappropriate development and to provide for the permanent retention of a continuous unobstructed area is an essential requirement for the preservation

of the water course corridor, wildlife habitat, flood flow conveyance and future watercourse maintenance or improvement in accordance with East Staffordshire Local Plan Policies SP1, SP27, SP29 and DP7, and the National Planning Policy Framework.

### **Condition 23 – Noise Mitigation Construction Hours**

No development/construction works shall be undertaken on the site outside of the following hours :-

- 08:00 to 18:00 Monday to Fridays
- 08:00 to 16:00 on Sats (with any external works to finish at 14:00)
- 10:00 to 14:00 on Sundays & Bank Holidays

Reason: In the interests of the amenity of the occupiers of existing surrounding and nearby dwellings in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

### **Condition 24 - Ecology (Bespoke)**

Unless otherwise first agreed in writing by the Local Planning Authority the construction phase of the scheme hereby approved shall be undertaken in accordance with the recommended mitigation measures set out in the submitted report.

Reason: In the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP24, SP29 and DP8, and the National Planning Policy Framework.

### **Condition 25 - Bespoke (Hedgehog highways).**

Any common boundary fences to be erected to residential curtilages (as shown on the approved drawings listed at condition 2 above) shall provide for gaps of minimum 130mm square at ground level at least every 10m running length or that do not seal to the ground at all between posts with a 120mm gap from fence base to ground.

Reason: To preserve habitats for hedgehogs in accordance with East Staffordshire Local Plan Policy SP29 and the provisions of the National Planning Policy Framework.

### **Condition 26 – Lighting**

No lighting shall be erected on the site until the scheme has first been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and no other lighting shall be installed on the site unless first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the locality and the setting of heritage assets and in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP29, DP1, DP3,

DP5, and DP7, and the East Staffordshire Design Guide and the National Planning Policy Framework.

#### **Condition 27 – M4 (2) Compliance**

A minimum of ten per cent (10%) of dwellings on the site shall be constructed in accordance with Building Regulation 2010 Standard M4 (2) standards.

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.

#### **Condition 28 - Landscape Implementation**

All planting, seeding or turfing comprised in the approved details of landscaping 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 in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

#### **Condition 29 – boundary treatments**

The approved boundary treatments shall be completed prior to the relevant dwelling(s) being first occupied.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

#### **Condition 30 – Retention of integral garages**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, any integral garages indicated on the approved plans shall be retained as being available for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of 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

## **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 Nos. 3 - 9

The conditions identified below require details to be approved during the course of the development.

Condition Nos. 12,13,14,17,19,21 and 26

This means that a development may not be lawful until the particular requirements of these conditions have been met.

The 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 the Local Planning Authority 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. 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.

### **4. Dust Control**

With regard to the dust control submissions required under condition 7 above, the ESBC Environmental Health Section advise as follows:

- For the purpose of the above assessment the scheme of noise and vibration control measures shall be devised according to BS 5228-1 & 2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites or updated guidance.
- For the purpose of the above assessment the scheme of dust control measures shall be devised according to the principles of 'Guidance on the assessment of dust from demolition and construction' version 1.1. (or latest version) produced by the Institute of Air Quality Management.

### **5. Highway Works**

You are advised that off-site highway works will require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application

form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk).

The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. Please see: <https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

#### **6. Highway Works**

You are advised that this scheme will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. Swept path analysis for an 11.9m long refuse vehicle shall be provided in support of the Section

#### **7. Highway Works**

You are advised that road construction details submitted following the granting of Reserved Matters Consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980.

You are advised to contact Staffordshire County Council to resolve this matter.

#### **8. Highway Works**

You are advised by the County Highway Authority that the reserved matters residential road layout should be designed for a maximum speed value of 20mph.

#### **9. Archaeological recording**

You are advised that condition 3 should provide for level 3 recording work in relation to Churnet Farmhouse and its outbuildings (of a pre 1948 date).

#### **10. Architectural Liaison Officer**

Your attention is drawn to the attached comments of the Architectural Liaison Officer, although it also pointed out that any works suggested would not override any need to secure planning permission for any development.

#### **11. Construction manager details**

The applicant(s) is/are advised that the contact details for the construction manager should be supplied to the Environmental Health Manager prior to the commencement of construction works by emailing the Pollution Team (pollution.team@eaststaffsbc.gov.uk).

#### **12. Section 106**

This permission is subject to a Joint Section 106 Agreement (comprising application refs: P/2017/00667 and P/2017/00668

#### **13. Associated Application**

You are reminded to also comply with the conditions of outline planning permission ref: P/2017/00667.

#### **14 Soakaway Positions**

Any soakaway shall be located a minimum of 5.0m rear of the highway boundary.

#### **15. Highways Act Requirements**

The developers attention is drawn to the requirements of Section 169, Highways Act 1980 (Control of scaffolding on highways) and Section 172, Highways Act 1980 (Hoardings to be set up during building etc.).

## **26. Background papers**

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



- Papers on Planning Application file ref: P/2017/00667
- Papers on Planning Application file ref: P/2017/00668
- Papers on Planning Application file ref: P/2016/00632
- Papers on Planning Application file ref: P/2012/00201
- Papers on Planning Application file ref: P/2012/00205
- The Local and National Planning Policies and Supplementary Planning Documents outlined in the report above

## **27. Human Rights Act 1998**

27.1 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.

## **28. Crime and Disorder Implications**

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

## **29. Equalities Act 2010**

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

For further information contact: Alan Harvey  
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