

Agenda Item:	5.1
Site:	Upper Outwoods Farm, Beamhill Road, Burton upon Trent, Staffordshire, DE13 9QW
Proposal:	Reserved Matters application relating to P/2013/00429 for the erection of 288 dwellings including details of access, appearance, landscaping, layout and scale

Report of Head of Service (Section 151 Officer)

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

[Hyperlink to Application Details](#)

Application Number:	P/2021/01053	
Planning Officer:	James Mattley	
Type of Application:	Reserved Matters	
Applicant:	Persimmon Homes North	
Ward:	Tutbury and Outwoods	
Ward Member (s):	Councillor R Lock Councillor S P Gaskin	
Date Registered:	01 October 2021	
Date Expires:	24 December 2021	
Reason for being on Agenda	Original outline planning permission was dealt with at planning committee.	

1. Executive Summary

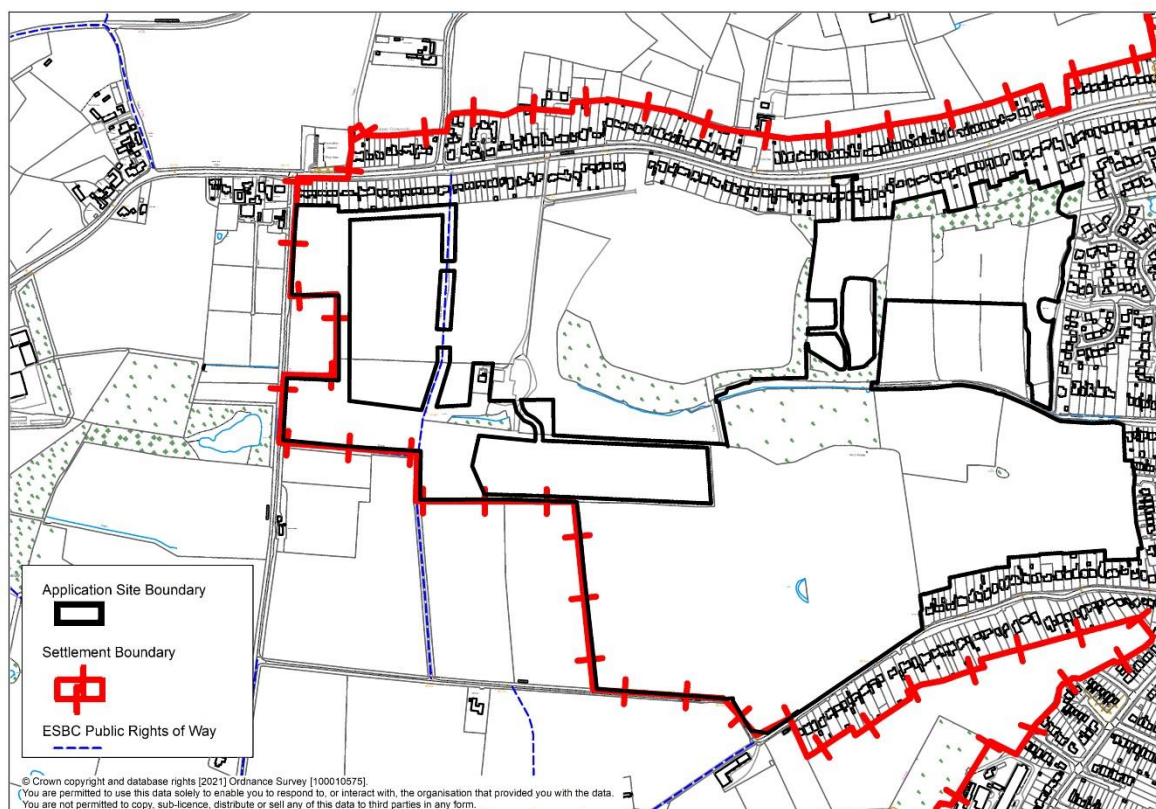
- 1.1 The application seeks approval for reserved matters following the grant of outline application P/2013/00429 for the erection of 950 dwellings, Primary School and children's Day Nursery, 5,000 square metres of retail, health centre and community facilities, associated open space, landscape, drainage, play areas, including the demolition of 92, 94, 142 & 144 Beamhill Road, and agricultural buildings at Green Acres and Upper Outwood Farms. The outline application was approved subject to a S106 Agreement.
- 1.2 The outline application site has been divided into phases in accordance with the requirements of condition 5, and each phase is subject to the conditions and timings as specified in the outline application, and the S106 Agreement.

- 1.3 The reserved matters for consideration are layout, scale, appearance, access and landscaping for 288 dwellings, which is identified as phases 3A, 4B and 5A of the wider site. The proposal also includes landscaping of the wider site and the application is accompanied by detailed on-plot landscaping plans and strategic landscaping plans.
- 1.4 The application site comprises approximately 8 hectares of undulating grassland, formerly in agricultural use, to the south of Beamhill Road, Burton on Trent. The site also includes existing mature tree and hedge planting around the edge of the site. The built area of the development will cover the northern parts of the site and includes access roads, private garden areas, on plot landscaping, within plot car parking and garaging. To the south of the application site would be open space and landscaping.
- 1.5 Statutory consultees have raised no objections to the proposal as it is considered that the submitted reserved matters details accord with the outline approval and accompanying S106 Legal Agreement.
- 1.6 13 neighbour objections have been received objecting to the application on various grounds which are detailed at Section 6 below.
- 1.7 The principle of developing the site for residential purposes has been established under the existing extant permission, and the site is allocated as a Sustainable Urban Extension in the East Staffordshire Local Plan. Vehicular access to the site is proposed from Beamhill Road to the north. This would entail the demolition of no.92 and 94 Beamhill Road and the demolition of these properties has already been approved as part of the outline planning permission. The proposed access roads would join up with the access roads approved as part of other phases of development.
- 1.8 It is considered that the submitted scheme is in accordance with the details of the approved outline application and accompanying S106 Agreement, and complies with the provisions of the relevant adopted development plan policies, Neighbourhood Plan policies and the National Planning Policy Framework.
- 1.9 It is not considered that the proposal will have an adverse impact on the residential amenities of nearby residents, have a detrimental impact on highway safety, or the character of the area.
- 1.10 Since the original application was submitted, amended plans have been received which have resulted in improvements to the design and appearance of prominent plots within the development and revisions to the layout to ensure plots do not have blank elevations from public vantage points. The amendments have also resulted Kitling Greaves Lane being included in the site and a 3m footway/cycleway, additional on-plot landscaping, the play area being re-located to the north and amended landscaping details.
- 1.11 The application was due to be considered at the Planning Committee in January 2022. However, due to the submission of amended plans at a late stage of the application process it was been decided to delay the consideration of the item at that time. Since then a formal package of amendments have been received and consulted on in an attempt to resolve neighbour issues in respect of tree loss and land ownership/site boundary issues to the rear of properties on Beamhill Road.

1.12 In light of the above conclusions on the planning merits of the case, the application is recommended for approval.

Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

Map of site



2. The site description

- 2.1 The application site is approximately 8 hectares in size and is currently an area of overgrown, undulating grassland with groups of trees and large hedgerows. The site lies to the south of Beamhill Road, and forms part of a larger approved site. To the north of the site are the rear garden boundaries of residential properties on Beamhill Road. To the east is existing residential properties and to the south and west lies undeveloped grassland.
- 2.2 The application site slopes gently downwards into the site from Beamhill Road, and then slopes upwards again to the south. There is also an east west slope on the land.
- 2.3 Vehicular access to the site is proposed from Beamhill Road to the north. This would entail the demolition of no.92 and 94 Beamhill Road and the demolition of these properties has already been approved as part of the outline planning permission. The proposed access roads would join up with the access roads approved as part of other phases of development.

- 2.4 The site is within the settlement boundary for Burton and is identified as a Sustainable Urban Extension.
- 2.5 The land is in Flood Zone 1.

3. Planning history

- 3.1 28 January 2014 – **Application Ref: P/2012/00133** - outline application P/2013/00429 for the erection of 950 dwellings, Primary School and children's Day Nursery, 5,000 square metres of retail, health centre and community facilities, associated open space, landscape, drainage, play areas, including the demolition of 92, 94, 142 & 144 Beamhill Road, and agricultural buildings at Green Acres and Upper Outwood Farms – Withdrawn
- 3.2 6 August 2014 – **Application Ref: P/2013/00429** - outline application P/2013/00429 for the erection of 950 dwellings, Primary School and children's Day Nursery, 5,000 square metres of retail, health centre and community facilities, associated open space, landscape, drainage, play areas, including the demolition of 92, 94, 142 & 144 Beamhill Road, and agricultural buildings at Green Acres and Upper Outwood Farms – Permitted subject to conditions and S106 - Committee 06-08-2013
- 3.3 13 May 2015 – **Application Ref: P/2016/00233** - Discharge of condition 5 (phasing plan) of outline planning permission P/2013/00429 relating to the erection of 950 dwellings, primary school and childrens day nursery, 5,000 square metres retail, health centre and community facilities, associated open space, landscape, drainage, play areas, including the demolition of 92, 94,142 & 144 Beamhill Road and agricultural buildings at Green Acres and Upper Outwoods Farm
- 3.4 13 May 2015 – **Application Ref: P/2016/00234** - Discharge of condition 22 of planning permission P/2013/00429 relating to Phase One of the erection of 950 dwellings, primary school and childrens day nursery, 5,000 square metres retail, health centre and community facilities, associated open space, landscape, drainage, play areas, including the demolition of 92, 94,142 & 144 Beamhill Road and agricultural buildings at Green Acres and Upper Outwoods Farm
- 3.5 23 February 2017 – **Application Ref: P/2016/00232** - Reserved Matters application relating to P/2013/00429 for Phase 1 to include details of means of access and landscaping – Approved - Delegated 23-02-2017
- 3.6 7 December 2017 – **Application Ref: P/2017/00929** - Discharge of conditions 5 - 21, 23 and 24 for Phase 1 of planning permission P/2013/00429 relating to the Outline application for the erection of 950 dwellings, primary school and childrens day nursery, 5,000 square metres retail, health centre and community facilities, associated open space, landscape, drainage, play areas, including the demolition of 92, 94,142 & 144 Beamhill Road and agricultural buildings at Green Acres and Upper Outwoods Farm
- 3.7 28 August 2020 – **Application Ref: P/2020/00184** – Reserved Matters application relating to P/2013/00429 for Phase 1 for the erection of 322 dwellings, associated car parking, secondary roads, 2 substations and 1 gas governor including details of access, appearance, layout and scale at Upper

Outwoods Farm Beamhill Road Burton Upon Trent - Conditional Approval - Committee 28-08-2020

- 3.8 24 November 2020 – **Application Ref: P/2020/00591** – Reserved Matters application relating to P/2013/00429 for Phase 1b to include the erection of 70 dwellings, associated car parking and secondary roads at Upper Outwoods Farm Beamhill Road Burton Upon Trent - Conditional Approval - Committee 24-11-2020
- 3.9 2 November 2021 – **Application Ref: P/2021/00433** – Reserved Matters application relating to P/2013/00429 for the erection of 270 dwellings, associated car parking, secondary road, 1 substation including details of access, appearance, layout and scale at Upper Outwoods Farm Beamhill Road Burton Upon Trent - Conditional Approval - Committee 02-11-2021

4. The proposal

- 4.1 The application seeks approval of reserved matters for layout, scale, appearance and access for Phases 3A, 4B and 5A under outline planning application P/2013/00429, approved subject to conditions and a S106 Legal Agreement, on the 6 August 2014. The scheme sits within the wider boundary of the outline application and provides for 288 dwellings, associated car parking and access. The means of access to the site is proposed to the north which would include for the demolition of no.92 and 94 (the demolition was approved under the original outline planning application). The proposal also includes landscaping of the wider site and the application is accompanied by detailed on-plot landscaping plans and strategic landscaping plans.
- 4.2 The proposed dwellings are a mix of house types and designs and also include 44 units for affordable housing. The scheme includes 1, 2, 3, 4 and 5 bed properties across the site which are a mix of detached, semi-detached and terraced. There are 18 individual house type designs proposed, and a range of materials including brick, timber detail and render, that will give variety and interest throughout the site. The properties are mainly 2 storey in height, but also include 43 units that are 2.5 storeys in height. The proposal includes parking provision for each dwelling which is in the form of garaging and/or off street parking.
- 4.3 The proposal comprises the following housing mix

House Type/ Bedrooms	Number
1 bed	4
2 Bed	21
3 Bed	181
4 Bed	64
5 Bed	18
Total	288

- 4.4 The site layout demonstrates that 288 dwellings can be accommodated on the site, whilst providing adequate levels of on-site parking commensurate with the

size of each property, together with private rear garden areas, means of access to the adopted highway and appropriate landscaping and open space provision.

List of supporting documentation

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

- Reserved matters application form
- Site location plan
- House types pack
- On plot landscaping
- Strategic landscaping
- Neighbourhood equipped area for play (NEAP) proposals
- Access junction plan
- Statement of compliance

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

5. Consultation responses and representations

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

Statutory and non statutory consultee		Response
5.2	Parish Council	No response received.
5.3	SCC Highways	All issues regarding the impact of the development on the wider highway network have been considered at the outline stage and found to be acceptable. No objections are raised to this reserved matters application.
5.4	SCC Education	Comment that the education requirements as set out in Schedule 2 of the Deed of variation agreement dated 25th May 2018 still remain – that is to provide a school within the larger site and for a financial contribution towards a new secondary school.
5.5	SCC Flood Risk Team	No response received.
5.6	SCC Historic Environment Team	An archaeology condition was included in the outline application (P/2013/00429) and was subsequently satisfactorily discharged. As such no further archaeological works will be required in the area covered by this reserved matters application, and they do not have any archaeological issues to raise at this time.
5.7	SCC Public Rights of Way	Originally noted that the PROW were not marked up on the submitted plans and that they should be amended. No objections following the submission of amended plans. Notes to applicant are recommended in respect of diversions and planting.
5.8	Severn Trent Water	Foul sewage is shown to discharge to the public foul sewer, to which we would have no objections. Surface Water should be discussed with the LLFA.

5.9	Natural England	No objections.
5.10	The National Forest	Originally raised concerns in respect of the following: - Does not show the east-west greenway that was originally envisaged; - Encourage the use of timber play equipment; - Request further planting to the south of plot 217; - Woodland trees should be planted at 2 metre centres. Following the submission of amended plans they now raise no objections subject to conditions.
5.11	Environment Agency	No response received.
5.12	Highways England	No comments to make.
5.13	Architectural Liaison Officer	General advice offered about crime reduction measures across the site

Internal Consultees		Response
5.14	Environmental Health	No comments received.
5.15	Housing Strategy	No objections to the level of affordable housing or to the housing mix put forward.
5.16	Open Spaces	No response on this application, but the open space provision is secured by conditions on the outline and through the S106 legal agreement, and a landscaping strategy and management agreement for the areas of open space have been agreed under RM application P/2016/00232.
5.17	Environment Manager	No objections but sought clarification on whether a bin contribution was secured at the outline stage.

6. Neighbour responses

6.1 13 neighbour objections have been received objecting to the application on the following grounds:

- Requests confirmation that the proposal does not result in land grabbing;
- Access road would be close to neighbouring properties and the fencing would be too low;
- Overlooking issues;
- Impact of planting on sewers;
- Clarification as to whether trees are being removed opposite No.86 to No.98;
- Access should not be from Beamhill Road;

- No further trees should be removed;
- Buffer zone between new and existing properties should be retained;
- Buffer zone should be wider;
- Will planting obstruct the footpath?
- The location of existing footpaths are incorrect on the submitted plans;
- Consider that some footpath links should not be provided;
- Footpaths and cycle routes will impact on ecology;
- There should be a road sweeper during construction;
- Construction work should take place in accordance with agreed hours;
- Deliveries to the site should respect existing neighbouring properties;
- Will result in air pollution;
- Implications on traffic congestion;
- Submitted plans do not show the correct boundary position of rear gardens belonging to No's 52, 54 and 62 Beamhill Road;
- Proposed works would result in the loss of trees in the northern part of the site;
- Most densely populated houses are furthest away from the local centre.

6.2 No response has been received from the local ward member.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1 East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1 Role of Neighbourhood Plans
- SP3 Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- SP7 Sustainable Urban Extensions
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure

- SP24 High Quality Design
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP28 Renewable and Low Carbon Energy Generation
- SP29 Biodiversity and Geodiversity
- SP30 Locally Significant Landscape
- SP32 Outdoor Sports and Open Space
- SP33 Indoor Sports
- SP34 Health and Wellbeing
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP7 Pollution and Contamination
- DP8 Tree Protection

Outwoods Neighbourhood Plan

- TA1 – Public Realm
- TA2 – Roads and Streets
- TA3 – Parking
- TA4 – Footpaths and Cycle Routes
- TA5 – Public Transport
- CF1 – Schools and Education
- CF2 – Health Hubs
- CF3 – Community Facilities
- CF4 – Local Shops
- CF5 – Places to Meet
- RD1 – Design
- RD2 – Public and Private Space
- RD3 – Type and Tenure
- LR1 – Sports Pitches
- LR2 – Play for All
- LR3 – Green Space Strategy
- LR4 – Landscape and Drainage

8. Principle of Development

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 11 of the NPPF states that for decision-taking this means:

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

- specific policies in this Framework indicate development should be restricted.

8.2 Paragraph 219 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

9. 5 Year land Supply

9.1 The most recent calculation uses figures as at 30 September 2021 and concludes there is 8.90 years of supply. Therefore the policies in the plan can be considered up to date.

10. Local Plan

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

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

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;

- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions.

10.4 The plan identifies a number of sustainable urban extensions which are expected to meet a variety of principles set out in Strategic Policy 7.

10.5 The application site is wholly within the settlement boundary for Burton Upon Trent and has the benefit of outline planning permission P/2013/00429. In addition, the site is identified as a Sustainable Urban Extension (SUE) in the adopted East Staffordshire Borough Council Local Plan. It is considered therefore, that the principle of developing this site for residential purposes, as proposed, is established and meets the requirements of the policies in the local plan and the principles of sustainable development as set out in the National Planning Policy Framework. The application is accompanied by a Statement of compliance which sets out how the development is in accordance with the approved outline permission and how it adheres to the principles agreed at outline stage.

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

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

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

- 11.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.
- 11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
 - c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
 - d) Repetitive house types should be avoided;
 - e) The cramming together of large numbers of detached properties should be avoided.
 - f) High proportions of frontage car parking will not be acceptable.
- 11.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.7 Policy RD1- Design- of the Outwoods Neighbourhood Plan requires development proposals to demonstrate a high quality of design and should take account of scale, mass, form, density, character, landscape and materials in accordance with relevant design guidance in force at the time. Buffer planting should be provided at the edge of all new development. Policy RD2 'Public and Private Space' requires sufficient private amenity area to be provided to serve new dwellings along with a clear definition of public and private space through the inclusion of front boundaries and safe and secure rear boundaries. Outwoods Neighbourhood Plan Policy TA1 'Public Realm' requires all new development to deliver the very highest quality in public realm design.
- 11.8 The site is currently an open area of undulating grassland that slopes gently away from Beamhill Road. There are groups of mature tree planting and large hedgerows on the edge of the site, which gives the site a more rural appearance.
- 11.9 The proposed development is to erect 288 dwellings as phase 3A, 4B and 5A of a larger site granted outline planning permission for a mixed use scheme. The details for consideration are layout, scale, appearance, access and landscaping. The site proposes to gain access from Beamhill Road to the north, which is in accordance with the outline approval. The access would result in the demolition of two existing residential properties and beyond this, the estate

roads branch off to serve proposed new dwellings. From these main estate roads through, are smaller link roads and culs de sacs. The road layout includes bends and curves in the street scene to avoid long straight stretches of highway, which aids traffic speed management throughout the development and also provides interest and variety in the street scene, with landscaped focal points and dual aspect dwellings.

- 11.10 The scheme includes a wide range of house types, styles and materials that will give variety in appearance across the site. No area is dominated by a particular house type or design, and the layout of the road network enables properties to be positioned at varying angles to the highway, to give a more interesting character to the development. The existing residential development in the area has no particular dominant architectural style or character. There are a mix of styles, sizes, materials and ages of properties, therefore it is considered that there are no particularly distinctive architectural features or designs that could be taken from the local vernacular, as it is so varied.
- 11.11 However, amended plans have been received during the course of the application to provide additional architectural detailing such as the inclusion of chimneys and feature timber work to the gables. Plots 1, 33, 221, 242 and 286 are focal plots within the scheme and include for chimneys and enhanced timber details.
- 11.12 Where properties are located close to public open spaces they have been designed to front these areas to provide surveillance and active frontages and amended plans have been received to improve these relationships throughout the site. The overall density for the site equates to 36 dwellings per hectare, which is considered to be appropriate in this location and is not considered to be overdevelopment.
- 11.13 Each dwelling has access to parking spaces or garages that meet the requirements of the parking standards SPD relevant to the number of bedrooms. Each dwelling also has private rear garden spaces that meet the minimum guidance in the Separation distances and Amenity SPD.
- 11.14 The land to the west of the site would be used as a landscaped buffer zone to dwellings which have been granted as part of a recent reserved matters application (P/2021/00433).
- 11.15 In addition to the proposed strategic landscaping, the proposal will also include some planting within the plots at the front and rear to help to soften the character and appearance of the development, and to integrate it into the locality. However, the landscaped buffer zone will provide a significant area of accessible open space and landscaping, that will further help to integrate the development into the area and help to retain some of the existing planting features on the site.
- 11.16 Based on the above assessment it is considered that the design and layout of the proposed development, together with the proposed strategic landscaped buffer zone, is acceptable and provides a development that will be integrated into the landscape. There is no doubt that the character of the area will be changed by the built development, however, the site has the benefit of planning permission and is part of an allocated SUE. The principle of developing this site

is well established. It is considered that the proposal for these phases of the development, provides a balance of built form and landscaping that will help to maintain a sense of open space around the edge of the site, and to screen the proposal from existing residential properties and views across the site. The land slopes gently away from properties on Beamhill Road, and the new dwellings will be on a slightly lower level, which will also help to reduce the impact on the character and appearance of the area.

11.17 Details of the exact materials to be used in the construction of the dwellings and choice of boundary treatments is the subject of a condition on the outline approval, and will need to be submitted for approval before any development can commence on site. Careful consideration of the materials proposed will also help to ensure that the development does not detract from the character of the area.

12. Residential Amenity

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

12.2 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.

12.3 Policy RD2 'Public and Private Space' of the Outwoods Neighbourhood Plan requires new residential dwellings to have sufficient garden space within their private curtilage to meet the functional domestic needs of the occupants.

12.4 The nearest residential properties to the application site are located on Beamhill Road located to the north, Kitling Greaves to the east, Green Valley Drive to the east, Furrows Drive to the east and Field Close to the east.

12.5 There are 10 plots located in the north east portion of the site which are those closest associated with existing residential properties off Beamhill Road. However, there would be a distance of at least 15 metres from the elevations of these dwellings with the rear boundary of these properties and a distance of around 48 metres between the existing and proposed dwellings. It is also noted that they will be separated by the proposed strategic landscaped buffer zone. In addition, the proposed dwellings will then be set back from the buffer zone. Having regard to these distances, and the fact that the new properties will be on a slightly lower ground level than properties on Beamhill Road, it is not considered that the proposed development would have an adverse impact on the amenities of surrounding residents off Beamhill Road.

12.6 In terms of properties located off Green Valley Drive and Furrows Drive, there would be a distance of at least 17 metres from the elevations of these dwellings with the rear/side boundaries of these properties and a distance of around 30 metres between the existing and proposed dwellings. It is also noted that they will be separated by the proposed strategic landscaped buffer zone. In addition, the proposed dwellings will then be set back from the buffer zone. Having

regard to these distances, it is not considered that the proposed development would have an adverse impact on the amenities of surrounding residents off Green Valley Drive and Furrows Drive.

- 12.7 With regards to the impact of properties located to the north of Kitling Greaves, there would be a distance of at least 15 metres from the elevations of these dwellings with the front boundaries of these properties and a distance of at least 44 metres between the existing and proposed dwellings. No.85 Kitling Greaves is located to the south of Kitling Greaves and there would be a distance of at least 23 metres from the elevations of these dwellings with the side boundary of this property and a distance of at least 26 metres between the existing and proposed dwelling. It is also noted that properties in this area of the site will be separated by the proposed strategic landscaped buffer zone. In addition, the proposed dwellings will then be set back from the buffer zone. Having regard to these distances, it is not considered that the proposed development would have an adverse impact on the amenities of surrounding residents off Kitling Greaves.
- 12.8 In terms of properties located off Field Close, there would be a distance of at least 22 metres from the elevations of these dwellings with the rear/side boundaries of these properties and a distance of around 36 metres between the existing and proposed dwellings. It is also noted that they will be separated by the proposed strategic landscaped buffer zone. In addition, the proposed dwellings will then be set back from the buffer zone. Having regard to these distances, it is not considered that the proposed development would have an adverse impact on the amenities of surrounding residents off Field Close.
- 12.9 The 2.5 storey properties are principally located within the central parts of the site. The majority of the dwellings that are positioned closest to the boundary with properties on Beamhill Road are 2 storey in height and the only 2.5 storey dwelling does not contain dormer windows on the front elevation which face properties on Beamhill Road.
- 12.10 Within the application site itself, the properties are provided with adequate private rear garden areas, with separation distances between dwellings providing the standards as set out in the Separation Distances and Amenity SPD.
- 12.11 The proposed dwellings would be sited an acceptable distance away from Beamhill Road and an acceptable distance away from the rear boundaries of existing properties that front onto Beamhill Road. Any concerns regarding the height of boundary treatments would be a matter to be addressed as part of conditions attached to the original outline planning approval.
- 12.12 The proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them an unacceptable loss of light or privacy or any overbearing or overshadowing impacts. The scheme is therefore compliant with the provisions of Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, the Outwoods Neighbourhood Plan, and the NPPF.

13. Sustainability (energy efficiency and low carbon)

13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
- incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
- use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
- incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in ‘Biodiversity by Design’ or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

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

13.3 Condition 11 of the approved outline application seeks to ensure that each phase of development submitted for approval submits a scheme to demonstrate that energy saving measures will be incorporated into the design of the development. This condition is applicable to the current proposal, and before development is commenced, this condition will need to be satisfied. In addition, the use of modern, more efficient building techniques will help to satisfy the requirements of these policies.

14. Highway Matters

14.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 14.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 14.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 14.4 Outwoods Neighbourhood Plan Policy TA2 'Roads and Streets' sets out highway considerations which should be incorporated into new development such as promoting a street hierarchy and maximising pedestrian access. All highways should be designed to accommodate traffic which may be reasonably expected to utilise the proposed development. Vehicles should be able to manoeuvre safely within the development and to enter and exit streets in forward gear. In terms of residential development, highways must be able to accommodate a variety of vehicle types, including, but not restricted to, grocery delivery vehicles, street cleaning vehicles and waste disposable vehicles. Policy TA5 'Public Transport' of the Outwoods Neighbourhood Plan requires all residential schemes on proposed allocations and committed sites to be located within reasonable walking distance of a bus stop and serviceable route and/or any other public transport provision.
- 14.5 Vehicular access to the site is proposed from Beamhill Road to the north as per the indicative details supplied as part of the original outline planning application. This would entail the demolition of no.92 and 94 Beamhill Road and the demolition of these properties has already been approved as part of the outline planning permission. The proposed access roads would join up with the access roads approved as part of other phases of development.
- 14.6 The internal road layouts, together with the parking and access arrangements are considered to comply with current policy standards, including access by emergency and refuse vehicles. The County Highway Authority have provided comments as part of this reserved matters application and consider that all issues regarding the impact of the development on the wider highway network have been considered at the outline stage and found to be acceptable. No objections are raised to this reserved matters application subject to a note to the applicant.
- 14.7 In conclusion, the highway and access arrangements proposed are considered to be suitable and there will be no significant negative impact on the road network or highway safety arising from the proposal sufficient to sustain a refusal of the scheme. Parking provision is also adequate across the site.

15. Flood Risk and Drainage

- 15.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering

new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

15.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.

15.3 The application site is within Flood Risk zone 1 which is the lowest flood risk area and the principle of drainage on the site has already been agreed by the granting of the original outline planning permission P/2013/00429. Condition 8 of this planning permission requires a scheme of surface and foul water drainage to be agreed for each phase of development so the precise drainage strategy would need to be considered as part of a discharge of condition application rather than under this reserved matters application. However, it is noted that no objections have been received to the application from any of the relevant drainage bodies.

15.4 The proposal is therefore considered to be acceptable in terms of flood risk and drainage, and complies with Policy SP27 and the NPPF.

16. Affordable Housing and Housing Mix

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

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

16.3 The Housing Choice SPD expects the following housing mix:

	Burton			Uttoxeter	Strategic Villages
1-bedroom homes (flats, houses or bungalows)	3%			3%	2%
2-bedroom homes (flats, houses or bungalows)	2%			20%	20%
	Branston	Angelsey	Brizlincote		
	Burton	Horninglow	Stapenhill		

	Eton Park	Shobnall	Winshill		
	Outwoods	Stretton			
Housing for Older People**	11%	20%	50%	10%	35%
2-bedroom houses	14%	13%	8%	8%	6%
3-bedroom houses	32%	29%	17%	30%	23%
4-bedroom houses	26%	23%	14%	20%	10%
5-bedroom houses	11%	10%	6%	9%	4%

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

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

- On previously developed land within the built up areas of Burton and Uttoxeter; 25%
- On greenfield sites within and on the edge of Burton and Uttoxeter; 33%
- On other land; 40%
- SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.

16.6 The Housing Choice SPD provides guidance on the expected affordable housing mix of sites.

16.7 Outwoods Neighbourhood Plan Policy RD3 'Type and Tenure' states that planning permission will be granted for residential development which delivers an appropriate mix to meet locally assessed needs for open market dwellings.

16.8 The proposed development seeks permission for the construction of 288 dwellings. Across the site, this provides for 1, 2, 3, 4 and 5 bed properties, which are either two or two and a half storey in height. The mix provides 4 one bed flats (1.4%), 21 two bed dwellings (7.3%), 181 three bed dwellings (62.8%), 64 four bed dwellings (22.2.9%) and 18 five bed dwellings (6.3%).

16.9 Whilst this mix of house types in terms of bedrooms does not strictly accord with the Housing Choice SPD, from a planning point of view it is considered that this will not adversely affect the overall character of the development, such that it is unacceptable.

16.10 The proposed mix focuses on 3-4 bed properties and reflects the applicant's understanding of the likely market demand for private market housing in the area. It reflects sales experiences on other sites in the East Midlands area

where the demand for larger properties has reduced and house buyers are increasingly seeking the mid-range 3-4 bed housing unit.

- 16.11 The S106 Legal Agreement that accompanies this application sets out the requirements for the provision of affordable housing across the whole of the outline application site and for each phase of the development. The S106 agreement requires the overall affordable housing provision across the site to be 15%. Each phase must have at least 5% of the dwellings as affordable housing, but no more than 30%.
- 16.12 These phases of the development includes 44 units for affordable dwellings. This represents 15.3% of the total dwellings proposed for this site, which is within the thresholds as set out in the S106 Legal Agreement.
- 16.13 The proposed affordable housing units include 4 one bed flats, 10 two bed properties and 30 three bed properties. The units consist of semi-detached and terraced properties. No more than 9 units are located in any one particular grouping, and the house types are indistinguishable from the open market housing. The affordable housing units will therefore be integrated into the development throughout the site. The tenures proposed are 50% of the units to be social rented and 50% for shared ownership. Policy SP17 of the Local Plan states that no more than 8 dwellings should be clustered together and it is accepted that the scheme would not wholly accord with that advice. However, given that the scheme proposes only one area whether 9 units are proposed and on the basis that the council's strategic housing team have been consulted on the application and raised no objections, it is considered that the proposal would be acceptable in this instance.
- 16.14 The approach to the provision of affordable housing on the site followed initial pre-application discussions and subsequent engagement with registered providers Trent and Dove, Longhurst Group and Riverside Housing, as well as Midland Heart and Orbit Heart of England. The proposed mix to be provided was discussed in detail with them to ensure that the proposed mix would meet with their requirements, also reflecting their experience of delivering affordable housing units. These discussions confirmed that the proposed mix and location of the units were acceptable and that they would fit with their programs for 2021 and beyond. Whilst the proposed mix differs from that set out in the previous Housing Choice, it is a mix that has been subject to discussions with relevant providers who have confirmed its suitability ensuring the affordable housing will be delivered and managed from the outset. In addition, the council's strategic housing team have been consulted on the application, and have no objections to proposal.

17. Green Infrastructure and National Forest

- 17.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained.

Green infrastructure should, therefore, be a key consideration planning decisions where relevant.

- 17.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet.
- 17.3 Strategic Policy 26 supports the National Forest Strategy expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.
- 17.4 The proposals include for both on plot landscaping and strategic landscaping. Comments were originally received from the National Forest Company (NFC) indicating that the on plot landscaping was considered to be acceptable. However, they considered that the original proposal did not show the east-west greenway adjacent to Kitling Greaves that was originally envisaged, requested further planting to the south of plot 217 and that woodland trees should be planted at 2 metre centres.
- 17.5 The applicant's agent has submitted amended plans in order to address the comments of the NFC. The NFC comment that their suggested alterations to the greenway have been incorporated and would result in a positive change to the landscaping on the site.
- 17.6 The NFC request that details of appropriate play equipment can be achieved by a condition of consent and reiterate that natural play and the use of timber play equipment as well as timber benches, bins and fencing would reflect and respect the National Forest location. A suitable additional planning condition is recommended in this respect.
- 17.7 In respect to the loss of landscaping, a total of 20 trees are shown to be removed in the northern part of the site and some hedgerows and trees located centrally within the site. However, this level of tree loss was always envisaged at the outline planning permission stage. The loss of landscaping is being compensated by both strategic landscaping and on-plot landscaping as part of these proposals which will result in the planting of 30 individual trees and a further 188 larger specimen trees within the woodland areas. The National Forest Company have raised no objection to the level of landscape loss and consider that the scheme would result in a positive change to landscaping on the site.
- 17.8 On this basis the proposal is considered to be acceptable in relation to SP23 and SP26 of the East Staffordshire Local Plan and the advice in the NPPF.

18. Biodiversity

- 18.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful

impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

- 18.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 18.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 18.4 The outline planning approval was accompanied by an ecological survey that concluded all habitats of any merit were to be retained as part of the proposal. The opportunities for biodiversity provision and retention across the site were considered in full. The original committee report in respect of the outline planning permission also made recommendations in relation to the management of open spaces and the need for further survey work in respect of protected species. These matters are controlled through planning conditions on the original outline planning approval.
- 18.5 No evidence was found that there were protected species in any of the areas that were to be developed for these phases of development, which is mainly farmed grassland. No evidence has come to light during the processing of this reserved matters application that suggests the presence of any protected species or their habitat although it is noted that these matters are controlled as part of the outline planning conditions. Over and above this, the developer has a duty to ensure that any protected species or their habitat are not damaged or destroyed without appropriate mitigation. It is recommended that an informative to be attached to any permission given.

19. Open space

- 19.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 19.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 19.3 SP32 and SP33 set out the requirements of open space provision across the Borough.
- 19.4 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.

- 19.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document.
- 19.6 Outwoods Neighbourhood Plan Policy LR2 ‘Play for All’ sets out the requirement that all new residential development is required to provide a mixture of children’s play facilities, of an appropriate scale to meet need, as set out in the East Staffordshire Borough Council ‘Open Space’ guidance. In addition to the provision of play equipment for children and infants, facilities must be provided for teenagers and adults. Play provision must be suitably located, accessible to people with disabilities, dispersed throughout the proposed development and located away from busy roads and benefit from natural surveillance.
- 19.7 Policy LR3 of the Outwoods Neighbourhood Plan sets out requirements in terms of Green and Blue Infrastructure. All new development proposals should attempt to create additional green space of value to, and accessible to the public and preserve and enhance existing trees, hedgerows and other woodland cover. Schemes which remove mature trees, hedgerows and ponds (regardless of their age or quality) will not be supported unless suitable, high quality mitigation is proposed within the application site in order to maintain the current landscape quality.
- 19.8 The approved outline application makes provision for open space across the whole of the site by way of condition that requires each phase of the development to provide an open space strategy to be approved before each phase commences. In addition, the S106 Legal Agreement makes provision for public open space within the site, landscaping and play equipment. On top of this requirement, there is also provision for a financial contribution towards off site provision for sports facilities.
- 19.9 The site provides a large landscaped buffer zone and open space to the south that will be accessible to the public. The land at the south of the site includes a Neighbourhood Equipped Area of Play (NEAP). Woodland trails are included, together with the Outwoods Community Park on the southern part of the site. All residents on these phases will have easy access to both landscaped and informal open space areas, and areas that will be equipped. Conditions on the outline permission have secured the type of equipment on the identified areas, and a management and planting strategy has been agreed. Clauses in the S106 Legal Agreement seek to secure the management and long term retention of these features. It is considered therefore, that the proposal is acceptable in relation to the provision of open space and complies with policies 32 and 33 of the East Staffordshire Local Plan and policies LR2 and LR3 of the Outwoods Neighbourhood Plan.

Other Matters

- 19.10 Concern has been expressed by neighbours and originally by the public rights of way (PROW) Officer that some of the PROW were shown incorrectly on the submitted plans. Amended plans have been submitted during the course of the application to rectify these issues and correctly plot the location of the existing PROW. The PROW Officer raises no objection to the proposed development

but it is considered necessary to attach a note to applicant to ensure that all PROWs are not obstructed.

19.11 With regard to the disputed boundary/ownership issues within the northern part of the site, this would not be a material planning consideration in relation to the application. However, in order to address the concerns of neighbours the boundary which is disputed has been amended on the latest set of amended plans.

20. Section 106 Contributions

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

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

20.2 The following contributions are already agreed and set out in the S106 Agreement already in place. (It should be noted that the triggers in the S106 Agreement to secure the provisions listed below have not yet been reached but will be monitored accordingly)

Item	Planning Obligation	Cost (where applicable)
Education	Primary school to be provided on site and financial contribution towards a secondary school on Branston Road	
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling	
Open space	Provision & maintenance	
Affordable Housing	On site provision of affordable housing of 15% across the whole site, with no less than 5% on each phase or more than 30%	
Travel plan Framework and Bus service	Travel plan submission and monitoring. Provision of Bus service for the site. Off site Road improvements	
National Forest	A scheme of forest planting or contribution	
Open space, playareas and	To provide areas for play, open space and landscaping, equipment and future management	

landscaping		
Common Amenity Area	To submit a scheme identifying common amenity areas and how they will be managed	
Community liaison group	To set up a community liaison group to advise in relation to operations associated with carrying out of the development	
Medical facilities	To provide Primary health care facilities on the site as required by the Primary care Trust	
Highway provisions	A schedule of the off sites works required and the financial contribution to provide them	
Sports provision	A financial contribution for provision/improvements to sports and recreation facilities	

21. Conclusions

- 21.1 In overall locational terms, the principle of this proposal has been established by the extant consent P/2013/00429, subsequent approval of reserved matters applications elsewhere on the site and the discharge of a number of conditions in relation to wider phases of the development. In addition, the site is wholly within the Burton Upon Trent settlement boundary and is allocated as a Sustainable Urban Extension, Policy SP7 in the East Staffordshire Local Plan.
- 21.2 The site is capable of accommodating the level of housing being proposed, and the submitted plans demonstrate that the development can provide adequate private garden space to serve future occupants. Sufficient parking provision has been demonstrated in accordance with the Revised Car Parking Standards SPD and the policies set out in the Neighbourhood Plan.
- 21.3 Overall, the design, layout and massing of the proposed development is acceptable and the scheme would result in no unacceptable detriment to the residential amenities of neighbouring occupiers, with no harm to the habitats of protected species.
- 21.4 The proposal accords with the phasing plan approved for the site, and will be integrated into the wider development, by landscaping and good transport links, including pedestrian, cycle and vehicular routes.
- 21.5 Taking into consideration the environmental, social and economic impacts of this scheme it is considered that the proposal is acceptable and would be in accordance with relevant policies within the Local Plan, the Outwoods Neighbourhood Plan, and the NPPF.
- 21.6 In addition to the proposal accords with the requirements of the S106 legal Agreement and will not result in any loss of the specified provisions, which will be secured when the relevant triggers are met.

21.7 RECOMMENDATION

21.8 Grant Permission Subject to Conditions

1. Approved Plans

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

Site location plan - P21-1812-001 Rev F dated as received by the Local Planning Authority on 27 January 2022;

Planning layout (composite) - P21-1812-005-01 Rev G dated as received by the Local Planning Authority on 27 January 2022;

Planning layout (sheet 1) - P21-1812-005-02 Rev G dated as received by the Local Planning Authority on 27 January 2022;

Planning layout (sheet 2) - P21-1812-005-03 Rev G dated as received by the Local Planning Authority on 27 January 2022;

Planning layout (sheet 3) - P21-1812-005-04 Rev G dated as received by the Local Planning Authority on 27 January 2022;

Strategic landscape plan general arrangement – 3457-P-101L dated as received by the Local Planning Authority on 27 January 2022;

Strategic landscape plan– 3457-P-102L dated as received by the Local Planning Authority on 27 January 2022;

Strategic landscape plan– 3457-P-103L dated as received by the Local Planning Authority on 27 January 2022;

Strategic landscape plan– 3457-P-104L dated as received by the Local Planning Authority on 27 January 2022;

Strategic landscape plan– 3457-P-105L dated as received by the Local Planning Authority on 27 January 2022;

Strategic landscape plan– 3457-P-106L dated as received by the Local Planning Authority on 27 January 2022;

Strategic landscape plan– 3457-P-107L dated as received by the Local Planning Authority on 27 January 2022;

Strategic landscape plan– 3457-P-108L dated as received by the Local Planning Authority on 27 January 2022;

Strategic landscape plan– 3457-P-109L dated as received by the Local Planning Authority on 27 January 2022;

House type pack – Persimmon drawing pack Rev A dated as received by the Local Planning Authority on 8 December 2021;

Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0110-P03 dated as received by the Local Planning Authority on 8 December 2021;

Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0111-P03 dated as received by the Local Planning Authority on 8 December 2021;

Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0112-P03 dated as received by the Local Planning Authority on 8 December 2021;

Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0113-P03 dated as received by the Local Planning Authority on 8 December 2021;

Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0114-P03 dated as received by the Local Planning Authority on 8 December 2021;

Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0115-P03 dated as received by the Local Planning Authority on 8 December 2021;

Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0116-P03 dated as received by the Local Planning Authority on 8 December 2021;
Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0117-P03 dated as received by the Local Planning Authority on 8 December 2021;
Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0118-P03 dated as received by the Local Planning Authority on 8 December 2021.

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP23, SP24, SP35, DP1 and DP3, Policies TA2, TA3, RD1 and LR4 of the Outwoods Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

2. Highway Condition

No dwelling shall be occupied until vehicular access constructed to at least base course level, has been provided between the dwelling and a highway maintainable at public expense and the parking and turning spaces associated with that dwelling have been provided and hard surfaced.

Reason: To ensure adequate access and off-street parking exists to serve the development to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP35.

3. Retention of Garage/Parking Space

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the approved garage accommodation/parking space provided in connection with the development shall be made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.

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

4. Implementation of Landscaping

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 building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality (and occupiers of adjacent buildings - where

appropriate) and in accordance with East Staffordshire Local Plan Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

5. Play equipment

None of the dwellings hereby permitted shall be occupied until such time as precise details of the type and location of play equipment has been submitted to and agree in writing with the Local Planning Authority. No dwelling shall be occupied in this phase of development until such time as the play equipment has been implemented in full. Once implemented the play equipment shall be retained in perpetuity.

Reason: To ensure that suitable play equipment is provided on the site in accordance with East Staffordshire Local Plan Policy SP24, SP26 and SP32, 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. 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 bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

3. Environmental Health Comments

The applicant/developer is advised that the Environmental Health Manager has pointed out that since the initial grant of outline planning permission P/2013/00429, advice and standards have been updated. Any application to discharge conditions as recommended by Environmental Health will be assessed using current standards and any reports/statements submitted by the applicant will need refer to these standards accordingly

4. Highways Informative

This estate road and drainage layout will require approval under Section 7 of the Staffordshire Act 1983 and will require an agreement under Section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'. There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured

before commencement of works. The obtaining of planning permission for this design/layout will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that they take on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and advised to take out public liability insurance against claims associated with those responsibilities.

5. Pre-commencement Conditions

In addition to the pre-commencement condition referred to in condition 4 above, the applicant/developer is reminded that the conditions on the original outline approval **P/2013/00429** and the terms of the associated **S106 Legal Agreement** also apply to this approval of Reserved Matters application and need to be satisfied/complied with accordingly.

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

As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made by cheque or card only. Please telephone 01283 508606. Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

6. Biodiversity Enhancements

The applicant/developer is advised that when details are submitted for biodiversity enhancements, swift bricks and sparrow terraces should be included across the development to provide a suitable habitat for nesting birds as well as hedgehog highways.

7. Energy Saving Measures

The applicant/developer is advised that when details are submitted in relation to energy saving measures, the use of electric charging points and solar panels should be considered.

8. Use of Emergency Access

The applicant/developer is advised that suitable measures should be provided at all times to ensure that the proposed emergency access is not accessible to general vehicular traffic.

9. Crime

The applicant(s) is/are advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

10. PROW

It is important that users of the path are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development. We would ask that trees are not planted within 3 metres of the footpaths unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

22. Background papers

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

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference: P/2012/00133
- Papers on the Planning Application file reference: P/2013/00429
- Papers on the Planning Application file reference: P/2016/00232
- Papers on the Planning Application file reference: P/2016/00233
- Papers on the Planning Application file reference: P/2016/00234
- Papers on the Planning Application file reference: P/2017/00929
- Papers on the Planning Application file reference: P/2020/00184
- Papers on the Planning Application file reference: P/2020/00591

23. Human Rights Act 1998

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

24. Crime and Disorder Implications

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

25. Equalities Act 2010

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

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