

Agenda Item:	5.3
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Site:	Land Bound by Tutbury Road, Rolleston Road, and Harehedge Lane,
Proposal:	<p>A hybrid planning application comprising:-</p> <p>1) Outline planning application for up to 500 dwellings (Use Class C3), Specialist Residential Accommodation (Use Classes C2/C3(a, b)), Local Centre (Use Classes E (a, b, c, e, f, g(i))) and associated works (all matters apart from access reserved); and</p> <p>2) Full planning application for proposed access points and spine road between Tutbury Road/Rolleston Road</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](#)

Application Nos.	P/2021/00868
Planning Officer:	Emily Summers
Type of Application:	Hybrid Planning Application
Applicant:	Homes England
Ward:	Rolleston on Dove
Ward Member (s):	<p>Councillor Mrs B Toon Councillor R Lock Councillor S P Gaskin</p>
Date Registered:	2 July 2021
Date Expires:	1 st November 2021 - An extension of time has been agreed with the applicants until 28 th February 2023
Reason for being on Agenda	Major Application of local interest
Officer Recommendation	Approval of Outline and Full applications subject to conditions and joint Section 106 Agreement

1. Executive Summary

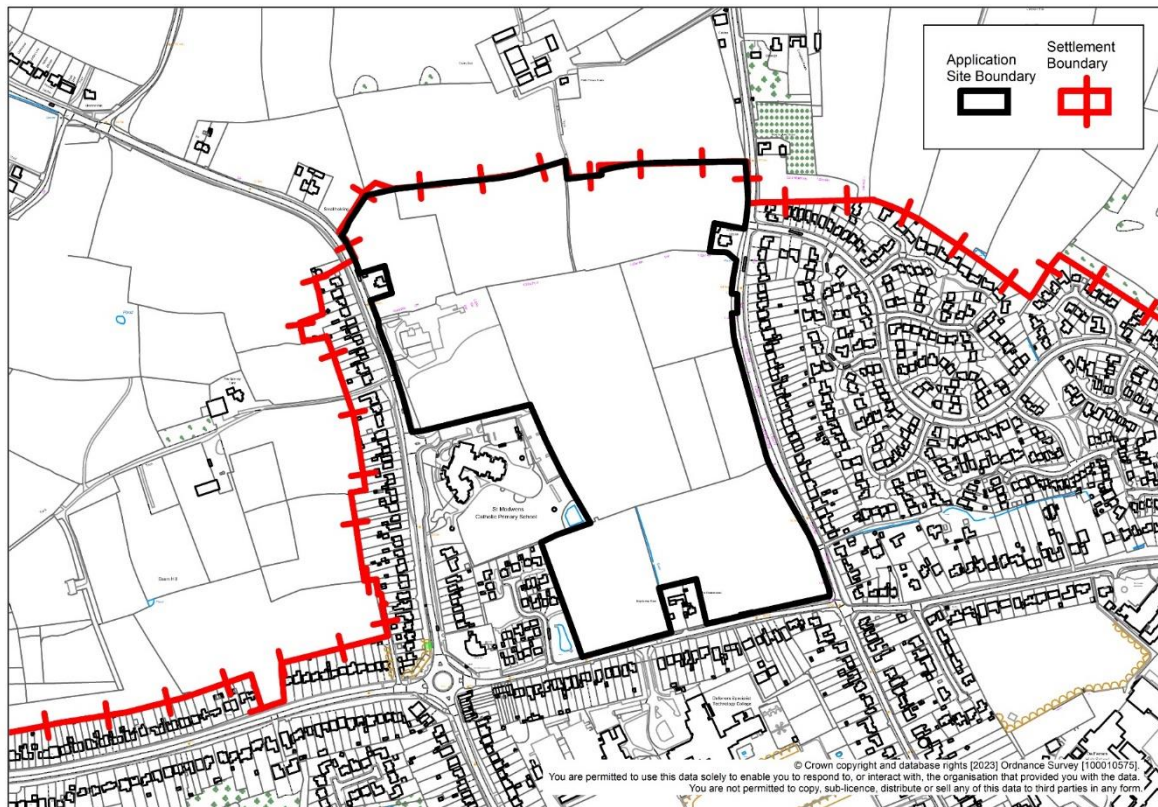
- 1.1 The application site comprises some. 20.7 hectares of predominantly agricultural land on the north-western edge of Burton upon Trent which falls within the parishes of Outwoods and Rolleston on Dove. The site currently has its only main vehicular access via Tutbury Road (A511) which runs along the western boundary of the site. The surrounding land uses include residential, education and agricultural.
- 1.2 This current hybrid scheme is being promoted by Homes England and comprises an outline application for up to 500 dwellings (Use Class C3), specialist residential accommodation (Use Class C2/C3(a, b)), a Local Centre (Use Class E(a, b, c, e, f, g(i))) along with associated works (with all matters reserved except access) and a full submission for the construction of a spine road.
- 1.3 The new spine road is proposed to run east to west through the site linking Tutbury Road and Beamhill Road. A further access is to be provided to the site from Harehedge Lane which will head northwards within the site to connect to the spine road. Off-site works are also proposed for the improvement of the Harehedge Lane/Bitham Lane junction, to be delivered by way of a Section 106 Agreement.
- 1.4 An outline consent and subsequent reserved matters application (for the first phase of the development) were approved on the site for similar proposals in December 2016, however permission has now lapsed. The previous scheme was proposed by Staffordshire County Council who have since sold the site.
- 1.5 Statutory consultees have raised no technical objections that cannot be overcome by way of planning conditions or Section 106 Agreement.
- 1.6 Rolleston on Dove Parish Council have made comments on the proposals in relation to seeking the retention of hedgerows and trees. They have also raised concern in respect of the speed limit on Rolleston Road and the proposed spine road having a straight alignment.
- 1.7 Outwoods Parish Council have raised objections on a range of matters including highway safety, location of proposed local centre, lack of community facilities/sports facilities especially for teenagers, inclusion of SuDs in open space calculations and allege a lack of meaningful community involvement.
- 1.8 Stretton Parish Council have indicated that they cannot support the application in terms of the level of information on highway infrastructure with the main concern being the added traffic pressure that will be put onto the junction of Harehedge Lane, Bitham Lane and Rolleston Road. The Parish Council also believe that the proposed Local Centre (ranging from retail to offices) is unnecessary and impractical for the local area.
- 1.9 There have been 50 No. representations received from local residents and interested parties with the main grounds of objection relating to highway safety, the principle of the development, residential and visual amenity, and drainage issues. Some representations have nevertheless included supportive comments on the grounds of improved highway safety, retention of hedgerows and trees, retail provision and community car park. Local Ward Member

Councillor Lamb has submitted substantive comments raising concerns about the new road design and the implications on road safety on the surrounding highways.

- 1.10 The representations of all interested parties and all the Parish Councils are addressed in the Assessment element of this report.
- 1.11 The application site lies within the Burton upon Trent settlement boundary (as defined by Policy SP2 of the Local Plan) and is also allocated as a sustainable urban extension (as defined in Policy SP7 in the Local Plan). As such the scheme is considered to constitute sustainable development in principle in line with national and local planning policies for the delivery of new housing.
- 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. National Highways and the County Highway Authority raise no objections in principle on the grounds of highway safety.
- 1.13 Furthermore, having regard to Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the development would not have a material impact on any above ground heritage assets or have any archaeological implications.
- 1.14 An associated Section 106 Agreement would secure financial contributions to ensure education provision, healthcare provision, refuse storage, and off-site sports pitch provision. The Section 106 Agreement would also secure affordable housing, off-site highway works and provision for the maintenance of open spaces.
- 1.15 Accordingly, it is considered that the scheme complies with the aims and criteria of relevant policies from the Local Plan, the Council's Supplementary Planning Documents (SPDs), the 'Made' Neighbourhood Plans for Rolleston on Dove and Outwoods and the National Planning Policy Framework.
- 1.16 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to the necessary Section 106 agreement and conditions.

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

Map of the site(s)



2. The site description

- 2.1 The application site comprises approximately 20.5 hectares of agricultural land (being a mixture of sub-grades 3a and 3b in terms of quality), on the north-western edge of Burton upon Trent. The site lies approximately 5km from Burton Town Centre) and is in close proximity to the villages of Tutbury (3km to the north-west) and Rolleston on Dove (340 metres to the north). The site falls within the parishes of Outwoods and Rolleston on Dove.
- 2.2 The application site comprises agricultural grassland divided by mature hedgerows, gates and fencing with the exception of the remnants of the former farmstead and recently demolished associated agricultural buildings (Glenville Farm). The site boundaries comprise a network of hedgerows and mature trees.
- 2.3 The site is located in a predominately residential area. Linear residential development is located along Tutbury Road on the western boundary of the site and Beamhill Road to the west. Larger areas of residential development are located to the south-west and east. A row of dwellings face the site's southern boundary along Harehedge Lane, interrupted by the entrance to the De Ferrers Academy and Outwoods Primary School. Saint Modwen's Primary School forms part of the site's western edge and is located to the north of Wilson Way; a recently constructed residential cul de sac.
- 2.4 Two isolated residential properties are located on the site's southern boundary whilst another two are located to the north eastern and north western boundaries.

- 2.5 The whole application site is within the settlement boundary of Burton upon Trent (as defined by Policy SP2 of the Local Plan) and also allocated as a Sustainable Urban Extension in the Local Plan (as defined by Policy SP7). The area immediately to the north of the site is shown as a strategic green gap. The National Forest boundary adjoins the site to the west and south.
- 2.6 Within the site ground levels generally fall from east to west before falling away to the south. The south of the site has generally flatter topography but has a slight fall in land levels to the east. The highest point is the former farmyard whilst the lowest is the south eastern corner.
- 2.7 The site is located within Flood Zone 1.

3. Relevant Planning History

- 3.1 In December 2016, outline planning permission with means of access (ref: P/2015/00202) was granted for a mixed use development including up to 500 dwellings (use class C3); local centre providing up to 500 sq. metres of floor space (use class A1), or public house (use class A4) together with associated car parking and servicing, specialist care housing (use Class C2); public open space; structural landscaping and provision of drainage; and internal highway network to include the provision of access junctions to the A511 Tutbury Road and Rolleston Road with public realm works to Tutbury Road to replace the existing traffic lights with a roundabout and realignment of Harehedge Lane and formation of two mini-roundabouts together with the construction of an off-street car park. The permission, which secured by Staffordshire County Council, has since lapsed.
- 3.2 Subsequently, in January 2019 a Reserved Matters Application (ref: P/2017/01556) was approved for the proposed erection of 110 dwellings including details of appearance, landscaping, layout and scale. The scheme was to be the first phase of the approved wider development project, however, the reserved matters approval lapsed on the 1st May 2021 (following temporary extensions granted due to Covid 19) following no practical commencement of development.
- 3.3 In April 2021, a Screening Opinion (under ref: P/2021/00421) was issued in relation the scheme the subject of this current application which concluded no Environmental Impact Assessment was required.

4. The Proposal(s)

- 4.1 The application is a hybrid scheme comprising the following:
- 4.2 **Full Submission**
- 4.3 Full planning permission is sought for the spine road through the northern area of the site (running east to west) linking Beamhill Road and Tutbury Road.

Outline Proposal

- 4.4 Outline planning permission is sought for the following;
 - Up to 500 No. affordable and market housing.

- Local Centre buildings of up to a total footprint of 500sqm; with the final end users to be determined at reserved matters stage. The overall uses would be Class E(a, b, c, e, f, g(i)) as defined below;
 - a) Retail uses
 - b) Sale of food and drink where consumption is mostly undertaken on the premises
 - c) Financial or professional services
 - d) Indoor sport and recreation or fitness
 - e) Medical or health services
 - g) (i) An office to carry out operational or administrative functions

(NB - therefore the range of uses excludes hot food takeaways given the close proximity to schools)

- Approximately 5.46ha of multi-functional green and blue infrastructure comprising central linear park, with the illustrative submissions indicating the retention and enhancement of existing trees and hedgerows, tree planting, native woodland planting along northern rural edge, Local Equipped Area of Play (LEAP), green buffers to existing residential areas, incidental play areas and sustainable urban drainage systems. Full details would be agreed through the reserved matters stages.
 - Specialist accommodation on land adjacent to Tutbury Road for up to 90 residents along with parking and private open space. This would be restricted to accommodation for elderly persons but tenure would be agreed at the reserved matters stage.
 - In addition to the access points serving the link road a further new junction access is proposed from Harehedge Lane. A community car park is to be delivered off this new access by the completion of the 50th dwelling on the whole development.
- 4.5 Off-site works are also proposed for the improvement of the Harehedge Lane/Bitham Lane junction (which would be delivered by way of any Section 106 Agreement).
- 4.6 The phasing plan submitted with the application divides the site into two phases, separated by the proposed spine road. It is stated by the applicants that it is expected that the southern phase would be delivered first (SUDs, open space and approximately 300 no. houses – ensuring appropriate infrastructure is in place) prior to the development of the northern phase (remainder of housing (approximately 200 no. dwellings), specialist accommodation, local centre). The expected time for completion of the overall development is anticipated to be ten years.

List of Supporting Documentation

- 4.7 In addition to the phasing and illustrative plans, and the link road and junction details, the documents listed below are provided as part of the final application submissions;
- Design and Access Statement

- Ecology Surveys including Bat Activity Survey, Breeding bird and Barn Owl Survey, Great Crested Newt Survey, Preliminary Ecology Assessment, Tree Survey
- Building Heights Plan
- Constraints and Opportunities Plan
- Green and Blue Infrastructure Plan
- Movement Framework
- Ground Investigation Report
- Heritage Assessment
- Residential Noise Assessment
- Transport Assessment (with supplementary submissions)
- Travel Plan
- Utility Statement.
- Statement of Community Involvement
- Health Impact Assessment
- Open Space Assessment
- Biodiversity Net Gain Assessment
- Flood Risk and Drainage Strategy
- Landscape and Visual Impact Assessment
- Air Quality Mitigation Statement
- Archaeological Report (including trial trenching)

4.8 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
5.3	Rolleston on Dove Parish Council	<ul style="list-style-type: none"> ▪ The parish council acknowledges that the applicant has listened to comments submitted during the pre-application consultation; Councillors were pleased to see that hedging and trees are being retained. ▪ The parish council asks that the existing 40mph section of Rolleston Road be lowered to 30mph in the interests of highway safety given the extra traffic from the development travelling into/through Rolleston village. ▪ The parish council asks that the spine road be constructed to include a bend, i.e. that the road not be straight, to act as a traffic calming measure.
5.4	Stretton Parish Council	The main concern being the added pressure that will be put onto the junction of Harehedge Lane, Bitham Lane and Rolleston Road. This junction is constantly busy and very congested at school times with pedestrians and vehicles. The previous proposal of twin roundabouts has been

		<p>discounted as appropriate by the Atkins road safety audit with no actual proposals being made to make the junction safe for all users, apart from crossings which will only make it worse and build up traffic. Is that not one of the reasons for removing the traffic lights at the other end of Harehedge Lane and adding the roundabout? This is a priority that should be determined prior to any outline or full permission being granted on the development due to the usage by pedestrians of all ages at Outwoods Primary (ages 3 – 11) and The De Ferrers Academy (ages 11 – 16) accessing their schools and road vehicles. Promoting walking to school is impractical if the road and access is too dangerous for children to safety walk to school, as it is already.</p> <p>The development proposes a Local Centre (ranging from retail to offices) which Councillors felt was again unnecessary and impractical for the local area. Eventually the carpark will be a problem area – either taken over at times by parents taking and fetching school children resulting in measures to restrict this. Perhaps having this area as a community carpark space to take the pressure off Harehedge Lane might be a better solution and alleviate parking during school times.</p> <p>The proposed road between Tutbury Road and Rolleston Road, whilst a good idea, needs to be adequate and have traffic calming as it will become an alternative route to bypass Harehedge Lane.</p> <p>Stretton Parish Council are not able to support this application in its current form and without further information on highway infrastructure.</p>
5.5	Outwoods Parish Council (OPC)	<p>The inclusion of a spine road through the new development and traffic lights/pelican crossing at the junction of Harehedge Lane, Rolleston Rd and Bitham Lane are welcomed, along with the proposed one way access to Harehedge Lane, as together they will alleviate many traffic issues. The provision of the community car park on Harehedge Lane would also be welcomed as a stand-alone entity as it will be of benefit to parents dropping off children at school, enhance safety, and be an asset for current residents.</p> <p>However, despite local highways improvements, the original planning application was objected to by the Highways Authority. Due to this objection, approval for this site imposed the following condition:-</p> <p>'No part of the development hereby approved shall be occupied or brought into use until the scheme to improve the A38 Clay Mills junction, as shown on JMP drawing No,</p>

	<p>MID407101 has been submitted, approved and constructed to the written satisfaction of the Local Planning Authority, Highways England and the Highways Authority.</p> <p>Reason: To ensure that the A38 continues to serve its purpose as a national system of routes for through traffic in accordance with the requirements of section 10 (2) of the Highways Act 1980. ‘</p> <p>Since no such work has been carried out or proposed as part of this application, it must be refused in its current form.</p> <p>In addition to the above, OPC and local residents do not agree with the proposed layout. Harehedge Lane is a totally inappropriate location for the local centre. The potential for noisy late-night activity, antisocial behaviour and traffic generation is considered totally unacceptable. The community car park was intended to help alleviate traffic issues at busy times. The presence of the Local Centre totally compromises this.</p> <p>The centre should be placed, with its own parking, in the North West corner of the development adjacent to the new spine road and Tutbury Road where it will have little negative impact, be easier to access, service, and be more marketable.</p> <p>OPC would also like to take issue with the lack of community facilities and the inclusion of SUDS as usable green space.</p> <p>Outwoods Neighbourhood Plan Policy LR2 clearly states that facilities <u>must</u> be provided for teenagers and adults in addition to provision for small children. These proposals include nothing for teenagers or adults and therefore, do not comply with the Outwoods Neighbourhood Plan.</p> <p>Policy LR2 also states that developers must work with schools and community groups in the design of equipment and landscaping. No such work has taken place. The explanatory notes accompanying LR2 clearly explain what type of facilities are expected.</p> <p>Once again it appears that Outwoods is to be denied any form of playing pitch or sports hall investment despite growing demand and having one of the biggest junior football clubs in the BJFL. There is also no such public facility freely accessible to the public within or close enough to Outwoods. To spend the proposed sports contribution (S106) several miles away severely limits access for Outwoods residents, forcing them to use their cars, and making a mockery of any travel plans.</p>
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		<p>This contribution should be spent within Outwoods as laid out in Policy LR1 of the Outwoods Neighbourhood Plan. If no land is to be provided as part of the proposals, then, De Ferrers Academy or Outwoods Primary School should be funded to enable upgrading of their facilities. Unlike some, they have a proven track record of providing facilities to the local community and cooperating with local organisations. Using an S106 contribution to upgrade their facilities will provide the most cost-effective solution and maximise benefit for new and existing residents. According to government policy, S106 money should be used for facilities directly related to the development.</p> <p>OPC also object to the inclusion of SUDS being included as usable green space. It is no such thing. Not only is this in contravention of ESBC's Local Plan, it represents a real safety issue if these areas are not secure. When dry, they will be overgrown with sloping sides rendering them useless. When wet, they turn into overgrown, stagnant bogs with slippery sides. This represents a clear health and safety issue, especially for the young. The reduction in green space for this purpose is not supported by the community.</p> <p>Whilst there is much support for the inclusion of a care home for the elderly, residents have raised serious concerns about the inclusion in the proposals for the provision of C2(a) and C3(b) housing (Offenders, Mental Health and Behaviour problems). Given the well documented issues this type of accommodation creates within a community, we must object to their inclusion in these proposals.</p> <p>Finally, now that Covid restrictions have been lifted, OPC see no reason why the developers and ESBC cannot engage in genuinely meaningful face to face consultation with Parish Councils and the public. We trust that you will seriously consider the above objections and implement the suggested changes to the current proposals.</p>
5.6	SCC Highways	No objection subject to conditions
5.7	SCC Education	No objection subject to contribution towards secondary school and post -16 year old places
5.8	SCC Archeology	No objection subject to conditions
5.9	SCC Planning, Policy and Development Control (Minerals)	No objection

5.10	Local Lead Flood Authority	No objection subject to conditions
5.11	National Highways (formerly Highways England)	No objection
5.12	Environment Agency	No comments to make on application
5.13	Severn Trent Water	No objection subject to detailed drainage plans being submitted at the reserved matters stage.
5.14	Natural England	No objection
5.15	The National Forest	No objection
5.16	Architectural Liaison Officer	No objection in providing crime mitigation recommendations made for future layouts
5.17	Sports England	Raise no objections subject to off-site contribution in line with the Council's Open Space and Playing Pitches SPD 2019; namely <ul style="list-style-type: none"> - Off-site contribution of £331,250 towards ancillary provision to support playing pitch provision; and - Off-site contribution of £ 404,428 towards indoor sporting provision and Artificial Grass Pitches AGPs).
5.18	CCG	No objection subject to contribution towards local GP practices.
5.19	SCC Ecology	No objection subject to conditions
5.20	Rolleston Civic Trust	State that they are concerned that the additional proposed housing will put a strain on local amenities, schooling and more particularly on traffic around the area and will affect Stretton, Rolleston and Tutbury. Harehedge Lane gets very busy even now at peak school times and any additional housing with new roads leading onto it will surely make the situation much worse.
5.21	CPRE Staffordshire	Indicate that whilst they would normally object to greenfield development it is acknowledged that the site has been allocated as a Sustainable Urban Extension.

5.22	Councillor Lamb	<p>My concern is that the new revised application with its new road design, is changing the traffic flows and I am concerned about the implications of this on road safety. Firstly there is now a proposed access from the housing on to Harehedge Lane. Initially there was a proposal for access for car parking space only but that was further from the entrance into De Ferrers and Outwoods School. Now it is closer and also allows access into the housing. The application says it will allow access into the local community area and the housing but it says it won't allow access from the housing onto Harehedge Lane. There is no details in the application how this could be enforced. If people can drive to the shops from the housing and park in the same spaces as parents dropping off children, how can they be prevented from exiting on to Harehedge Lane. This would lead to a rat run through the estate and increase significantly the traffic exiting onto Harehedge Lane. I would ask for detailed plans how they say they can prevent this. My second concern is the proposed junction at Harehedge Lane, Rolleston Road and Bitham Lane. In the previous application a double roundabout was proposed and not a signaled junction with an extra right turn lane is proposed.</p> <p>In the RSA audit of the junction, it says 'Pedestrians crossing within a traffic signal-controlled junction without controlled crossing facilities may be at an increased risk of collisions with vehicles.'</p> <p>The response was: 'The proposed scheme provides a dedicated pedestrian crossing facility, which would replace the existing uncontrolled crossing point. The scheme is an improvement on the existing situation.' The fails to consider that during the school open and closure there are 3 lollipop people working at this junction. Are 2 of these people to remain? How will their safety and children be protected when people are frustrated at the junction and decide to shot the lights? In the past a roundabout was proposed, I have in the past chased the county council on this due to the number of accidents at the junction. The response I got from (County Cllr) Philip Atkin when chasing when the double roundabout would be implemented;</p> <p><i>Glenville Farm development, Burton upon Trent</i> <i>The original outline planning permission for the Glenville Farm residential site required the applicant (SCC) to provide an off road parking area and double mini roundabout at Rolleston Road / Bitham lane / Harehedge Lane junction. However this development scheme has not yet come forward, hence the works have not been delivered or programmed. They are likely to be expensive to implement and the County Council is requesting contributions from the developers of the speculative</i></p>
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Craythorne Road and Beamhill (N) residential proposals towards these works, should they be permitted.

When the Glenville Farm development was approved there was no mention of needing additional funding and the cost of the double roundabout would be met from the profits of the land sale. So is the new junction proposed as it's a cheaper alternative? This new junction proposed will have a small extra lane on Rolleston Road for the vehicles from Horninglow wanting to turn right into Bitham Lane, allowing cars to pass those turning right. It will have traffic lights but only a controlled pedestrian crossing on one road.

This junction has been designed using the travel flows from the Saturn model which says show 20 cars turn right in the peak morning hour and 80 other cars either carry on and proceed up Rolleston Road or turn into Harehedge Lane. (these figures are shown on page 63 of the transport assessment) I have shared several traffic actual flows with SCC before and just looking at those related to the junction.

Traffic surveys during the morning peak hour, (0800-0900), looking at the vehicles that turn into Bitham Lane from Rolleston Road from the North and South.

The full results are:

Date	Rolleston Road from Rolleston left into Bitham Lane	Rolleston Road from Horninglow right into Bitham Lane	Comments
Model	2	20	
11/06/2015	50	133	Normal School Day
17/9/2015	64	137	Normal School day
16/2/2016	18	59	Half term
7/3/2016	36	133	De Ferrers Inset day
8/3/2016	66	137	Normal school day
19/10/2018	63	149	Normal school day
4/11/2021	62	159	Normal school day

So these figures showed even at half term 3 times the flows occurred. It does mention if the traffic flows have

		<p>changed since covid and as you can see from my latest figure last week they have increased. These figures are also reflect the move of the De Ferrers sixth form into the centre of town. It's not surprising this traffic flow pattern, a lot of children at Fountains are bought by cars, parents come this way to drop children off for De Ferrers or for Outwoods. The requirement for these journeys will not reduce with the new development. What is surprising is that when the 500 houses are built at Glenville Farm the number of cars that then turn right drop reduces by 1 to 19! So the developers have designed a junction on the basis of 20 cars turning right but in fact it's nearer 150. In addition the figures suggested 100 other cars approached the junction from Horninglow, I saw 126 last week. So the model says 100 cars come up Rolleston Road but I counted 285 last week! That junction will be accessed on its safety but that will be on the basis that only 20 cars turn right in this critical morning peak when hundreds of school children are going to school. In addition this extra lane will reduce the pavement widths and will lead to cars going on to the pavement to get past the traffic turning right. I have not measured the evening peaks as I have focused more on the morning peak due to the schools but if the model is so low for the morning, then I doubt the evening figures are correct. They are creating a design which I believe without proper assessment will lead to accidents and deaths. Yes this solution will save the county council money but at what cost to the local community. I had raised my concerns in the past with (Cllr) Bernard Peters as he is also the county councilor for Stretton and Horninglow. He said about the Saturn model in 2019. Going forward there is likely to be a need to undertake further data collection in order to update the Burton traffic model. This will involve a significant six-figure investment to obtain robust, validated data that will stand up to external scrutiny. The 2016 update shows that we don't need to do this right now, but it will most likely be undertaken in partnership with ESBC to support the development of their next Local Plan. I have written to (Cllr) Duncan Goodfellow about my concerns with the ESBC traffic model. I have also in the past reviewed many other junctions in Stretton and these are also incorrect. These also need to be reviewed in light of the real volumes of traffic. I will be redoing some of these going forward. I am not against building 500 houses on this location I am concerned though that the extra traffic this generates is fully understood and mitigations are put in place to minimize the impact and these junctions are safe. With this development being so close to 6 school sites, we can't take any risks with cheap solutions. I am more than willing to meet at the junction any morning at 8.00 when the schools are open so you can see the figures I show are correct.</p> <p>Councillor Lamb Further comments;</p>
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		I did another survey this morning between 8-9 am on the Harehedge Lane junction.															
		<table border="1"> <thead> <tr> <th></th> <th>Model</th> <th>Actual 9/11</th> </tr> </thead> <tbody> <tr> <td>From Horninglow up Rolleston Road Turn left in to harehedge lane</td> <td>30</td> <td>81</td> </tr> <tr> <td>Straight on to Rolleston</td> <td>50</td> <td>68</td> </tr> <tr> <td>Right onto Bitham Lane</td> <td>20</td> <td>148</td> </tr> <tr> <td>Rolleston Road Left on to Bitham Lane</td> <td>2</td> <td>31</td> </tr> </tbody> </table>		Model	Actual 9/11	From Horninglow up Rolleston Road Turn left in to harehedge lane	30	81	Straight on to Rolleston	50	68	Right onto Bitham Lane	20	148	Rolleston Road Left on to Bitham Lane	2	31
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Internal Consultees		Response
5.23	Environmental Health	No objection subject to conditions
5.24	Housing Strategy	No objection
5.25	Open Spaces	No objection providing the applicant can demonstrate that the SuDs included within any open space calculation can be used all year round or form part of an attractive feature that will enhance the local environment
5.26	Waste	No objection – subject to each dwelling being provided with appropriate waste/recycling bins
5.27	ESBC Tree Officer	No objection

6. Neighbour responses

6.1 Local residents have been consulted by letter, Site notices have been posted and a press notice published. In response 50 No. representations have been received with the objections raised to the scheme summarised below;

Neighbour responses	
Principle	<ul style="list-style-type: none"> • There have already been 1500 dwellings planned and built in Outwoods and cumulatively this scheme would result in 2000 new homes less than a mile apart • No further housing required outside of existing allocations • The scheme does not comply with Local Plan Policy SP17 or Policies RD3, RD1, LR4 of Outwoods Neighbourhood Plan

	<ul style="list-style-type: none"> • There are already shops within ten minutes' walk • Concern that retail will be replaced by housing if end users not found
Impacts on Residential Amenity	<ul style="list-style-type: none"> • Noise and anti-social behavior is likely from the local centre • Increase in pollution • Loss of privacy and overlooking of existing properties • Increased pressure put on Doctor's surgeries • Increased noise from refuse collections • Impact on private amenity space
Highways Impacts	<ul style="list-style-type: none"> • Previous consent had a condition regarding improvements to A38 Clay Mills junction and no works have been carried out. • Spine road will be used as a rat run • Increase in road traffic accidents • Increase in car use • Bus stop locations need further consideration • The Beamhill development not been considered in the Transport Assessment • Speed calming is required • Increase in congestion • Car park will be inaccessible to others during school pick up and drop off • There needs to be a roundabout on Harehedge Lane /Blitham Lane • Harehedge Lane cannot support additional traffic • Retail uses should be located on the new Spine Road • No re-modeling of Harehedge Lane/ Rolleston Road junction • Safety of school children • Parking restrictions must be imposed on surrounding roads • It questioned whether new traffic surveys are required at junctions to validate the modelling exercises as some of the junctions are predicted to operate over capacity. • The care for the elderly land use should be included in the predicted peak hour trip generation. • The proposed traffic signal controlled junction at Rolleston Road / Bitham Lane / Harehedge Lane is predicted to operate well beyond capacity and it is questioned why the mini-roundabout solution, proposed by the now lapsed planning application, has been now been discounted. • The controlled crossing on Rolleston Road may be on the wrong side of the junction given that most of the local schools are on the south sides of Harehedge Lane and Bitham Lane but it is

	<p>questioned whether an all-red phase may be a potential solution.</p> <ul style="list-style-type: none"> • It is questioned what consideration has been given to the traffic queuing at the Tutbury Road access junction which results from St Modwen primary school. • The bus accessibility of the locality has reduced in recent years with the removal of some services. It does not appear that potential service improvements have been discussed with operators. • The proposed alignment of the spine road between A511 Tutbury Road and Rolleston Road is quite straight, which could encourage higher speeds given no traffic calming appears to be proposed.
Flood and drainage impacts	<ul style="list-style-type: none"> • The area of land adjacent to Rolleston Road has been a constant flood problem and it would appear that the plan is to drain the land using the ditch running east from Rolleston Road through property. There is concern as surface water from hard ground will be at a faster rate than greenfield • Silt was supposed to be cleared from the pipework by SCC but this was never done and is still a problem. • Ditch (falling outside of site) was maintained under previous owners and there has been failure to track down current owners to clean up the ditch. Appears that water flow stops indicating a blockage further along the ditch.
Impact on Visual Amenity	<ul style="list-style-type: none"> • Loss of identity of Tutbury, Rolleston and Stretton • Impact on setting of existing neighbouring dwellings • Three storey town houses would not be in keeping with character of area • Loss of hedgerows • Frontage access should be promoted to make the 'spine road' appear as a street to be in line with current best practice in street design.
Open Space/ sports provision	<ul style="list-style-type: none"> • No provision for teens, adults or small children • No playing pitch or sports hall • Sports halls at local schools could benefit from upgrading through Section 106 monies • The use of SUDs give rise to health and safety issues • No community allotments are included
Uses	<ul style="list-style-type: none"> • Specialist accommodation should not be for mental health patients or offenders (and thus should not be included in the C2 (a) or C3 (b) housing).

Engagement	<ul style="list-style-type: none"> • It is questioned whether more meaningful consultation should have occurred with the local community • Suggestions made during public consultation process have not been responded to by the developers • The public consultation website of the developers would have been more useful to local residents if it had shown the Tutbury Road access in the location which is actually now proposed in the planning application
Other	<ul style="list-style-type: none"> • De-valuation of house prices • Solar panels should be included on south facing properties • How will farm cope with less land • Young people can't afford to buy houses and the Help to Buy schemes are not working • Why is Homes England require to kick start a green field site, enabling house builders to make additional profit.
Local Ward Members	No comments received

6.2 Some of the above objection letters also contained positive comments on the proposals for the following reasons as summarised below;

- Welcome retention of trees and hedges
- Inclusion of a spine road to assist with traffic
- The Community car park will useful for school drop offs etc.
- Retail uses are welcomed

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
- SP5 Distribution of Employment Growth 2012 – 2031

- SP6 Managing the Release of Housing and Employment Growth 2012 – 2031
- SP7 Sustainable Urban Extensions
- SP9 Infrastructure Delivery and Implementation
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP18 residential Development on Exception Sites
- SP20 Town and Local Centres Hierarchy
- SP21 Managing Town and Local Centres
- SP22 Supporting Communities Locally
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- 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
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP6 Protecting the Historic Environment: Other Heritage Assets
- DP7 Pollution and Contamination
- DP8 Tree Protection
- DP10 Blue Infrastructure and Water Recreation

Supplementary Planning Documents

- Car Parking Standards SPD
- Revised Housing Choice SPD
- Climate Change 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

Made' Neighbourhood Plans

Rolleston Neighbourhood Plan (2015-2033) – Covers northern portion of the site

- H1 Housing Development
- H2 – Housing Mix and Affordable Provision
- D1 – Green Infrastructure
- D2 – Design of New Development
- D3 – Public Realm and Parking
- D5 – Traffic and Transport
- NE1 – Flood Risk
- NE2 – Natural Environment

Outwoods Neighbourhood Plan (2014-2031) – Covers southern portion of site

- TA2 – Roads and Streets
- TA3- Parking
- TA4 – Footpath and Cycle Routes
- TA5 – Public Transport
- CF1 – Schools and Education
- CF4 – Local Shops
- CF5 – Open Space
- RD1 – Design
- RD2 – Public and Private Space
- RD3 – Type and Tenure
- LR1 – Sports Pitches
- LR2 – Play for All
- LR3 – Green and Blue infrastructure
- LR4 – Landscape and Drainage

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
- Design and Impact on the character and appearance of the area
- Residential Amenities
- Historic Environment/Archaeology
- Highway Matters
- Flood Risk and Drainage
- Green Infrastructure and Biodiversity/Trees (including National Forest)
- Section 106 Matters

Relevant Policies

8.2 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

- 8.3 The most recent calculation uses figures as at September 2022 and concludes that there is an 8.64 years of supply.

Local Plan

- 8.4 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.
- 8.5 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.
- 8.6 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
- 8.7 Strategic Policy 7 (Sustainable Urban Extensions) states that this development is considered a small scale Strategic Urban Extension. The Policy requires that such sites make provision for: -
- A network of green infrastructure linking into the wider network
 - A broad balance and range of housing choice
 - A range of employment uses within B1, B2 and B8
 - Only allowing B8 uses where there is an objectively assessed need
 - An appropriate level of retail, leisure, social, cultural, community and health facilities
 - Meet education needs
 - Well-designed cycle ways and walking routes
 - Bus services in close proximity to all housing
 - Development that respects the environmental character of its rural surroundings
 - Local waste management facilities
 - Incorporate renewable or lower carbon energy supply
 - The conservation of water resources, and the implementation of sustainable drainage strategy
- 8.8 The Local Plan in Strategic Policy 5 allocates new employment development on Sustainable Urban Extensions and on sites at Burton Upon Trent and Uttoxeter. The plan identifies a number of sustainable urban extensions which are expected to meet a variety of principles set out in Strategic Policy 7.

- 8.9 Policies SP20 and SP21 of the Local Plan aim to see new leisure and retail uses be delivered within the town centres of Burton Upon Trent and Uttoxeter with existing town centre uses protected where this would affect the viability.

Neighbourhood Plan

- 8.10 Policy CF4 of the Outwoods Neighbourhood Plan states that on schemes of 500 units a new local centre must be created to meet convenience shopping needs that is accessible by foot, cycling or other means of sustainable transport.

Assessment

- 8.11 The application site forms part of the 'Harehedge Lane/Tutbury Road' smaller Sustainable Urban Extension (SUE) allocated in Policy SP7 of the Local Plan, and was previously granted outline planning consent in December 2016 in line with the requirements of Policy SP7 (which has relatively recently expired).
- 8.12 Whilst an Illustrative Masterplan has been submitted that shows an indicative site layout this is for information only given that the application is for outline consent only (apart from the new spine road). The outline proposals are for the principle of the uses on the site and its proposed accesses. The appearance, layout, scale and landscaping of the development will be determined under any reserved matters applications. A phasing is in place at this stage, along with movement framework which are subject to a condition.
- 8.13 The principle of housing on the site would be in compliance with Policy SP7 and is considered appropriate within the Sustainable Urban Extension.
- 8.14 The proposed 500 sq.m local centre off Harehedge Lane will provide services within walking distance of housing and employment that will meet the day to day needs of the future residents and employees within walking distance of their properties which accords with the provisions of Local Plan Policy SP7 and Policy CF4 of the Outwoods Neighbourhood Plan. The overall uses - to be finalised at the reserved matters stage - would fall within Class E(a, b, c, e, f, g(i)) as defined below;
- a) Retail uses
 - b) Sale of food and drink where consumption is mostly undertaken on the premises
 - c) Financial or professional services
 - d) Indoor sport and recreation or fitness
 - e) Medical or health services
 - g) (i) An office to carry out operational or administrative functions
- 8.15 Policies SP20 and SP21 of the East Staffordshire Local Plan state that the Council will approve the provision of local convenience shopping in existing or proposed residential areas providing the scale of provision is to meet local needs only, the environmental requirements of the plan are met and that the sites are readily accessible on foot or by bicycle. The proposed mixed use

local centre is intended to meet local needs only and is not intended to compete with the existing town centre provision. Subject to a condition restricting the floor area of the mixed use local centre to 500m², it is not considered that the local centre would prejudice the vitality and viability of Burton town centre. To ensure that the local centre provides at least some retail space it is proposed to secure by condition a minimum 170 m² of the floor area is used for Class E(a) use.

- 8.16 Further compliance with the above requirements of Strategic Policy 7 will be assessed within the below report. However with regards to the principle of this proposal, it is clear that the Local Plan is supportive of the development of this site, providing that it is a high quality, mixed use development which is well connected, with a functional relationship to the wider area, but allowing adequate opportunities to access local services and facilities for new and existing residents.

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

Relevant Policies

- 9.1 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.
- 9.2 One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. The NPPF states that local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.
- 9.3 Strategic Policies 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.

- 9.7 Policy LR4 of the Outwoods Neighbourhood Plan (ONP) requires all proposals in excess of 100 dwellings to provide a landscaping scheme which ensures a satisfactory relationship between new and existing development with any landscape buffer zones providing the dual function of foiling views and providing a wildlife corridor.
- 9.8 Policy TA1 of the Outwoods Neighbourhood Plan states that all new development will be expected to deliver the highway quality in public realm design.
- 9.9 Policy TA2 states that development design and layouts should promote a street hierarchy prioritising the needs of pedestrians and should not result in rat runs
- 9.10 Policy RD1 provides design guidance for full applications and reserved matters applications.
- 9.11 Policy D2 of the Rolleston Neighbourhood Plan (RNP) requires all new development to deliver good quality design including the retention of existing hedges and trees to complement the local character especially on the edge of the countryside to create a soft edge transition between built area and open landscape.

Assessment

- 9.12 A Landscape and Visual Impact Assessment has been submitted with the application which concludes that the greatest impact of the development would be the encroachment of the development to the north west (given the site is otherwise enclosed by built form to the other sides) however through the submission of robust landscaping schemes at reserved matters stage retaining hedgerows and network of green corridors, native woodland planting along the northern rural edge, attenuation areas with wet meadow and wildflower planting the built form would be appropriately softened and assimilated into the wider semi-rural landscape.
- 9.13 The application includes an indicative masterplan alongside a green and blue infrastructure plan and land use plan, which detail the approximate position of buildings, open spaces and routes. These documents give the approximate position of development zones, and also supply a code for the future reserved matters applications, which will ultimately shape the appearance of this development. The Design and Access Statement further provides key principles to guide the layout, appearance and scale of any future reserved matters proposals.
- 9.14 Whilst layout, scale and detailed design are all reserved for later approval the submitted documents and plans demonstrate that any future proposals could be brought forward which are capable to provide for high quality design appropriate to its context. Commensurate conditions will allow the Local Planning Authority to assess fully the detailed submissions at the reserved matters stage. Any reserved matters would need to be assessed having regard to the context of the scale of the surrounding development.

10. Residential Amenity

Relevant Policies

- 10.1 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.
- 10.1 The NPPF and Policy DP2 of the Local Plan seek to ensure that 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 impact.
- 10.2 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. Policy RD2 of the ONP requires new residential developments to have sufficient private garden space.
- 10.3 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.
- 10.4 Policy DP7 of the Local Plan states that planning permission will only be granted for development that will not give rise to, or be likely to suffer from contamination of the ground.

Assessment

- 10.5 The scale of the site is considered to be appropriate to enable the construction of 500 dwellings, commercial and residential use without compromising the amenities of the future occupiers of the development. As with residents adjoining the site the relationships between proposed dwellings will have to be carefully considered at reserved matters stage when the final layout of the scheme is under formal consideration. However at this stage the submitted information is sufficient to show that the site can be adequately developed for the purposes applied for without being detrimental to the amenities of neighbouring residents including the existing properties having enclosed boundaries to provide compliance with the separation distances in the relevant SPD. The Illustrative Masterplan also shows how any layout could come forward for the proposed number of dwellings which would not compromise the living conditions of future residents.
- 10.6 A Noise Assessment has been submitted with the application which states that based upon the results of noise surveys taken that the site is suitable for a residential use. Further noise impact assessments and noise management scheme will however be required to be submitted as part of any reserved matters application. Furthermore the submission of a Construction Management Plan during the reserved matters stage would ensure the impacts of any construction would not have a harmful impacts in relation to noise or air quality (i.e. dust emissions).
- 10.7 In respect of air quality an Air Quality Mitigation Statement to support the application following concern from ESBC Environmental Health relating to the

cumulative impact of housing developments in the vicinity on air quality. This gives details on how air quality improvements can be made through the life time of the development. Again, further Air Quality Assessments will come forward as part of any reserved matters application which will be informed by the submitted Air Quality Mitigation Statement.

- 10.8 The Geo-Environmental Investigation Report submitted with the application identifies that there are no potential contaminative processes on or near the site. There is however the potential for gas migration within a specific area of the site from in-filled land. If housing is to be located within this area then a formal remediation method statement is to be secured via condition to demonstrate what further testing needs to take place along with remediation measures. SCC minerals do not raise objection to the proposals
- 10.9 With regard to designing in of sustainable construction/energy efficiency these are provisions that can be necessarily secured at the detailed reserved matters stages in terms of the outline scheme in line with Policy DP2 of the Local Plan.
- 10.10 In respect of the proposed Local Centre it is considered that that this would be of a scale that would not in principle be likely to give to rise to levels of significant noise and disturbance to nearby residential properties. The hours of operation of any use within the Local Centre will necessarily be assessed as part of the reserved matters submission. Similarly, it is not considered that the noise and activity associated with the use of the community car parking is likely to be significantly detrimental to surrounding residential dwellings given the likelihood that it will be in most use during the mornings and afternoon school times. A condition requires the provision of a management scheme for the community car parking area.

11. Historic Environment/Archaeology

Relevant Policies

- 11.1 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.
- 11.2 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.
- 11.3 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 11.4 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.
- 11.5 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 11.6 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed Policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.

Assessment

- 11.7 A Heritage Assessment has been submitted with the application and this outlines that within 1 mile of the site there are five listed buildings and one conservation area. The listed buildings comprise The Chestnuts (Grade II – 785m to the south), Perimeter Wall to the east, north and south of the Almshouses (Nos. 2,4, 6 , 8 and 12 – Grade II – 945m to the north), Crawthorne Hall (Grade II – 900 m to the north-west), Nos. 13 and 16 Burnside (Grade II – 945m to the north), Mile Post at Beam Hill Cross Roads (Grade II listed – 160m to the west) and The Almshouses, Burntside (Grade II Listed -940m to the north). The Rolleston on Dove Conservation Area lies some 940m to the north at its nearest point.
- 11.8 Given the distance(s) involved to the listed buildings and the conservation area in question, with there being little or no inter-visibility, it is considered that the proposals would not be likely to have a harmful material impact on their setting. Any reserved matters application would however re-assess proposals accordingly against the aforementioned policies in light of the heritage assets to ensure there would no significant harmful material impacts on nearby listed buildings and the conservation area
- 11.9 Trial trenching for archaeological remains has been completed following SCC Archaeologists concerns that the site had potential for remains to exist. The subsequent report produced following the trial trenching confirmed that the site had been suitably evaluated and that no further archaeological works are required. On this basis SCC Archaeology raise no objection to the proposals and require no further conditions.

12. Highways 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 Policy TA2 of the Outwoods Neighbourhood Plan (ONP) states that 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. It further states that where traffic calming measures are necessary to reduce vehicle speed, they should be integral to highway design and include the use of road width restrictions and highway demarcations.
- 12.4 Policy TA3 requires adequate and suitable off street parking to be provided for all new developments. Whilst Policy TA4 supports the delivery of any new walking and cycling routes.
- 12.5 Policy TA5 promotes sustainable development through the siting of development within reasonable walking distance of a bus stop/or other public transport.
- 12.6 Policy D5 of the RNP supports sustainable transport provision, including the provision of convenient links to public transport and affording priority to pedestrian and cycle movements.
- 12.7 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

- 12.8 As part of the scheme full planning permission is sought for a 6.5m wide spine road running west to east connecting Beamhill Road and Tutbury Road. Access is also for full consideration under the outline element and it is proposed that the site will have three vehicular accesses:

- A ghost island priority junction on the A511 Tutbury Road, to the west of the site (to access the spine road);
- A simple priority junction on Rolleston Road located to the east of the site (to access the spine road); and
- A simple priority junction on Harehedge Lane located to the south of the site.

12.9 Off-site works are also proposed for the improvement of the Harehedge Lane/Bitham Lane junction (which would be delivered by way of any Section 106 Agreement).

12.10 The proposals also include a community car park - with at least 36 No. spaces – to be served off the new access from Harehedge Lane.

12.11 A Transport Assessment has been submitted with the application and looks at the predicted impact of the proposals on the local road network which has informed the new highways proposals listed as well as the proposed community car park.

12.12 In terms of the consultation responses it is recognised that Parish Councils and local residents have challenged the application submissions and contend that the local roadwork would be negatively impacted upon by the proposals to the detriment of road safety. Councillor Lamb has also submitted substantive comments raising concerns about traffic movement baseline figures, the new road design and the implications on road safety on the surrounding highways.

12.13 With regard to the wider strategic road network National Highways do not raise any objections to the proposals following their request for the applicants to provide updated operational analysis of the A38 Claymills junction. National Highways accept that the modelling undertaken demonstrates that the queue on the A38 southbound offslip in the PM peak period is not likely to result in an unacceptable impact on highway safety and that the proposed development will not have a severe impact on the operation of the Strategic Road Network.

12.14 The County Highways Authority also do not raise objections to the proposals in the more immediate locality of the site subject to conditions including the relevant highways works in connection with the provision of the spine road, along with the off-site works for the improvement of the Harehedge Lane/Bitham Lane junction, being completed prior to the first occupation of the 100th dwelling house constructed on the site. A condition of the approval and the submission necessary under Section 38 of the Highways Act will provide for traffic calming measures to be built into the link road.

12.15 In relation to the provision of the proposed community car parking area off Harehedge Lane, the County Highways Authority consider that in highway safety terms it is reasonable for this to be secured by condition prior to the first occupation of the 50th dwelling house constructed on the site; with the Harehedge Lane junction being secured by condition on the same timetable. The relevant condition also requires that once provided the (at least) 36 No. space community car park shall be retained and maintained as available for use at all times for the life of the development in accordance with an agreed maintenance/management programme.

- 12.16 In respect of car parking provision to serve the proposed dwellings and other uses on the site these would be assessed against the Car Parking Standards SPD as part of the relevant reserved matters application(s).
- 12.17 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). The Travel Plan itself would be secured by a condition of the approval.
- 12.18 The application site will also be served by bus stops on existing bus routes and there are condition requirement for cycling facilities to be provided as part of the development.

13. Flood Risk and Drainage

- 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 Policy TA2 of the Outwoods Neighbourhood Plan expects the management of highway water run-off to be integrated into the design of highways through the use of SuDS, swales and permeable paving.
- 13.6 Policy LR4 requires the introduction of SUDs into new developments which reflect the existing run-off rate (or better).
- 13.7 Policy D2 of the Rolleston Neighbourhood Plan (RNP) requires the incorporation of SuDs to reduce flood risk and manage surface water and to ensure that runoff does not increase flooding elsewhere.

- 13.8 Policy NE1 of the RNP states that development should be directed away from areas at the highest risk of flooding and the provision of sustainable drainage systems to reduce run off and manage surface water will be supported

Assessment

- 13.9 A Flood Risk Assessment and Drainage Strategy (FRA) has been submitted with the application

- 13.10 The report concludes that the site is located entirely within Flood Zone 1. The Environment Agency Surface Water Flood Map shows a large majority of the site is at low risk of flooding, however there are a number of surface water flow paths and areas of accumulation across the site with the north east and south east corners to the site at high risk of this. These areas are to be incorporated into the SuDS feature as attenuation basins and therefore the risk of surface water flooding is considered low. The measures above will also help mitigate the impacts of surface water flooding.

- 13.11 The site does not benefit from a formal positive drainage network and it is anticipated that surface water will be discharged into a culverted section of the Stretton Brook at the junction between Bitham Lane and Bitham Court, via a new STW surface water sewer. Flow control would be installed as well as storage via detention basin, ponds and storage tanks.

- 13.12 The report concludes that the proposed surface water drainage system shows that no flooding is likely to occur up to the 1 in 100 year (plus 40%) event. The scale of the attenuation areas are worst case scenario.

- 13.13 In addition the Flood Risk Assessment recommends use of permeable surfacing across development and finished floor levels of 0.15m above adjacent external ground levels.

- 13.14 The Environment Agency did not make detailed comments on the proposals. The Local Lead Flood Authority (LLFA) were consulted and requested additional information relating to flow path, micro-drainage calculations and connections. Following the amendment of the FRA to include the additional information the LLFA removed their objection with the recommendation of safeguarding conditions. It is therefore considered that the proposed development would be at unacceptable risk from flooding or unacceptably increase flood risk elsewhere. It is not considered that the proposal would unacceptably impact upon groundwater flows.

14. Green Infrastructure and Biodiversity/Trees (including National Forest)

Relevant Policies

- 14.1 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.

- 14.2 The National Planning Policy Framework (at paragraph 174) indicates that Planning policies and decisions should contribute to and enhance the natural and local environment by amongst other things “*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*” The NPPF (at paragraph 180) indicates 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, then planning permission should be refused.”
- 14.3 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.
- 14.4 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.
- 14.5 Detailed Policy 11 of the Local Plan states that development will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the integrity of the Cannock Chase SAC.
- 14.6 Policy DP8 of the Local Plan relates to tree protection. This states that proposals where there are existing trees of value on site must ensure that new developments are designed to;
- Retain as many existing trees as possible
 - Minimise harm to existing trees
 - Minimise conflict between trees and buildings in the future through design, layout and construction of development.

Assessment

- 14.7 The Green Infrastructure Plan submitted with the application identifies existing valuable habitats and area for open space and green links. A ‘central green corridor’ running south-north through the site will be a new park with other green corridors provided that would be capable of retaining existing hedgerows/ trees and a woodland buffer to the north of the site. The majority of existing hedgerows and tree planting are shown to be retained. The Plan also shows SuDS features and a ‘gateway’ open space to the south eastern corner. It is proposed to be conditioned that any reserved matters application coming forward would use the parameters of this plan to inform any layout.
- 14.8 The National Forest Company (NFC) have been consulted on the application and notes that the site lies outside of the National Forest which borders it to the west and south. Therefore, the delivery of dedicated woodland or a commuted sum in lieu of onsite provision would not be required. The NFC have however requested that additional heavy standard tree planting be

incorporated towards the southern and western boundaries to reflect the location adjoining the National Forest at reserved matters stage(s) and informative is added to the applicant to this effect

- 14.9 No statutory designated biodiversity sites of international importance are present within 10km of the Site. Two statutory designated sites of national importance, and eight non-statutory designated sites of local importance are present within 2km of the Site. There are no priority habitats within the site or adjacent to it. Ten waterbodies were identified within 500m of the site.
- 14.10 A Preliminary Ecology Appraisal, Breeding Bird Survey, Bat Activity Survey, Great Crested Newt Survey and Biodiversity Net Gain Assessment have been submitted in support of the application. These reports conclude that the site provides low potential for species however the Biodiversity Net Gain Assessment states that through enhancement measures (retention of existing hedgerows, installation of bird and bat boxes, native landscaping planting, SUDs with marginal planting.) the proposals could provide a 17% net gain to habitats and hedgerows.
- 14.11 The Newt Officer and Natural England have reviewed the submitted ecology assessments and do not raise objection to the works in principle.
- 14.12 The SCC Ecologist has also reviewed the documents and raises no objection to the proposals subject to safeguarding conditions including an ecology construction management plan, scheme of lighting and up to date (protected species) surveys, and compliance with the mitigation and enhancement measures in order to achieve at least 10% Biodiversity Net Gain.
- 14.13 It is therefore concluded, in the light of the applicant's submissions along with the necessary mitigation conditions being proposed 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.
- 14.14 The application has been accompanied by a Tree Report and Constraints Report which concludes that the site's main arboriculture interest is located around the periphery of the site where category A and B trees are located. Any future planning applications should seek to retain the Category A and B trees and provide appropriate protection measures as part of any application and has been conditioned accordingly. The ESBC Tree Officer raises no objection to the proposals on this basis.
- 14.15 In addition to the high ecological value of hedgerows, the findings of the Heritage Assessment conclude the importance of retaining historic hedgerows on site. The illustrative masterplan retains large sections of hedgerows with particular emphasis on in-common Parish Boundary which is reflected in the design and layout of the northern area of the site. Further consideration to these aspects would be given consideration at reserved matters stage(s) and a note is added to the applicant to this effect.
- 14.16 The application site lies outside of the 15km zone of influence surrounding the Cannock Chase Special Area of Conservation (SAC), which is a European Designated Site and therefore it is not subject to any mitigation

measures from the developer to limit future visitor numbers from this development

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 (including housing mix)
- Education
- Open Space/Sports facilities
- Healthcare Provision
- Refuse Containers
- Travel Plan
- Off site highways works

15.3 The background to, and the specific requirements in relation to these matters, are considered in turn below;

16. Affordable Housing (including Housing Mix)

Relevant Policies

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 Burton (Outwoods)	Proposal
Housing for the Elderly	12%	12%
1 Bedroom dwellings	3%	7%
2 Bedroom dwellings	16%	20%

Unit Size	Housing Choice SPD requirements for Burton (Outwoods)	Proposal
3 Bedroom dwellings	32%	35%
4 Bedroom dwellings	26%	30%
5 Bedroom dwellings	11%	10%

- 16.4 The planning application does not seek permission for specific types of dwellings however will deliver a mixture of tenures, unit types and sizes as specified about. The proposal would deliver both market and affordable housing. The mix set out in the masterplan is broadly in accordance with the market mix set out in the SPD. There would be the opportunity through reserved matters application(s) to amend this in accordance with any future requirements.
- 16.5 The proposals also includes specialist accommodation for the elderly for up to 90 beds with associated car parking, private gardens and servicing. This could come forward as serviced accommodation or a care home.
- 16.6 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%
- 16.7 Policy SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.
- 16.8 The Housing Choice SPD provides guidance on the expected affordable housing mix of sites.
- 16.9 Policy RD3 of the Outwoods Neighbourhood Plan states that developments should provide an appropriate mix to meet locally assessed needs for open market dwellings as well as warden controlled sheltered housing. Affordable housing should be distributed evenly throughout any development to assimilate it with open market provision.
- 16.10 Policy H2 of the Rolleston on Dove Neighbourhood Plan states that residential development should provide of balanced mix of house types to meet local need.

Assessment

- 16.11 The application proposes 33% of total homes to be affordable units comprising 16.5% to be affordable/social rent and 16.5% to be first homes/discount market sale/shared ownership. Therefore, there will no off-site contribution in relation to this development.

- 16.12 In this case, the ESBC Housing Officer is content with the proposed housing tenure mix and affordable housing provision. However, further consideration to these aspects would be given consideration at reserved matters stage(s).

17. Education

Relevant Policies

- 17.1 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.
- 17.2 There is a need for education facility provision in East Staffordshire, particularly at Burton Upon Trent. The need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be expected in Burton Upon Trent. In addition, the policy 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.
- 17.3 Policy CG1 of the Outwoods Neighbourhood Plan supports the delivery of new educational provision.

Assessment

- 17.4 In this case SCC Schools Organisation Team have requested a financial contribution towards both secondary and higher education in Burton upon Trent as the development would generate a number of school places.
- 17.5 The Schools Organisation Team have also provided a formula for the calculation of the contributions required to be included in the Section 106 Agreement, so the figures can then be calculated pro rata on any reserved matters applications.

18. Open Space and Sports Facilities

Relevant Policies

- 18.1 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.
- 18.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

- 18.3 SP32 of the Local Plan sets out the overall aims for open space provision across the Borough with detailed requirements set out in the Open Space and Playing Pitch Supplementary Planning Document (SPD).
- 18.4 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 and SPD (and associated on line calculator).
- 18.5 Developers should provide open space to the local standard identified for the area, which are identified in the Open Space and Playing Pitch SPD.
- 18.6 Policy CF5 of the Outwoods Neighbourhood Plan requires new development over 100 houses to provide a new public space.
- 18.7 Policy LR1 of the Outwoods Neighbourhood Plan states that new indoor and outdoor sports pitches should be provided on site or on suitable land within the parish boundary.
- 18.8 Policy LR2 requires the inclusion of children’s play facilities within any new residential development.

Assessment

- 18.9 The open space requirement for the development is 4.47 ha which is proposed to be achieved through the indicative masterplan and indicatively includes a linear park, informal play areas, LEAP, woodland planting with pedestrian and cycle links.
- 18.10 The Section 106 Agreement will require the Open Space to be provided on site in accordance with the Open Space and Playing Pitch SPD, with its final layout and content to be agreed as part of any reserved matters applications however the layout indicates how this could be satisfactorily be provided. It is proposed that the Open Space would be managed through a Management Company. This would also be secured as part of the Section 106.
- 18.11 ESBC Open Spaces do not raise objection to the proposals in principle however they raise concern in relation to reserved matters applications having a reliance on the use of SUDs within full open space allocation. The applicant will be reminded by an informative that where this is the case that this will only be considered acceptable where this is kept to a minimum with it being demonstrated that open space can be utilised across the calendar year and form part of an attractive feature that will enhance the local environment.
- 18.12 Sport England have provided detailed comments on the application and using the Sport England Sports Facilities Calculator and the East Staffordshire Borough Councils Playing Pitch Strategy it has been concluded that there is a need for the development to bring forward the following;

Indoor Sports

- Artificial Grass Pitches: 0.03 pitches costing £30,381 for 3G
- Halls: 0.32 courts costing £180,653

- Pools: 11.79 sqm of pool space costing £193,394

Outdoor Sports

- Playing Pitch 1.25 pitches equivalent costing £146,477 and provision for associated maintenance costs

18.13 On this basis the following contributions are proposed to be secured through the Section 106 Agreement;

- Off- site contribution of £477,727 towards the playing pitch provision and ancillary provision with associated maintenance costs;
- Off-site contribution of £404,428 towards indoor sporting provision and AGPs.

18.14 In terms of where this provision should be delivered, the Playing Pitch Strategy currently identifies the following aims;

- Improve the quality and capacity at Holland Sports Club (football and rugby)
- Improve quality for Outwoods FC through maintenance (De Ferrers School)
- Secure a new pitch at Mill Lane, Barton Under Needwood

18.15 However a number of projects (including the above) have been delivered and so financial contributions will be directed towards appropriate projects which meet the needs of the population and the pitch demand for different sports in the Burton and the wider area. The Playing Pitch Strategy is currently being revised which will look at changes to pitch provision and the demand for pitches from all sports. The applicant has proposed a contribution specifically towards the development of a small 3G playing pitch for school and community use at St Modwen's School adjacent to the site, and the playing pitch strategy will consider this as a potential future project to assist in meeting any shortfalls in pitch provision.

18.16 In response to the comments from Outwoods PC regarding provision for teenagers it is considered that the off-site financial contribution listed above will ensure delivery of adequate sports facilities within the area and the revised Playing Pitch Strategy will provide up to date priorities. It is considered that there could also be scope to secure some equipment or play space for older children/teenagers within the areas of open space that will come forward as part of the reserved matters stage(s).

19. Healthcare Provision

19.1 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

19.2 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 £324,996 for inclusion in the Section 106 Agreement. This is envisaged to be allocated towards the new Primary Care Centre on the Outwoods site of Queens Hospital. However if this is not forthcoming it will be allocated to healthcare provision within the Burton area.

20. Refuse Containers

20.1 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 £90 per dwelling. As such the total for inclusion in any Section 106 Agreement would be £45,000 (if 500 dwellings are progressed).

21. Travel Plan Monitoring Fee/Off-Site Highway Works

21.1 SCC Highways seek a Travel Plan Monitoring fee of £15,000 (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.

21.2 The undertaking of the off-site works proposed for the improvement of the Harehedge Lane/Bitham Lane junction under the Highway Acts will also be included in the Section 106.

22. Section 106 Contributions

22.1 In the in light of the above the following contributions are sought.

Item	Planning Obligation	Cost (where applicable)
Education	Secondary and post 16 year old provision	£2,075,580
Health Care	Contribution towards new Primary Care Centre on the Outwoods site of Queens Hospital (or healthcare provision within the Burton area if development is not forthcoming)	£324,996
Refuse Containers	Contribution to provide refuse storage containers at £90 per dwelling	£45,000
Affordable Housing	On site	n/a
Highways	Travel Plan monitoring	£15,000
	Off-site junction works	n/a

Sports Provision	Off-site contribution of £477,727 towards pitch provision and ancillary provision to support playing pitches; and off-site contribution of £404,428 towards indoor sporting provision and AGPs.	£882,155
Open Space maintenance	Establishment of Maintenance/Management Company.	n/a

23. Conclusions

23.1 Having due regard to the planning merits of the case set out in detail in the Assessment section of this report – and as summarised in the Executive Summary - the application is recommended for **approval** subject to the necessary Section 106 agreement and conditions.

24. RECOMMEDATION(S)

(a) Grant full planning application for proposed access points and spine road between Tutbury Road/Rolleston Road; and

(b) Grant outline planning consent for up to 500 dwellings (Use Class C3), Specialist Residential Accommodation (Use Classes C2/C3 (a, b)), Local Centre (Use Classes E (a, b, c, e, f, g(i)) and associated works (all matters apart from access)

subject to the conditions listed below and the completion of a Section 106 Agreement

OUTLINE PLANNING PERMISSION

Condition 1- Reserved Matters - time limit

Applications for approval of the reserved matters for all phases of the development shall be made to the Local Planning Authority not later than 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 on each agreed phase of the development until details of the following reserved matters for each phase have been submitted to and approved in writing by the Local Planning Authority:

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

The development of each phase shall be carried out 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; to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

Condition 3 - Approved Plans

The development hereby approved shall be carried out in accordance with the following approved plans/documents subject to the other conditions of this permission;

5203479-ATK-DR-LA-0001 Location Plan at scale 1:2500 dated as received 2nd July 2021

5203479-ATK-DR-LA-0002 Existing Site Layout Plan at scale 1:2000 dated as received 2nd July 2021

5203479-ATK-DR-C-0005 P01 Hybrid Application Boundary Plan at scale 1:1250 dated as received 21st June 2021

5203479-ATK-DR-LA-0004 Constraints and Opportunities Plan at scale 1:1250 dated as received 2nd July 2021

5203479-ATK-DR-LA-0007 Green and Blue Infrastructure Plan at scale 1:1250 dated as received 2nd July 2021

5203479-ATK-DR-LA-0008 Land Use Plan at scale 1:1250 dated as received 2nd July 2021

5203479-ATK-DR-LA-0006 Movement Framework at scale 1:1250 dated as received 2nd July 2021

5203479-ATK-DR-C-0007 P02 Phasing Plan at scale 1:1250 dated as received 4th October 2021

Bat Activity Survey (Doc. Ref 42804-WOOD-XX-XX-RP-OE-0002_A_C01) by wood. dated as received 21st June 2021

Breeding Bird and Barn Owl Survey (Doc Ref 42804-WOOD-XX-XX-RP-OO-0003_A_C01) by wood. dated as received 21st June 2021

Great Crested Newt Survey (Doc. Ref. 42804-WOOD-XX-XX-RP-OE-0004_A_C01) by wood dated as received 21st June 2021

Preliminary Ecological Appraisal (42804-WOOD-XX-XX-RP-OE-0001_A_C01) by wood. dated as received 21st June 2021

Tree Survey (Doc. Ref 8627 - 07.07.20-V1) by Amenity Tree Care dated as received 21st June 2021

5203479-ATK-DR-C-0001 P01 Spine Road General Arrangement at scale 1:500 dated as received 21st June 2021

5203479-ATK-DR-C-0002 P01 Spine Road Swept Path Analysis at scale 1:250 dated as received 21st June 2021

Biodiversity Net Gain Assessment (Doc. Ref 5203479.010) by Atkins dated as received 21st June 2021

Flood Risk Assessment and Drainage Strategy (Doc. Ref 5203479-ATK-ZZ-ZZ-RPT-C-0001 Rev 4) by Atkins dated as received 5th November 2021

Geo-environmental Interpretative Report (Doc. Ref 5203479.007) by Atkins dated as received 21st June 2021

Factual Ground Investigation Report by Ian Farmer Associates (Appendix B) (ref. 2220490) dated as received 21st June 2021

Heritage Desk Based Assessment by Atkins (ref. 5203479.005) dated as received 21st June 2021

Landscape Visual Impact Assessment (Doc. Ref. 5203479.009) by Atkins dated as received 21st June 2021

Open Space Assessment (Doc. Ref. HE-30101-PLANNING-21HYBRID-OSA) by Homes England dated as received 21st June 2021

Transport Assessment (Doc. Ref. 5203479.014) by Atkins dated as received 21st June 2021

Air Quality Mitigation Statement (Doc. Ref HE-30101-PLANNING-21HYBRID-AQMS) by Homes England dated as received 20th October 2021

5203479-ATK-ZZ-ZZ-DR-C-0005 P02 Indicative Drainage Layout at scale 1:1250 dated as received 21st October 2021

Flood Risk Assessment and Drainage Strategy (Doc. Ref 5203479.017) by Atkins dated as received 21st October 2021

5203479-ATK-ZZ-ZZ-DR-C-0006 P01 Indicative discharge route at scale 1:1250 dated as received 21st October 2021

Great Crested Newt Survey Report Addendum (Doc. Ref. 42804-WOOD-GCN) by wood. dated as received 8th July 2021

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, NP1, SP2, SP3, SP4, SP4, SP5, SP6, SP7, SP9, SP10, SP16, SP17, SP20, SP21, SP22, SP24, SP25, SP26, SP27, SP29, SP30, SP32, SP33, SP34, SP35, DP1, DP2, DP3, DP5, DP6, DP7, DP9 and DP10, made Rolleston on Dove Neighbourhood Plan Policies H1, H2, D1, D2, D3, D5, NE1 and NE2, made Outwoods Neighbourhood Plan Policies TA2, TA3, TA4, TA5, CF1, CF4, CF5, RD1, RD2, RD3, LR1, LR2, LR3 and LR4, 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, Climate Change Supplementary Planning Document and the National Planning Policy Framework.

Condition 4: Time limit for commencement

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters 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 5: Development in accordance with approved phasing plan

The development hereby approved shall be carried out in accordance with the approved phasing plan ref. 'Phasing Plan – 5203479-ATK-DRC-000' dated received on 21st June 2021 (or any other alternative phasing plan first approved in writing by the Local Planning Authority) and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan..

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with guidance contained within the National Planning Policy Framework.

Condition 6: Reserved Matters – Parameter Plans

Unless otherwise required by another condition of this permission or first agreed in writing by the Local Planning Authority all reserved matters applications shall be designed having regard to the following parameter plans;

- 5203479-ATK-DR-LA-0006 - Movement Framework dated received on 2nd July 2021
- 5203479-ATK-DR-LA-0007 - Green and Blue Infrastructure dated received on 2nd July 2021

Reason: To ensure a coherent and high quality development of the Tutbury Road/Beamhill Road Strategic Urban Extension in accordance with Policies SP1, SP7, SP35, DP1 and DP3 of the East Staffordshire Local Plan, East Staffordshire Design Guide and National Planning Policy Framework

Condition 7 - Estate road layout

Before the commencement of any development in any phase on the site (other than site clearance works) details of the estate road layout for the relevant phase of development, including gradients, traffic calming measures, visibility splays at all junctions and bends, an AutoTRACK analysis of the path of refuse vehicles around that phase and details of proposed pedestrian and cycle routes and facilities in the relevant phase site shall be submitted to and approved by the Local Planning Authority. All works shall be undertaken in accordance with the approved details.

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

Condition 8 - Highway Works

Notwithstanding the highway works shown on the approved documents (listed at condition 3 above), no development shall commence (other than site clearance works) until detailed drawings have been submitted to and approved in writing by the Local Planning Authority in relation to the works to form the junction access to Harehedge Lane.

Unless otherwise first agreed in writing by the Local Planning Authority the works providing the junction access to Harehedge Lane shall thereafter be completed in accordance with the approved details prior to the first occupation of the 50th dwelling on the whole development site (or any other quantum of development that results in a commensurate number of vehicle movements).

Reason: In the interests of highway safety and to ensure the proper phased implementation of the development and associated infrastructure in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

Condition 9 - Details of Levels

The details required under condition 2 above in relation to the reserved matters submission for each phase 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 any 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 nor exacerbate flooding or contamination risks or compromise ecological interests in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP27, SP29, DP1, DP3 and DP7, the East Staffordshire Design Guide, the East Staffordshire Separation Distances and Amenity Supplementary Planning Document, Rolleston Neighbourhood Plan Policies H1, D2, NE1 and

NE2, Outwoods Neighbourhood Plan Policies RD1 and LR4 and the National Planning Policy Framework

Condition 10 – Parking and Servicing

The reserved matters submissions required under condition 2 above in relation to each phase shall include details of the provision of adequate parking, turning and servicing areas- within the relevant phase including details of all surfacing materials along with details of all cycling parking/storage facilities (where applicable).

Reason: In the interests of highway safety and to promote sustainable modes of transport in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the East Staffordshire Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

Condition 11 - Scheme of Landscaping

The reserved matters submissions required under condition 2 above in relation to each phase shall include a scheme of landscaping, including details of all trees and hedges to be retained, along with details of all boundary treatments.

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 12 – Play Area Provision

The reserved matters submissions required under condition 2 above in relation to each relevant phase shall include precise details of the proposed play areas and open spaces (including a programme of works). The agreed play areas shall be provided in accordance with an agreed programme of works and those areas shall not thereafter be used for any purpose other than as a play area or open spaces unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate play areas are available at all times in the interests of providing reasonable amenities for future residents and in accordance with Policies SP24, SP32, DP1 and DP3 of the East Staffordshire Local Plan, Open Spaces and Playing Pitch Supplementary Planning Document and the National Planning Policy Framework.

Condition 13 - M4 (2) Compliance

The reserved matters submissions required under condition 2 in relation to each relevant residential phase shall include a scheme to provide for at least ten per cent (10%) of dwellings on that phase 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 14 - Local Centre

The reserved matters submissions required under condition 2 above shall include a local centre which shall have a maximum floorspace of 500sqm and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall only relate to the use of the premises(s) in that Local Centre that fall within Use Classes E (a, b, c, e, f, g(i)) as described in the application and for no other purpose unless otherwise first agreed in writing by the Local Planning Authority. The local centre shall provide a minimum floorspace of 170sqm to be solely used for a Class E(a) use.

Reason: To ensure that the development meets local needs only in accordance with Policies SP5, SP7, SP20 and SP21 of the East Staffordshire Local Plan and the National Planning Policy Framework

Condition 15: Air Quality Mitigation Strategy to be Submitted

No development shall take place in any phase of the development as approved under condition 2 above until an Air Quality Mitigation Strategy for the relevant phase of development has been submitted to and approved in writing by the Local Planning Authority which includes the following;

- a) Construction mitigation;
- b) Operational mitigation;
- c) Design mitigation; and
- d) Program of delivery

The approved air quality mitigation strategy shall be implemented in full for the relevant phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure manage the air quality impacts of the proposal in accordance with Policies SP1 and DP7 of the East Staffordshire Borough Local Plan and the National Planning Policy Framework

Condition 16: Noise Mitigation Scheme

No development shall take in any phase of the development hereby approved under condition 2 above until a Noise Mitigation Scheme for the relevant phase of development has been submitted to and approved in writing by the Local Planning Authority to include the following details;

- a) Appraisal of noise sources;
- b) Proposed mitigation; and
- c) Program of delivery

The approved Noise Mitigation Scheme shall be implemented in full for the relevant phase and retained thereafter unless otherwise agreed in writing.

Reason: To safeguard the amenity of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

Condition 17: Dust and Noise Construction Management Plan

No development shall take place in any phase of the development as approved under condition 2 above until a Dust and Noise Construction Mitigation Plan for the relevant phase of development has been submitted to and approved in writing by the Local Planning Authority which includes the following;

- a) Construction mitigation;
- b) Operational mitigation; and
- c) Program of delivery

The approved Dust and Noise Construction Management Plan shall be implemented in full (including the program of delivery) for the relevant phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the management of air quality impacts of the proposal in accordance with Policy DP7 of the East Staffordshire Borough Local Plan and the National Planning Policy Framework.

Condition 18: Habitat Management Plan

No development shall take place in any phase of the development approved under condition 2 until a Habitat Management Plan (HMP) for the relevant phase of development has been submitted to and approved in writing by the Local Planning Authority. The Habitat Management Plan (HMP) shall include the following:-

- a) Habitat management principles for that relevant phase;
- b) Details to demonstrate a 10% minimum net gain based on the Defra Metric;
- c) Details of how the HMP would comply with 'Biodiversity Net Gain Assessment – 5203479.010';
- d) Off-site compensation for any deficit (if applicable); and
- e) Program/timetable of delivery.

The approved Habitat Management Plan (HMP) shall be carried out in accordance with the approved details and program/timetable of delivery and be maintained/retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

Condition 19: Ecological Construction Environmental Management Plan

No development (including site clearance works) shall take place in any agreed phase of the development approved under condition 2 until an Ecological Construction Environmental Management Plan (ECEMP) has been submitted to and approved in writing by the Local Planning Authority. The Ecological Construction Environmental Management Plan (ECEMP) shall include the following;

- a) Measures for protection of retained habitats;
- b) Measures for protection of off-site habitats such as watercourses;
- c) Prevention measures for accidental harm to protected species and other wildlife during construction; and
- d) Program/timetable of delivery.

The Ecological Construction Environmental Management Plan (ECEMP) shall be implemented in accordance with the approved details and program/timetable of delivery unless otherwise agreed in writing by the Local Planning Authority.

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: Badger Survey and Mitigation Plan

No development shall take place in any agreed phase of the development approved under condition 2 hereby approved until an up to date badger survey for the relevant phase of development including any mitigation measures and delivery program/timetable (where relevant) is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any agreed recommended mitigation measures/delivery program and timetable.

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

Condition 21: Arboricultural Method Statement

No development (including site clearance works) shall take place in any agreed phase of the development approved under condition 2 until an Arboricultural Method Statement (AMS) for that phase (including a Tree and Hedge Protection Plan), undertaken in accordance with BS:5837:2012 (and all subsequent amendments and revisions) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works for the relevant phase of development shall be carried out in accordance with the approved Arboricultural Method Statement (AMS).

Reasons: To protect trees and hedges and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and DP8 and the National Planning Policy Framework.

Condition 22: Ecological Enhancement Measures

No development shall take place above damp course level of any phase of development hereby approved under condition 2 until a scheme of Biodiversity Enhancement Measures (including a program of delivery) for the relevant phase of development have been submitted to and approved in writing by the Local Planning Authority. The development scheme as a whole shall provide for the following;

- a) Types and locations of 4 groups of 3 No. swift boxes on buildings;
- b) Types and locations of 4 No. house sparrow terraces on buildings;
- c) Types and locations of 13 No. bird boxes on retained trees;
- d) Types and locations of 13 No. integrated bat tubes/boxes on buildings;
- e) Types and locations of 13 No. integrated bat tubes/boxes on retained trees;

The approved Biodiversity Enhancement Measures shall be implemented in full and retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

Condition 23: External Lighting Plan to be submitted

Prior to the first occupation of any agreed phase of the development hereby approved under condition 2 details of any external lighting for the relevant phase of development to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these details unless otherwise agreed in writing. No other external lighting shall be installed unless approved in writing by the Local Planning Authority

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

Condition 24: Compliance with FRA

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (as listed at condition 3 above) and the following mitigation measures;

- The Proposed Development will incorporate a positive surface water drainage system that will intercept run-off from impermeable areas rather than allowing it to flow unchecked through the Proposed Development.
- The highway and car parking areas will incorporate measures such as gullies, kerb drainage and/or permeable paving to intercept and transfer run-off into the proposed surface water drainage system.

- Overland flow routes will be provided through the Proposed Development to safely manage exceedance flows and divert them away from proposed dwellings.
- The finished floor levels of all dwellings will be at least 0.15m above adjacent external ground levels in order to reduce the risk of overland flows entering properties

These mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements. The approved measures shall be retained and maintained thereafter throughout the life of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy SP27 of the East Staffordshire Local Plan, Rolleston Neighbourhood Plan Policy NE1 and Outwoods Neighbourhood Plan Policy LR4 and National Planning Policy Framework.

Condition 25: Surface water drainage design

No development within any agreed phase shall be commenced until the final detailed surface water drainage design for the relevant phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The overall strategy shall be in accordance with the principles laid out within the Flood Risk Assessment & Drainage Strategy, Doc. Ref. 5203479-ATK-ZZ-ZZ-RPT-C-0001 Flood Risk assessment_Rev.4.0, dated 5th November 2021, which includes under Appendix B the following illustrative drainage strategy plans:

- 5203479-ATK-ZZ-ZZ-DR-C-0005 – P02 Indicative Drainage Layout –Dated 20th October 2021
- 5203479-ATK-ZZ-ZZ-DR-C-0006 – P01 Surface Water Indicative Discharge Route – Dated 20th October 2021.

The design must demonstrate:

- Details of the proposed surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015) along with any downstream infrastructure on which that phase relies and/or any interim drainage arrangements such as temporary flow controls.
- SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- At all points, surface water run-off generated by the site shall be limited to a maximum of 42.8l/s for the whole site. Any phase that comes forward should limit this in proportion to the area of that phase.
- Provision of surface water runoff attenuation storage to achieve the limited discharge.

- 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 shall demonstrate the performance of the designed system for a range of return periods and storm durations, to include the critical 1 in 1, 1 in 30 and 1 in 100-year design storms with 40% allowance for climate change.
- Regarding the point of discharge, evidence of permission to connect to existing drains or sewers to be provided; any permission should explicitly define the point of discharge and specify an allowable rate.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system, including pump failure where applicable. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows. 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. To include the name and contact details of the party/parties responsible.

The scheme for each phase shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with Policy SP27 of the East Staffordshire Local Plan, Rolleston Neighbourhood Plan Policy NE1 and Outwoods Neighbourhood Plan Policy LR4 and National Planning Policy Framework.

Condition 26 - Disposal of Foul Water Flows

No development in any phase of the development hereby approved under condition 2 shall take place until drainage plans for the disposal of foul water flows on that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development on any phase is first brought into use/first occupied.

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 in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7 and the National Planning Policy Framework.

Condition 27 – Contamination

If during development of any phase of the development contamination not previously identified, is found to be present at the site;

- a. No further development shall take place within that area (unless otherwise agreed in writing by the Local Planning Authority);
- b. The contamination shall be reported in writing to the Local Authority;
- c. A Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority;

- d. The approved Remediation Method Statement shall be implemented thereafter; and
- e. Development on the land in question or within the vicinity of contamination shall not be first occupied until a validation report is submitted to and approved in writing by the Local Planning Authority.

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 28 - Landscape Implementation

All planting, seeding or turfing comprised in the approved details of landscaping required under condition 8 above in relation to the relevant phase 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, Rolleston Neighbourhood Plan Policy D2 and D3 and Outwoods Neighbourhood Plan Policies RD1 and LR4 and the National Planning Policy Framework.

Condition 29 - boundary treatments

Any scheme of boundary treatments approved as part of the landscaping scheme for the relevant phase required by condition 11 above shall be completed prior to the relevant dwelling(s)/relevant areas of the development being first occupied/being first brought into use.

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, Rolleston Neighbourhood Plan Policy D2 and D3 and Outwoods Neighbourhood Plan Policies RD1 and LR4 and the National Planning Policy Framework.

Condition 30 - Additional Contaminated Land Delineation

- a. Should any dwelling or other built development be proposed (as part of any reserved matters application) within the area of TP307 and TP311 as identified in The Geo-environmental Interpretive Report (produced by ATKINS – June 2021) then the extent of contamination should be delineated prior to any development commencing on the area in question in a report to be first submitted to and approved in writing the Local Planning Authority.
- b. In the case that unacceptable levels of contamination are confirmed with respect to the proposed end use (in the report required by paragraph (a) above),

then a Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing detailing the precise manner in which mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed.

c. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.

d. Should any unexpected ground contamination be observed during development activities, this should be reported in writing to the Local Planning Authority and a suitably qualified Environmental Consultant(s) be instructed to carry out an appropriate contamination investigation and propose remedial measures if required.

e. The development shall not be occupied until a validation report has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all agreed remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Should no dwelling or other built development be proposed (as part of any reserved matters application) within the area of TP307 and TP311 as identified in The Geo-environmental Interpretive Report (produced by ATKINS – June 2021) then a report assessing the chemical suitability of soils against the corresponding end use assessment criteria (including any mitigation measures/implementation programme where applicable) shall be submitted to and approved in writing by the Local Planning Authority. Any agreed mitigation measures/implementation programme shall thereafter be completed prior to the land being first used for its identified end use.

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 31 - Noise Mitigation (Construction Hours)

No development/construction works shall be undertaken on any phase approved under condition 2 of 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 32: Community Car Park

Prior to occupation of the 50th dwelling on the overall development site (or any other quantum of development that results in a commensurate number of vehicle

movements) a community car parking area with a minimum of 36 No. car parking spaces to be accessed off Harehedge Lane shall be provided in accordance with a detailed scheme (including a maintenance/management programme) that shall have been first submitted to and approved in writing by the Local Planning Authority.

Once provided the community car park shall be retained and maintained as available for use at all times for the life of the development in accordance with the agreed maintenance/management programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the proper phased implementation of the development and associated infrastructure in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

Condition 33 – Construction Environmental Management Plan

No development shall take place within each phase hereby approved under condition 2 until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to, and agreed in writing with the Local Planning Authority. The submitted Construction Environmental Management Plan (CEMP) shall include:

- Arrangements for the parking of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Pedestrian and cyclist protection
- Wheel washing and measures to mitigate mud or debris being carried onto the highway.

The approved Construction Environmental Management Plan (CEMP) shall be adhered to throughout the construction period unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and residential amenities in accordance with East Staffordshire Local Plan Policy SP1, SP24 and SP35 and the National Planning Policy Framework

Condition 34 - Works for the improvement of the Harehedge Lane/Bitham Lane junction

All works for the improvement of the Harehedge Lane/Bitham Lane junction (as identified in terms of its location on the Drawing No. HARETUTB-ATK-HGN-DR-D-0008-P1') shall be completed prior to the occupation of the 100th dwelling on the whole development site (or any other quantum of development that results in a commensurate number of vehicle movements) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the proper phased implementation of the development and associated infrastructure in accordance

with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

Condition 35 - Travel Plan

Notwithstanding the approved plans/drawings (as listed at condition 3 above) before any phase of the development is first occupied a Travel Plan (or updated Travel Plan) for the relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the County Highway Authority. The Travel Plan (or updated Travel Plan) shall include a monitoring methodology which will include a survey methodology for assessing the travel mode choices of residents/users, an initial series of targets for modal shifts for residents/users and a secondary series of targets should the initial targets not be achieved. These secondary targets could include contributions to improving infrastructure to support sustainable travel modes as well as or instead of other measures to drive change. The Travel Plan (or updated Travel Plan) once approved will be monitored and managed including an agreed surveying system to identify travel choices of (residents/customers and staff), changes in those travel choices and submission of annual reports from the Travel Plan Co-ordinator to the Local Authority for at least five years from the occupation of the final part of the development or until the targets in the Travel Plan are met.

Reason: To promote sustainable forms of transport in accordance with East Staffordshire Local Plan Policy SP35, East Staffordshire Car Parking SPD, and the National Planning Policy Framework.

Condition 36 – Parking (residential)

Before any dwelling on the relevant phase of the development is first occupied all approved car parking/garaging spaces associated with that dwelling shall be hard surfaced and drained to ensure no surface water runs onto the highway and shall be provided with a properly constructed access to the adopted highway to at least base course level. Once provided the approved car parking/garaging shall be retained and maintained as being available for use for parking at all times for the life of the development.

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

Condition 37 – Parking (non-residential)

Prior to the occupation of any part of the non-residential use(s) on the relevant phase of the development the approved car parking, turning and servicing arrangements associated with that part of the development shall be laid out, constructed and drained to ensure no surface water runs onto the highway in accordance with the approved details. Once provided the approved car parking, turning and servicing arrangements shall be retained and maintained as being available for use for their designated purposes at all times for the life of the development.

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

Condition 38 - Landscape management plan

Prior to the first occupation of any dwelling/first bringing into use of the development on the relevant phase of the development a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with those approved details.

Reason: In order to provide a sustainable, viable and managed landscape to serve the development in accordance with Policies SP23, SP24, SP29, SP32, DP1 and DP3 of the East Staffordshire Local Plan and National Planning Policy Framework.

Condition 39 – Specialist Residential Accommodation

The reserved matters submissions required under condition 2 above shall include provision for Specialist Residential Accommodation for elderly persons as per phasing plan/application submissions and notwithstanding the Town and Country Planning (Use Classes) Order 1987 the use shall be for no other purpose in Classes C2/C3 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development meets housing needs in accordance with Policies SP2 and SP4 of the East Staffordshire Local Plan and the National Planning Policy Framework.

FULL PLANNING PERMISSION

Condition 40 - Time to Commence Development

The development hereby permitted shall be begun 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 41 – Approved Plans

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

Location Plan - Hybrid Application Boundary Plan - 5203479-ATK-DR-C-0005 dated as received on 21st June 2021

Spine Road General Arrangement - PLAN - 5203479-ATK-DR-C-0001 dated as received on 21st June 2021

Tutbury Road Access Plan - HARE-ATK-HGN-TUTB-DR-D-0004 dated as received on 21st June 2021

Rolleston Road Access Plan - HARE-ATK-HGN-TUTB-DR-D-0006 dated as received on 21st June 2021

Reason: For the avoidance of doubt to ensure the development will not adversely affect the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway, heritage assets, result in harm to flood risk or ecology and in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP24, SP25, SP27, SP29, SP35, DP1, DP5 and DP7, Rolleston Neighbourhood Plan, Outwoods Neighbourhood Plan and the National Planning Policy Framework.

Condition 42 - Highway Works

Notwithstanding the details shown on the approved documents (listed at condition 41 above), no development shall commence (other than site clearance works) until detailed drawings including gradients and traffic calming measures and a timetable/programme of works have been submitted to and approved in writing by the Local Planning Authority in relation to the following :-

- a. Works to form the junction access to Tutbury Road;
- b. Works to form the junction access to Rolleston Road;
- c. Spine Road between Tutbury Road and Rolleston Road

The timetable/programme of works shall provide that all off site works providing access to the site and that Spine Road between Tutbury Road and Rolleston Road shall be completed prior to the occupation of the 100th dwelling (or any other quantum of development that results in a commensurate number of vehicle movements).

The highway works shall be completed in accordance with the approved details and programme of works unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the proper phased implementation of the development and associated infrastructure in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

Condition 43 - Drainage

No development associated with the access points and spine road between Tutbury Road/Rolleston Road shall commence until full surface water drainage details associated with the construction of the spine road (including a construction timetable) have been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with the Lead Local Flood Authority (LLFA) and the County Highway Authority.

The development shall be undertaken in accordance with the approved details (including construction timetable) unless otherwise agreed in writing by the Local Planning Authority (LPA) in conjunction with the Lead Local Flood Authority (LLFA) and the County Highway Authority.

Reason: To reduce the risk of surface water flooding to the development and

properties downstream for the lifetime of the development in accordance with Policy SP27 of the East Staffordshire Local Plan, Policy TA2 of the Outwoods Neighbourhood Plan, Policy NE1 of the Rolleston Neighbourhood Plan and the National Planning Policy Framework.

Condition 44 – Contamination

If during development of the link road contamination not previously identified, is found to be present at the site;

- a. No further development shall take place within that area (unless otherwise agreed in writing);
- b. The contamination shall be reported in writing to the Local Authority;
- c. A Remediation Method Statement shall be submitted for and approved in writing by the Local Planning Authority;
- d. The approved Remediation Method Statement shall be implemented thereafter; and
- e. Development within the vicinity of contamination shall not be occupied until a validation report is submitted to and approved in writing by the Local Planning Authority.

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 45: Dust and Noise Construction Management Plan

No development (including any site clearance works) shall take place in relation to the construction of the link road until a Dust and Noise Construction Mitigation Plan is submitted to and approved in writing by the Local Planning Authority which includes the following;

- a. Construction mitigation;
- b. Operational mitigation; and
- c. Program of delivery

The approved Dust and Noise Construction Management Plan shall be implemented in full (including the program of delivery) for the relevant phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the management of air quality impacts of the proposal in accordance with Policy DP7 of the East Staffordshire Borough Local Plan and the National Planning Policy Framework.

Condition 46: Habitat Management Plan

No development (including any site clearance works) shall take place in connection with the construction of the link road hereby approved until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the Local Planning Authority. The Habitat Management Plan (HMP) shall include;

- a. Habitat management principles for that relevant phase;

- b. Details to demonstrate a 10% minimum net gain based on the Defra Metric;
- c. Details of how the HMP would comply with 'Biodiversity Net Gain Assessment – 5203479.010';
- d. Off-site compensation for any deficit (if applicable); and
- e. Program/timetable of delivery.

The approved Habitat Management Plan (HMP) shall be carried out in accordance with the approved details (including programme/timetable of delivery) and shall be maintained/retained for the lifetime of the development unless otherwise agreed by the Local Planning Authority.

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

Condition 47 Ecological Construction Environmental Management Plan

No development shall take place in any phase until an Ecological Construction Environmental Management Plan (ECEMP) has been submitted to and approved in writing by the Local Planning Authority. The Ecological Construction Environmental Management Plan (ECEMP) shall include;

- a. Measures for protection of retained habitats;
- b. Measures for protection of off-site habitats such as watercourses;
- c. Prevention measures for accidental harm to species such as badgers and birds during construction; and
- d. Program/timetable of delivery.

The Ecological Construction Environmental Management Plan (ECEMP) shall be implemented in accordance with the approved details and program/timetable of delivery unless otherwise agreed in writing by the Local Planning Authority.

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

Condition 48: Badger Survey & Mitigation Plan

No development shall take place in connection with the construction of the link road hereby approved until an up to date badger survey including any mitigation measures and delivery program/timetable (where relevant) is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any agreed recommended mitigation measures/delivery program and timetable.

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

Condition 49: Construction Management Plan (CVMP)

No phase of the development shall commence within the relevant phase of development (including any site clearance works/groundworks), until a Construction Vehicle Management Plan (CVMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CVMP shall include the following:

- Arrangements for the parking of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Pedestrian and cyclist protection
- Wheel washing and measures to mitigate mud or debris being carried onto the highway.

The approved Construction Vehicle Management Plan shall be adhered to throughout the construction period unless otherwise agreed in writing with the Local Planning Authority.

Condition 50 - Noise Mitigation (Construction Hours)

No development/construction works shall be undertaken on any phase approved under condition 2 of 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.

INFORMATIVES

1 - Engagement

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

2 - Pre-commencement Conditions

The conditions identified below require details to be approved before commencement of the development.

Condition No's

7 -21, 25, 26, 33, 42, 43, 45, 46, 47, 48 and 49

The conditions identified below require details to be approved during the development/before the development is first occupied.

Condition No's

22, 32, 35, 36, 37 and 38

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

4 - Ecological Responsibilities

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

5- Biodiversity Enhancements (hedgehog holes/highways)

The applicant/developer is advised that it is recommended that all close boarded fencing and solid walling should have provision for hedgehog holes comprising gaps of no less than 130mm per 10m or maintain 120mm clearance from ground level.

6- Energy Saving Measures

The applicant/developer is advised that when details are submitted in relation to energy saving measures under the relevant condition that the use of ground source heat pumps and solar panels should be considered.

7- Crime

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

8- Highways (Parking)

The applicants/developer are advised that any reserved matters submissions would be expected meet the Borough Councils Parking Standards in terms of vehicle parking, electric vehicle charging installation and cycle parking/storage provision. You are also advised that should the reserved matters submission

rely on the provision of integral garaging to meet the Borough Councils Parking Standards that a condition of any such approval will be likely require that integral garaging be retained for the parking of motor vehicles and cycles at times for the life of the development. Garages included within the development should have a minimum internal dimension of 6.0m x 3.0m.

9- Layout

In respect of condition 2 any proposed layout submissions for residential development should take into consideration the guidance contained with the Separation Distance and Amenity SPD

10 - SuDs/Public Open Space

The applicant is reminded that where SuDs are to be included in any public open space allocation this should be kept to a minimum. It should be demonstrated that the open space can be utilised across the calendar year and form part of an attractive feature that will enhance the local environment.

11 - Landscaping

In respect of condition 2 and landscaping it is expected that additional heavy standard tree planting be incorporated towards the southern and western boundaries to reflect the location adjoining the National Forest in the line with the comments of the National Forest Company. The findings of the Heritage Assessment highlight the importance of retaining historic hedgerows on the site and any reserved matters application(s) should seek to ensure that these are retained as far as possible

12 - Highways (Section 7/38 Works)

The County Highway Authority advise that the 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 any 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 may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and advised to take advice on public liability insurance against claims associated with those responsibilities.

13 - Highways (Highway Works Agreement)

The County Highway Authority advises that the proposed site access works shall 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 road.adoptions@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.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

14 - Highways (Certificate of Substantial Completion by the Highway Authority)

With regard to conditions 34 and 42 above the County Highway Authority advises that the carrying out/completion of highway works in accordance with the approved details will need to be evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

15 - Highways (Community car park)

With regard to condition 32 above the County Highway Authority advise that the community car park should be in a location that is most convenient for the school and include safe routes between the school and the car park to encourage its use.

16- Severn Trent Water surface water sewer

With regard to the construction timetable details required by condition 25 above those details shall make provision for the eventually whereby if prior to commencement of the construction of the spine road the new adopted Severn Trent Water surface water sewer proposed as part of the wider development is not complete at the stage where the developer requires a surface water outfall, temporary drainage arrangements (including a implementation/retention timetable) shall be provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA).

17 - Fixed plant

The Borough Council's Environmental Health Section advise that if fixed plant (air handling/refrigeration units) are to be installed with any Local Centre use(s), then a BS 4142:2014+A1:2019 *Methods for rating and assessing industrial and commercial sound* report shall be undertaken and submitted with the relevant reserved matters application. The submission (where applicable) should also provide a Noise Mitigation Plan to be implemented as part of the development scheme.

18 - Severn Trent Water advisory

Severn Trent Water advise that there are public 750mm combined sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the

building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Severn Trent Water also advise that the applicant/developer should note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert Severn Trent Water assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

19 - Section 106

This permission is subject to a Section 106 Agreement.

25. Background papers

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

- Papers on Planning Application file ref: P/2015/00202
- Papers on Planning Application file ref: P/2017/01556
- Papers on Screening Opinion file ref: P/2021/00421
- Papers on Planning Application file ref: P/2021/00868
- The Local and National Planning Policies and Supplementary Planning Documents outlined in the report above

26. Human Rights Act 1998

26.1 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.

27. Crime and Disorder Implications

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

28. Equalities Act 2010

28.1 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: Emily Summers
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