

<b>Agenda Item:</b>	5.4
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<b>Site:</b>	Hazelwalls Farm Timber Lane Uttoxeter
<b>Proposal:</b>	Erection of residential dwellings (Use Class C3) with associated infrastructure (additional 21 dwellings on the site above that approved under P/2015/01497 for 429 dwellings)

### Report of Head of Service (Section 151 Officer)

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

### [Hyperlink to Application Details](#)

<b>Application Nos.</b>	P/2021/00728	
<b>Planning Officer:</b>	Emily Summers	
<b>Type of Application:</b>	FULL	
<b>Applicant:</b>	Barratt David Wilson Homes Mercia	
<b>Ward:</b>	Town	
<b>Ward Member (s):</b>	Cllr S J McGarry Cllr G Allen	
<b>Date Registered:</b>	13/7/2021	
<b>Date Expires:</b>	28 <sup>th</sup> February 2022 (with extensions of time)	
<b>Reason for being on Agenda</b>	Public interest - Original approval for the Hazelwalls scheme was reported to Planning Committee.	
<b>Officer Recommendation</b>	<b>Approval</b> , subject to conditions and a Deed of Variation to the original S106 Agreement	

## 1. Executive Summary

- 1.1 The Hazelwalls development in Uttoxeter was approved in 2019 subject to a Section 106 Agreement for 429 No. dwellings, along with associated public open space, landscaping, drainage attenuation areas and access roads (under application ref: P/2015/01497). The overall site, which extends to some 24.37 ha, comprises an eastern parcel - being a continuation of Sorrell Close - and a western parcel to the south of Westlands Road/Oaklands Grove/Chartley Gate Close/Stanway Close.
- 1.2 The lands the subject of the current application relates to two separate areas (amounting to 5.01ha) within the western parcel. These areas of land will be referred to as Areas A and B within this report (and are shown on the Plan below).
- 1.3 The application scheme proposes the 're-planning' of the housing layout in Areas A and B to provide for an additional 21 No. dwellings; with this being a combined

total increase from 156 to 177 dwellings in the Areas. Therefore, the Hazelwalls development as a whole would increase from 429 No. dwellings to 450 No. dwellings and have an increase in density from 17.59 to 18.25 dwellings per hectare.

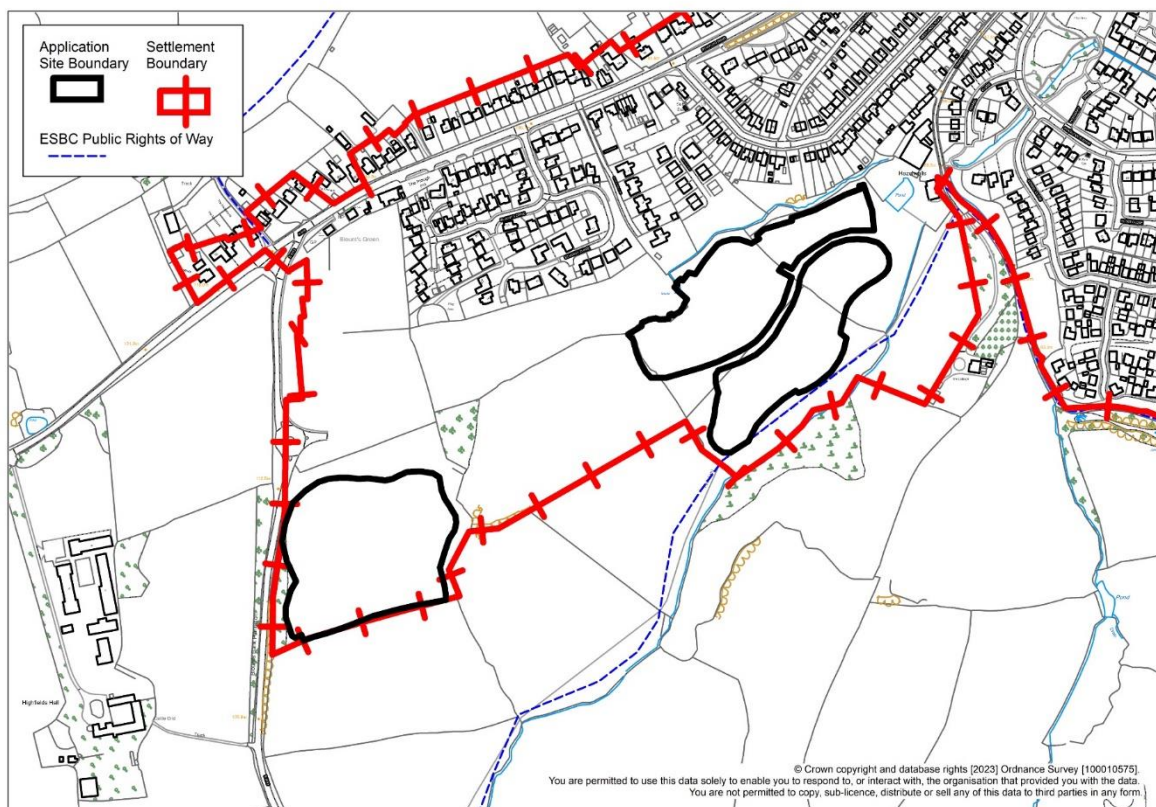
- 1.4 The application as originally submitted was for an additional 32 No. dwellings, however, during the course of the application this has been reduced to 21 No. following concerns raised by officers about visual and residential amenity impacts.
- 1.5 Statutory consultees have raised no technical objections that cannot be overcome by way of planning conditions.
- 1.6 Uttoxeter Town Council have raised objections on the proposals in relation to highway safety, insufficient affordable housing, insufficient parking and air quality impacts. Uttoxeter Town Council have also requested that if approval is given that additional safety measures be provided on surrounding roads and there be commuted sum contributions towards green corridors and the town cemetery.
- 1.7 There have been 12 no. representations (over two rounds of consultation) received from local residents with the main grounds of objection being the impact on highways, drainage and the principle of the application.
- 1.8 The representations of all interested parties and the Town Council are addressed in the Assessment element of this report.
- 1.9 In sustainability terms given the site is wholly within an approved Sustainable Urban Extension it is considered that the provision of additional dwellings constitutes appropriate development in principle in line with National and Local planning policies for the delivery of new housing.
- 1.10 It is also considered that the scheme would not adversely affect existing and future residential amenities, biodiversity or ecology interests. There are also no drainage, flood risk or contamination concerns or highway safety/parking issues raised by statutory undertakers that cannot be addressed by appropriate mitigation measures or have been addressed as part of the wider already approved development.
- 1.11 As per the original approval, in terms of the impacts on heritage assets it is considered that in balancing the identified less than substantial harm on the setting of the nearby Grade II listed old pound stones and milepost against the public benefits of the proposed development, as required by Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework, that this limited harm is clearly outweighed by the public benefits of the proposal in terms of the delivery of new housing. The archaeological impacts of the scheme have been appropriately addressed by the original approval.
- 1.12 An associated Deed of Variation to the original Section 106 Agreement would secure additional commensurate financial contributions in relation to affordable housing, education provision, sports provision, healthcare provision, refuse storage and Cannock Chase SAC impact mitigation. The Deed of Variation will

also provide for the established management company to maintain the SuDs infrastructure that is otherwise not adopted by statutory bodies.

- 1.13 Accordingly, it is considered that the scheme complies with the aims and criteria of the relevant policies from the Local Plan, the policies of the 'Made' Uttoxeter Neighbourhood Plan, the Borough Council's Supplementary Planning Documents (SPDs) and the National Planning Policy Framework.
- 1.14 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 deed of variation 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.**

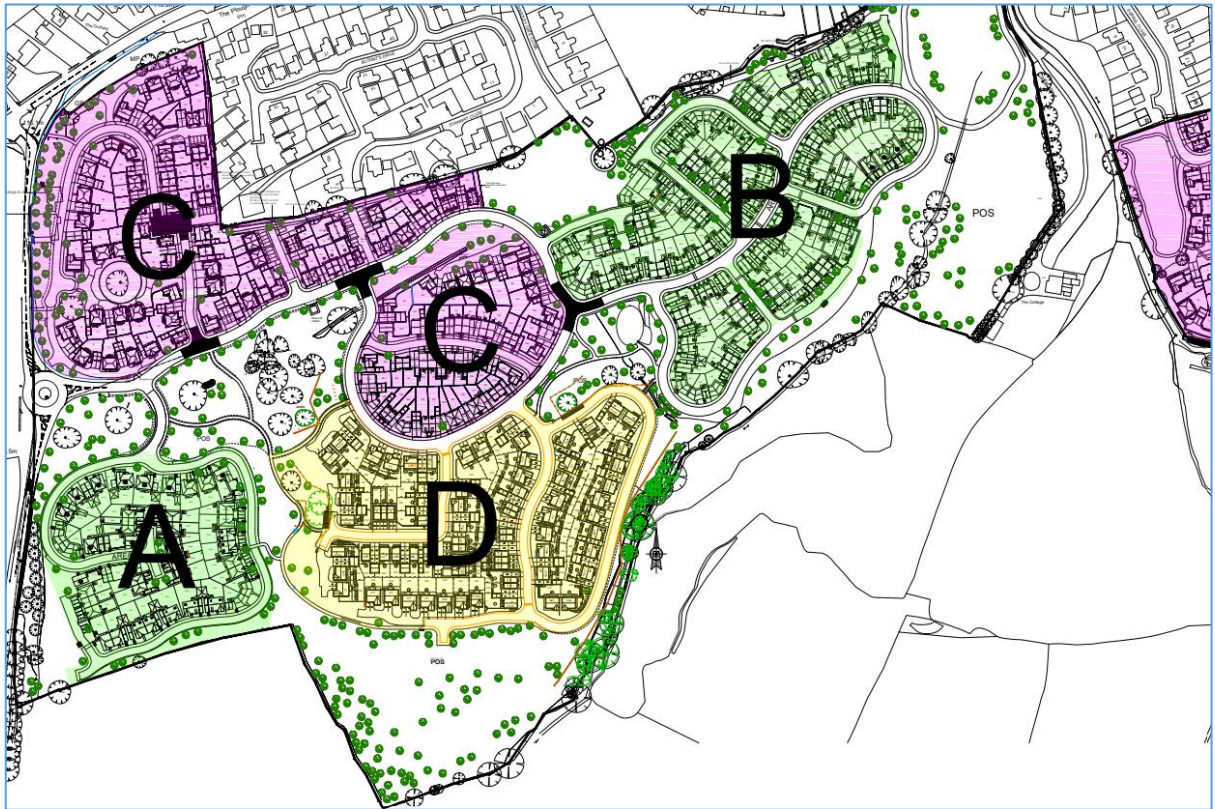
Map of the site(s)



## 2. The site description

- 2.1 The residential development at Hazelwalls Farm lies to the south west of Uttoxeter and is largely allocated in the Local Plan as a Sustainable Urban Extension site (under Policy SP7), although a southern portion of the approved scheme lies outside the settlement boundary as defined by Policy SP2.
- 2.2 The wider Hazelwalls site comprises two parcels of former agricultural land. The eastern parcel comprises 3.07 ha of land bounded by existing dwellings to the north on Sorrell Close, Elder Close, Silver Birch Drive and Demontfort Way. This site is solely accessed through Sorrell Close and the development on this part of site is substantially complete.
- 2.3 The western parcel (the subject of this application) comprises 21.3ha of land which is bounded to the north by residential properties on Westlands Road, Oaklands Grove, Stafford Road (A518), Chartley Gate Close, Stanway Close and Blounts Drive; by Timber Lane to the east; by Abbots Bromley Road (B5013) to the west and agricultural land to the south. The site is accessed off the B5013 via a new vehicular access and roundabout. Recent highway works in connection with the development had resulted in the B5013 junction with Stafford Road (A518) becoming signalled.
- 2.4 The eastern and western parcels of land are separated by Timber Lane and a privately owned residential property and associated access track.
- 2.5 The lands the subject of the current application relates to two separate areas (amounting to 5.01ha) within the western parcel of the approved development. These lands are referred to as Areas A and B throughout this report and are shown on the plan below for ease of reference.
- 2.6 The plan also shows Areas C and D which form the remainder of the western parcel. Area C is being developed by the applicant (with dwellings under construction) and Area D is being developed by Taylor Wimpey Homes (with earthworks presently being undertaken). The eastern parcel, which is unaffected by this proposal, is also (partially) shown on this plan for information.
- 2.7 Area A is located in the south western corner of the approved site, bounding the wider approved boundary to the south and then the open countryside beyond. To the north of Area A is approved public open space and a landscaped strip to Abbots Bromley Road to the west. In terms of topography this is the uppermost part of the site with the lands rising steeply north to south (up from Area C).
- 2.8 Area B is located within the eastern part of the western parcel and is dissected by the approved road layout with landscaping strip/ditch to the north beyond which is established residential areas. Area B is bounded by public open space to the south and east with the approved built form on the Hazelwalls site bounding the site to the west.





- 2.9 The topography of the land with the parcels (and wider site) varies with several undulations creating valleys and areas of higher ground generally in the west and southern portions.
- 2.10 On the northern boundary with Stanway Close there are four mature Oak trees that are the subject of a Tree Preservation Order (TPO 81). Both the western and eastern parcels are bound primarily by hedgerows and there are a number of mature trees, both on the boundaries of the sites and within the sites themselves. There is a copse of mature trees located in the western portion of the larger parcel of land and a second area of trees to the western boundary adjacent to the B5013.
- 2.11 There is an existing Public Rights of Way (PRoW) that runs along the southern boundary of the site (No.16). Under the wider approved scheme, the PRoW will be slightly diverted so that it runs along the southern boundary within the approved Public Open Space. This Application will not impact on the proposed diversion of the PRoW.
- 2.12 The closest designated heritage assets are the Grade II listed Old Pound at the junction of Stafford Road/Abbots Bromley Road and the Milepost at Blounts Green, each located to the north west of the Site.
- 2.13 There are no statutory ecological designations within the area. The nearest designated site is Cox Bank Farm Site of Biological Importance which is located immediately adjacent to the south of the Site
- 2.14 The site is located within Flood Zone 1 and within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC).

### 3. Relevant Planning History

- 3.1 In February 2019 planning permission ref: P/2015/01497 was approved for the erection of 429 No. dwellings, along public open space, landscaping, drainage attenuation areas, access roads and associated works and the demolition of existing buildings. 70 no. dwellings are to be developed on the eastern parcel and 359 no. dwellings have been approved on the western parcel.
- 3.2 The off-site infrastructure and commuted sum contributions secured through this permission as part of the Section 106 agreement were as follows;
- Affordable housing contribution (being the required 33% - consisting of 15% (64 No. dwellings) on site and a financial contribution for off-site provision (£3,102,800)
  - Education – commuted sums for first school (£1,047,945) middle school (£608,388), high school education (£365,684)
  - Commuted sum for health provision £152,160 – for improvements to health provision at the Balance Street and Northgate Surgeries.
  - Sports Contribution – £369,082 improvements of sports provision at the Uttoxeter Sports Hub and Uttoxeter Leisure Centre.
  - Open Space and Play equipment with Management Company/Maintenance Scheme (on site)
  - Commuted sum (of £11,300) for footpath enhancement works (lit surfaced pedestrian/cycle link from the footway network section in Site A across the Blounts Drive play area to the adopted highway at Blounts Drive and the widening of the existing footpath between Fennel Close and Timber Lane)
  - Provision of bus service
  - Travel Plan – fee for monitoring and review
  - Refuse containers (to be paid prior to occupation of any dwelling)
- 3.3 In August 2020, a Section 73 application ref: P/2019/00600 by David Wilson Homes/Barratt Homes was approved for alterations to the site layout and individual house designs on the western parcel.
- 3.4 Subsequent to these approvals there have been series of submissions by David Wilson Homes/Barratt Homes to discharge the relevant pre-commencement conditions. The conditions have now all been formally discharged.
- 3.5 Having acquired Area D (on the western parcel) Taylor Wimpey Homes have secured a Section 73 approval (under application ref: P/2021/00492) for the substitution of house types on Plots 182-259 and associated garaging. Discharge of conditions applications have now been submitted by Taylor Wimpey Homes and are awaiting determination at the present time (although these do not impact on Areas A and B).

#### 4. The Proposal(s)

- 4.1 Full planning permission is sought for 21 additional dwellings within Areas A and B of the western parcel of the Hazelwalls site; with this being a combined increase from 156 to 177 dwellings in the Areas concerned. Therefore, the Hazelwalls development as a whole would increase from 429 no. dwellings to no. 450 dwellings and have an increase in density from 17.59 to 18.25 dwellings per hectare.
- 4.2 The means of access to the application site (Areas A and B) would be from the B5013 as approved under the original approval. Both parcels will connect into the wider approved scheme's access roads which will provide a new vehicular, pedestrian and cycle access off B5013 to the west.
- 4.3 The proposed re-planning scheme provides a mix of designs and house types - detached, semi-detached and terraced dwellings - being a combination of 1.5 storey, 2 storey and 2.5 storeys in height. The building materials would comprise three no. different types of brick for dwellings and associated walling (Audley Red Mixture, Hardwick Oakham Blend, Welbeck Village Blend) and three no. roof tiles (Grampian Peat Brown, Lothian Peat Brown and Lothian Smooth Grey). 18 No. dwellings are to be built to M4(2) standards.
- 4.4 The below table shows the approved housing numbers/mix and that proposed by the increase in dwellings across the site.

	1 bed	2 bed	3 bed	4 bed	5 bed	Elderly	Total
2018 Approval (whole Hazelwalls site)	8 2%	72 17%	134 31%	215 50%	0 0%	10 2% (10 no. 2 beds bungalows)	429
2022 Proposals (Areas A and B only)	10 5%	61 35%	71 40%	33 19%	2 1%	18 10% (11 no. 2 bed bungalows, 4 no. 3 beds, 3 no. 4 bed bungalows)	177
2022 Proposal with 2018 approval (composite for whole Hazewalls site)	18 4%	101 22%	138 31%	191 42%	2 1%	18 4% (11 no. 2 bed bungalows, 4 no. 3 beds and 3 no. 4 bed bungalows)	450

- 4.5 The 're-planned' areas include 22 No. of the affordable housing units; therefore resulting in 68 No. in total across the whole Hazelwalls site (15%).
- 4.6 The proposal includes off-road parking provision for all dwellings in the form of garaging/drives. Cycle storage is also proposed to those properties without garages by way of sheds and the additional 21 No. units are to have electric car charging points.
- 4.7 The proposals include regrading works to the existing land levels and these principally involve cutting in works within Area A (as was similarly proposed on the previously approved scheme).
- 4.8 Full landscaping plans have been submitted with the proposals and include tree, hedgerow and shrub planting to front/side gardens within the public realm. Other boundary treatments proposed include brick walls, timber close boarded fences and knee rail fences. There are retaining walls with fencing above to be constructed as part of the development of Area A.
- 4.9 The applicants state in their supporting documentation that the scheme has been submitted to reflect a change in market conditions where there is now a demand for smaller dwellings and thus in percentage terms there are now more 3 no. bed dwellings and fewer 4 no. bed dwellings (as shown in the table above).
- 4.10 As part of the wider approved scheme Public Open Space (POS), landscaping and attenuation will be delivered to the east of the eastern parcel and residential properties to the west. This includes an equipped play area and two SUDs attenuation ponds. The current application proposals do not impact on these elements of the wider approved scheme. An additional 0.39 ha of POS is provided as a result of the reconfiguration of Areas A and B.

#### **List of Supporting Documentation**

- 4.11 The documents listed below were provided as part of the final application submissions;
- Design and Access Statement (original and revised)
  - Ecological Appraisal and Update Note
  - Health Impact Assessment Scoping Statement
  - Arboricultural Impact Assessment
  - Flood Risk Assessments (original and revised) with associated supplementary documentation.
  - Drainage Strategy Report
  - Car Parking and Refuse Strategy
  - Transport Assessment and Update Note
  - Air Quality Assessment and Update Note
  - Planning Statement (original and revision)
  - Statement of Community Involvement
- 4.12 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	Uttoxeter Town Council	<p>Objects to the planning application due to the following:-</p> <ul style="list-style-type: none"> <li>(a) Increased density of proposed development;</li> <li>(b) The traffic assessment utilises forecasts and data compiled in October 2015 based on traffic flows at the single site of Foxglove Avenue;</li> <li>(c) Serious safety concerns regarding the Stafford Road which will be exacerbated by the additional traffic flows from this site;</li> <li>(d) Air quality deterioration with the increased volume of traffic. The applicants base their assessments of air quality on the data from 2015 which is now out of date and are relying on an assumption that emissions will decrease overall in years to come. There is no solid evidence for this;</li> <li>(e) Insufficient Affordable Housing;</li> <li>(f) Insufficient number of property parking spaces and no allowances have been made for visitor parking;</li> <li>(g) The application has discrepancies in terms of the actual number of additional dwellings being proposed; with it being unclear if 21 or 22 dwellings are proposed.</li> </ul> <p>Town Council requests if permission is granted that:-</p> <ol style="list-style-type: none"> <li>1. Semi permeable surfaces are utilised as much as possible</li> <li>2. Bat boxes, swift bricks and hedgehog access holes are incorporated in the build</li> <li>3. A Section 106 condition is applied by ESBC under the criteria of Town Centre Public Realm Improvements and Community Priorities. The level of funding is to be agreed between ESBC and UTC and is for the purpose of:- <ul style="list-style-type: none"> <li>I. Providing and installing, or providing the funding for additional road safety/community enhancement measures for traffic calming measures on the Stafford Road and adjoining roads;</li> <li>II. Providing and installing, or providing the funding for benches to facilitate enhancement of the Town's green corridors and to provide safe walkways to assist with the promotion of benefits to health for all ages and abilities;</li> <li>III. Contributing to the additional costs of the Council-owned Cemetery.</li> </ul> </li> </ol>

5.4	SCC Highways	No objections subject to conditions.
5.5	SCC Education	No objection subject to contribution of commuted sums towards first and middle school places
5.6	SCC Archeology	No objection.
5.7	SCC as the Local Lead Flood Authority	No objections in principle but require that a maintenance regime is put in place for the surface water drainage.
5.8	Environment Agency	Has no comments to make regarding this proposal as it lies outside of their remit (and defer to the Local Lead Flood Authority)
5.9	Severn Trent Water	No objection
5.10	Architectural Liaison Officer	No object – with crime mitigation recommendations made (included note to applicant)
5.11	CCG (Health)	No objection subject to contribution towards local GP practices.
5.12	SCC Ecology	No objection subject to conditions
5.13	Forestry Commission	No objections to the scheme
5.14	SCC Rights of Way Officer	Comment that it should be ensured that due regard is given to users of the Public Right of Way (Uttoxeter Town No.16) that runs along the southern boundary of the wider site.

Internal Consultees		Response
5.15	Environmental Health	No objection subject to conditions to address noise and dust during the construction phase along with land contamination mitigation.
5.16	Housing Strategy	No objections
5.17	Waste	No objection – in requiring that each dwelling should be provided with appropriate waste/recycling bins
5.18	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 11 (from 9 residents) no. representations were received as part of the initial neighbour consultation with a further 3 no. objections received as part of the re-consultation of the amended plans have been received with the planning objections raised to the scheme summarised below;

Neighbour responses	
Principle	<ul style="list-style-type: none"> <li>• It is of higher density in comparison to the approval</li> <li>• Adopted ESBC Local Plan states that site was for 400 dwellings. Approval of the new scheme would result in a 12.5% increase over the Local Plan allocation.</li> <li>• Planning committee have already allowed 70 dwellings to be built outside of the settlement boundary on the Hazelwalls site and now they want to increase numbers further on the site</li> <li>• The applicants claim that the increase is due to there not being market demand for 4 bed dwellings; it is questioned as why such market research was not conducted at the time of the original consent.</li> </ul>
Impacts on Residential Amenity	<ul style="list-style-type: none"> <li>• Existing residents are already being detrimentally affected by the construction of the development</li> </ul>
Highways Impacts	<ul style="list-style-type: none"> <li>• 5% traffic increase coming from B5013 onto the A518.</li> <li>• The traffic modelling is based on an '<i>incorrect junction layout</i>' on the B5013/A518 and therefore the conclusions are erroneous. The applicant has not taken into account the effect on the revised signalled junction layout that has been implemented.</li> <li>• Transport Assessment uses old data (2011 Census)</li> </ul>
Flood and drainage impacts	<ul style="list-style-type: none"> <li>• There will be a decrease in natural drainage</li> <li>• It is questioned who will maintain the culvert and its environs</li> <li>• Drainage and flooding issues will arise</li> <li>• Developer has not discharged the drainage conditions on the original consent</li> </ul>
Impact on Visual Amenity/Natural environment	<ul style="list-style-type: none"> <li>• Areas of the site are untidy</li> <li>• The scheme will impact on biodiversity and trees</li> </ul>
Other	<ul style="list-style-type: none"> <li>• Clarity is needed regarding Section 106 contributions.</li> <li>• There is confusion over the dwellings being proposed</li> <li>• It is questioned as to whether the fence will be replaced on boundary to the site.</li> </ul>
Ward Members	No comments received

- 6.2 One of the representations raises objections on the principle of the development, in particular that the '*slot in, slot out*' approach being proposed by the application is not recognised by planning legislation and states that the examples of similar approaches in other LPAs can only be found where the two sites could be developed independently. It is therefore contended that the approval of the current scheme would render the original permission unlawful.
- 6.3 The *slot in, slot out* relates to Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30. Members are advised that the '*slot in/slot out*' approach to the scheme – namely the re-planning Areas A and B - has been agreed as being an acceptable approach by the Council's solicitor and this application is not a significant departure from the original scheme, further to submissions made on behalf of the applicants. The approach is therefore considered lawful and can be determined.
- 6.4 One of the representations raised concerns about a lack of public engagement by the developer in relation to the proposals. Members are advised that the application is accompanied by a Statement of Community Involvement which indicates that a virtual public consultation on the (then) proposed revisions was carried out in June 2021 (due to the pandemic) - which was publicised via a leaflet - to 900 properties - and advert placed in the Uttoxeter Echo. The Borough Council has of course fulfilled its statutory obligations on the application (as outlined in paragraph 6.1 above).

## 7. Policy Framework

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
- SP3: Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- SP7 Sustainable Urban Extensions
- SP8 Development outside settlements
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP22 Supporting Communities Locally
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- 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
- 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, and Conservation Areas and Archaeology
- DP7 Pollution and Contamination
- DP8 Tree Protection
- DP11 Cannock Chase SAC

### Supplementary Planning Documents

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

### Made' Uttoxeter Neighbourhood Plan

- Policy D1 - Residential Design
- Policy D3 - Space between buildings
- Policy T1 - Sustainable Transport
- Policy T2 - Links to the Town Centre
- Policy T3 - Parking Standards
- Policy T4 - Traffic and Town Centre
- Policy L2 - Local Green Spaces
- Policy L3 - Public Open Space
- Policy E1 - Uttoxeter's Network of Green Infrastructure
- Policy E2 - Landscape and Setting
- Policy E3 - Green Links
- Policy E4 - Heritage
- Policy H2 - Housing Mix and Standards
- Policy C2 - Health Provision
- Policy C3 - Education and Childcare Provision

## **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

- Impact on heritage assets
- Highway Matters
- Flood Risk and Drainage
- Climate Change/Energy efficiency etc
- Biodiversity (including impacts on Cannock Chase SAC).
- 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 are as at 30<sup>th</sup> 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 The Local Plan identifies a number of sustainable urban extensions which are expected to meet a variety of principles set out in Strategic Policy 7. The substantive part of the development site at Hazelwall is identified in Strategic Policy 7 as a '*smaller sustainable urban extension (SuE)*.'

- 8.8 Policy SP8 relates to lands outside the settlement limits and normally provides a presumption against development unless in relation to specific categories. A portion of the southern area of the approved Hazelwalls development site lands lies outside the Settlement limit as defined in the Local Plan.

### **Assessment**

- 8.9 The principle of residential development on the application site, including the land area outside the settlement boundary, has already been established under extant Planning Permission ref: P/2015/01497 for the Hazelwalls site and therefore the provision of additional dwellings within the approved extent of the site is considered acceptable in principle subject to the below considerations.

## **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 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. Policy SP8 also sets out criteria in terms of the visual impacts of any development on the countryside.
- 9.4 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 9.5 Policy DP1 of the Local Plan re-iterates the design principles set by Policy SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 9.6 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which

employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.

- 9.7 The East Staffordshire Design Guide is equally applicable to the policy aspirations of Policy SP24. It states that:
- a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
  - b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
  - c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
  - d) Repetitive house types should be avoided;
  - e) The cramming together of large numbers of detached properties should be avoided.
  - f) High proportions of frontage car parking will not be acceptable.
- 9.8 Policy E2 (Landscape and Setting) of the Uttoxeter Neighbourhood Plan indicates inter alia that new development should protect and where appropriate enhance the landscape setting of the town, and with a particular emphasis on the Picknal, Tean and Dove valleys. Policy E2 also states that planning applications that would result in the loss or fragmentation of this setting will not be supported. Planning applications that sensitively manage flood risk issues will be supported. All planning applications should demonstrate the extent to which they have respected and reinforced historic landscapes in general, and field patterns in particular.
- 9.9 Policy D1 (Residential Design) of the Neighbourhood Plan sets out the following criteria for what schemes should seek to do:
- 1) *Deliver a strong network of green and blue infrastructure, improving biodiversity and appropriate public and private spaces*
  - 2) *Reinforce character and identity through locally distinctive design and architecture*
  - 3) *Establish a gateway to the site and, where appropriate, to the town itself*
  - 4) *Establish a clear hierarchy of streets and spaces including pedestrian priority routes and integrated existing footpaths*
  - 5) *Deliver a scale, mass and density commensurate with the surrounding townscape (particularly for apartment proposals)*
  - 6) *Establish a sensitive transition with the wider landscape where a new settlement edge is created*
  - 7) *Use sustainable drainage systems and water management, through water catchments and green spaces to avoid increasing surface water run-off into watercourses to alleviate flooding and improve water quality.*

*Where appropriate developers should demonstrate how they have addressed their criteria through the use of masterplans, design coding and design briefs for specific sites. In appropriate circumstances planning conditions may be placed on planning applications to ensure that any design codes and planning briefs are respected as part of the development concerned.*

9.10 Policy D3 of the Neighbourhood Plan aims to see quality public realm between developments and the relevant part of Policy D3 to this application indicates that appropriate contributions will be sought from developments to establish a high quality environment within streets and public spaces. Applications which offer high standards of public realm design as part of residential, and town centre developments – specifically on the key sites identified in Policy TC2 - will be strongly supported, subject to meeting the other policies of this Plan and the Local Plan. Schemes should ensure routes and spaces are well lit and subject to passive surveillance. Applications must provide a materials palette consistent with that found in the Uttoxeter vernacular.

### **Assessment**

9.11 The wider development proposal was informed by a comprehensive Landscape and Visual Impact Assessment, which identifies the rural character of the site on the edge of the southernmost part of Uttoxeter. The study also identifies key views of the town and important landmarks such as St Mary's Church and the distant ridgeline of the Dove Valley which have been acknowledged in the design of the scheme to provide views through the development to the local features and landmarks. The approved development was designed to keep a rural feel to the site, with a considerable provision of public open space which is situated predominantly in the southern portion of the larger site to maintain a transition between the development and the prevailing open countryside.

9.12 In terms of the current scheme the proposed increase in dwellings in Areas A and B are not considered to be likely to have any significant change in terms of the wider locality (in comparison to the approved scheme). The development remains wholly within the boundaries of the approved Hazelwalls development and would not result in the loss of any landscape buffers. On the southern boundary the use of bungalows and two storey accommodation in dormer window mitigates the visual impacts. The dwellings themselves are set back from the southern boundary; indeed further back than those on the approved scheme.

9.13 The form and layout of the proposal therefore also necessarily takes into account of the wider in local topography; coupled with the retention of most existing mature trees and the generous areas of open green space and proposed landscaping to the rural edge of the development; the proposed development will be sympathetic to and in context with the approved development, existing built form of the town and will not therefore not have a significant adverse impact on the local landscape.

9.14 The scheme layout includes a wide range of house types, styles and materials that will give variety in appearance across the site. No part of either Area A or B is dominated by a particular house type or design, and the layout of the road network enables properties to be positioned at varying angles to the highway, to give a more interesting character to the development. This will assist in providing a sense of character and sympathetically reflects the character of the dwellings throughout the locality. Within Area B land regrading works are relatively minimal. In Area A, the works involve cutting into the land levels and the construction of retaining walls.

- 9.15 Car parking has been proposed to both the fronts and sides of dwellings to break up the proliferation of hardstanding, particularly to dwellings which are most prominent in street scene vistas. Where this has not been possible robust landscaping is proposed to ‘break’ these areas up.
- 9.16 The overall density for the whole site through the re-plan increases from 17.59 dwellings per hectare to 18.25 dwellings per hectare which is not considered to be overdevelopment.
- 9.17 A comprehensive landscaping strategy is proposed throughout the development and a mixture of hard and soft landscaping is proposed. The proposal will integrate into this through the proposed landscaping plans which include native and amenity species shrub planting, infilling of existing hedgerows, retention of existing trees and additional tree planting. Overall the development will have attractive walking links to the open space and wider locality. Where properties are located close to public open spaces they have been designed to front these areas to provide surveillance and active frontages. All public spaces will be maintained by a management company.
- 9.18 In addition to the proposed strategic landscaping, the proposal will also include some planting within the plots at the front and rear to help to soften the character and appearance of the development, and to integrate it into the locality. However, the landscaped buffer zone will provide a significant area of accessible open space and landscaping, that will further help to integrate the development into the area and help to retain some of the existing planting features on the site. The proposals will not impact on the four mature Oak trees to the common boundary with Stanway Close.
- 9.19 Based on the above assessment it is considered that the design and layout of the proposed development, together with the proposed landscaping proposals across the wider site, are acceptable and provides a development that will be integrated into the existing approved layout and the wider landscape. It is considered that the overall development as amended by this proposal will still provide a balance of built form and landscaping that will help to maintain a sense of open space around the edge of the site and integrate into the wider built environment.

## **10. Impacts on Heritage Assets**

- 10.1 The NPPF indicates that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 10.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to

or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 10.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 10.4 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.
- 10.5 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 10.6 Policy D4 (Heritage Assets) of the Neighbourhood Plan requires that all new development must take account of its impact on heritage assets across the Neighbourhood Plan Area - both designated and non-designated - seeking to protect and enhance them.

### **Assessment**

- 10.7 Having regard to the relationship with heritage assets, the Uttoxeter Conservation Area is located approximately 630m to the north east of the Hazelwalls development. The nearest listed structures are located immediately adjacent to the wider development site; the closest being the old pound stones which are at the junction of the B5013 Abbots Bromley Road and the A518 Stafford Road and a milepost located on the verge of Stafford Road.
- 10.8 The statutory list entry for the Grade II Listed old pound stones indicates that it is thought to date back to the late 18th Century and comprises a group of 12 rough-hewn tapered stone posts each with sockets which housed 4 rails on each side of a square enclosure. It is recognised that this location may not have been their original siting, as it is thought that they may have originally stood in Pinfold Street and were subsequently moved to the current site, however it is not known when.
- 10.9 The Grade II listed milepost located adjacent to Stafford Road survives in its original location and forms part of a number such mileposts many of which are listed, marking out routes. The mileposts are reminders of the growing importance of road transport of people and goods in the 19th Century. The chapels located in the cemetery approximately 270m to the North West are also



Grade II listed and date to around 1870. The gothic style buildings sit within the cemetery grounds adjacent to the roundabout on Stafford Road.

- 10.10 Views of other listed buildings in the town centre, including the Grade II\* listed St Mary's Church (with its prominent spire) and properties on Balance Street, are visible from the western and southern reaches of the overall development site where the land rises up to its highest points.
- 10.11 Having regard to the circumstances set out above – and as recorded in the Committee report in 2019 - it is evident that the development as a whole will have an impact upon the setting of listed buildings/structures within the vicinity given both the proximity of the listed buildings/structures directly adjacent to the Hazelwalls site and the distant intervisibility between the site and listed buildings located within the town centre. It is not, however, considered that the changes to the layout proposed by the current scheme will have a greater material impact on those heritage assets than the approved scheme.
- 10.12 Specifically, with regard to the nearest listed buildings - the old pound stones and the Milepost on Stafford Road - it remains the case that their settings are mostly impacted upon by the approved highway infrastructure associated with the already approved development (including traffic lights and footpath works). Even then it is considered that these listed structures will retain their visual prominence in the locality and there will only be limited harm from the proposed development. In addition, the built form of the residential development proposed in the application site (including Area A) remains set back from the Abbots Bromley Road behind a landscaping strip to retain the rural character of the area and to ensure that the setting of the listed pound stones and mile post are not significantly compromised by the proposed residential development.
- 10.13 With regard to the impact upon the setting of the cemetery chapels, there is no direct inter-visibility between the development and the chapels given the topography of the area and it is not considered that there will be any direct impact upon their setting as a result of the development.
- 10.14 The listed buildings within the town centre - with its conservation area designation - are visible in the distance from the higher points of the development site. Nevertheless, whilst there is some visibility from the site towards the town centre/conservation area, the separation distances and the density of development between these heritage assets and the application site provide a significant visual separation which means that the scheme would have no direct impact upon setting of the heritage assets concerned.
- 10.15 It is considered that in this case, both the statutory duties under Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been engaged and the historic environment implications of the proposed development have been assessed.
- 10.16 With regard to the archaeological impacts, the assessment submitted with the approved (2019) scheme identified the presence of historic land features and earthworks within the site; including a medieval moated site (Blounts Hall) and ridge and furrow (the remnants of medieval and post-medieval ploughing). Accordingly, to take into account the demonstrable archaeological potential and scale of the development, a condition was attached to the 2019 approval to secure a programme of archaeological recording works. This condition has now

been fully discharged with the agreed fieldwork having been undertaken, documented and published and therefore the County Archaeologist has no objections.

- 10.17 In conclusion, there are significant public benefits arising from the proposal including the provision of housing, community infrastructure and services and green infrastructure. It is also necessary to lessen adverse impacts on heritage assets and provide appropriate mitigation as far as possible. In balancing the identified harm against the public benefits of the proposed development, as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework, it is concluded that whilst there is limited harm to the setting of designated heritage assets, when weighed in the balance, the considerable importance and weight which has to be given to any harm to heritage assets is, in this instance, clearly outweighed by the public benefits of the proposal.

## **11. Residential Amenity**

### **Relevant Policies**

- 11.1 The National Planning Policy Framework and DP1 and DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 11.1 The NPPF 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.
- 11.2 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.
- 11.3 Policy DP7 of the Local Plan states that planning permission will only be granted planning permission where they will not give rise to, or be likely to suffer from, land instability and/or unacceptable levels of pollution in respect of noise or light, or contamination of ground, air or water.

### **Assessment**

- 11.4 The nearest existing residential dwellings to Area A are located on Westlands Road and Oaklands Grove to the north of the site. The proposed separation distances between the proposed dwellings and these existing dwellings are in accordance with the standards contained within the SPD (being at least in excess of 21m). It is further noted that there will be a landscaping strip provided between these properties provided by additional planting/retained trees and vegetation. There are no established dwellings adjoining Area B.
- 11.5 Within the re-planned application site (Areas A and B) itself, the properties are provided with adequate private rear garden areas, with separation distances between dwellings meeting the standards as set out in the Separation Distances and Amenity SPD. The scheme will have a satisfactory

relationship with the new build dwellings approved and proposed for Areas C and D.

- 11.6 In terms of their room sizes all of the affordable housing units accord with the standards as set out in the Separation Distances and Amenity SPD, and the slight shortfall in storage to the dwelling units is compensated by the provision of sheds in rear gardens. In respect of the proposed market housing the internal standards largely accord with the guidance set out in the relevant SPD. Five house types fall below the SPD standards in relation to living/dining/kitchen areas.
- 11.7 However officers do not consider the application could be refused on this basis given that these dwellings are situated in large plots with scope for future ground floor extensions (to provide additional living space if required by the owners/occupiers upon their occupation). It is also recognised that the purchases of the dwellings would also be *au fait* with the size of the accommodation to which they would be buying. It is noted that all dwellings conform to the National Described Space Standards.
- 11.8 The proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them an unacceptable loss of light or privacy or any overbearing or overshadowing impacts. The scheme is therefore in line with the overall aims of the provisions of Local Plan Policies SP1, SP24, DP1 and DP3, the Uttoxeter Neighbourhood Plan, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, and the NPPF.
- 11.9 A Construction Management Plan has been approved under discharge of condition applications and remains relevant for the revised proposals. Subject to compliance with this document it is not considered that the proposed increase in dwellings would result in a significant increase in noise and disturbance over and above the construction of the existing approved scheme of works.
- 11.10 An Air Quality Addendum to the original assessment has been submitted. This concludes that the construction of additional dwellings would not change overall dust impact risks provided that the package of mitigation measures set out in the original report are adhered to. In respect of air pollution it is considered that the small increase in traffic flow would be offset by the decrease in omissions (due to improved vehicle technologies and increasingly stringent limits on emissions). The Borough Council's Environmental Health team have not raised objection to the proposals subject to appropriate mitigation conditions.

## **12. Climate Change and Sustainability (energy efficiency and low carbon)**

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

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,

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

12.2 The recently adopted Climate Change SPD looks to secure measures in developments to mitigate climate change, this includes the provision of green infrastructure, water management, use of renewable and low carbon energy, promotion of sustainable travel and active travel and sustainable practices in construction.

12.3 The wider scheme on western site proposes the incorporation of a Sustainable Urban Drainage System (SUDS) and ecologically sensitive design features as recommended in the approved ecology report. The measures include the provision of bat boxes and bird boxes and appropriate landscaping and lighting schemes to limit the impact upon ecological interests within the area. The proposals also include the provision of electric car charging facilities to the additional 21 No. dwellings proposed.

12.4 The Applicant has confirmed that other energy saving measures are to be installed within dwellings including ‘A’ rated boilers and other appliances where applicable and the use of water saving measures such as flow restricted showers and taps and reduced capacity baths and toilets to meet Building Regulation Standards.

## **13. Highways Matters**

### **Relevant Policies**

13.1 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.

- 13.2 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.
- 13.3 Policy T1 (Sustainable Transport) of the Neighbourhood Plan states that all applications, regardless of scale, should consider their wider impact on traffic and road safety. It also states that all new developments, excluding householder applications should seek to encourage a modal shift (or transition) by integrating into existing walking/cycling links and bus routes and provision of bike storage.
- 13.4 Policy T2 states that new development, where appropriate, should contribute towards the provision and enhancement (including servicing and lighting) of pedestrian and cycle links to the wider town and to routes identified under Policy E3 (Green Links). Policy T2 and Policy E3 seek improvements and enhancements to existing key walking and cycling routes, including from development sites to the town centre and passing through the town centres. Policy E3 specifically identifies one link which passes along the southern boundary of the Hazelwalls site for protection and enhancement, through developer contributions; this being Uttoxeter Town Route No. 16.
- 13.5 Policy T4 (Traffic and the Town Centre) of the Neighbourhood Plan requires the following:

*“All major applications should take account of the consequent traffic impact on the town centre. Where appropriate major planning applications should be designed to reduce and manage journeys and reduce environmental and road safety impacts.*

*Applications that are likely to generate heavy commercial vehicle movements will only be supported if they commit to a routing strategy that avoids the town centre. Applications that through their location or design are able to help reduce the number of heavy commercial vehicles through the town centre will also be supported.”*

- 13.6 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 and Neighbourhood Plan Policy T3 requires that these standards are met.

### **Assessment**

- 13.7 The site is accessible by sustainable modes of transport with local bus stops in walking distance of the site. As part of the 2019 approval on-site and off-site highways improvements were secured. This includes pedestrian and cycle links

throughout the site connecting to neighbouring residential developments, a five year bus service and off-site highways works (junction upgrade) and Travel Plan. The new development will also benefit from these improvements.

- 13.8 Analysis included in the updated Transport Assessment demonstrates that the increase in trips to the approved development is minimal and the access roundabout/the junction improvement works furthermore has the capacity to deal with the increase in dwellings. The report concludes that the proposals would therefore not have a significant adverse impact on the operation or safety of the surrounding highway network.
- 13.9 The internal road layouts, together with the parking and access arrangements are considered to comply with current policy standards, including access by emergency and refuse vehicles.
- 13.10 All dwellings within Areas A and B are to be provided with car parking which accords with the aforementioned Parking Standards SPD. This parking includes driveway and garages. Car parking has been proposed to both the fronts and sides of dwellings to break up the proliferation of hardstanding. Where this has not been possible landscaping is proposed to enhance the streetscenes.
- 13.11 All of the additional dwellings will be provided with electric car charging points. Where no garaging is provided to a dwelling a shed to be erected to provide secure cycle parking.
- 13.12 SCC Highways do not raise objection to the proposals subject to conditions securing parking, the electric car charging points and precise details relating to the details of road layout (for example in terms of service vehicle manoeuvring).
- 13.13 A representation questioned (the data conclusions) in respect of the capacity of the A518/B5013 Junction. The County Highway Authority have, however confirmed that they are satisfied that the newly signalled junction has the capacity to accommodate the additional trips that would be generated by the additional dwellings; including those made at peak times.
- 13.14 In conclusion, therefore, the highway access and parking arrangements proposed are considered to be suitable and there will be no significant negative impact on the road network or highway safety arising from the proposed increase in dwellings across the wider site.

#### **14. Flood Risk and Drainage**

- 14.1 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.
- 14.2 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.



- 14.3 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.
- 14.4 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

### **Assessment**

- 14.5 The site is classified as being wholly located within Flood Zone 1 with a very low risk of flooding. That being said it is acknowledged that locally there have, in recent times, been issues with the brook which runs adjacent to Timber Lane and across to Hazelwalls Park to the north. Flooding has occurred at times of heavy, persistent rainfall. The brook, which runs adjacent to Timber Lane from the higher ground to the south east, is identified as a known flooding hotspot in the vicinity of Sorrel Close, Fennel Close and Foxglove Avenue. Whilst the brook does not run across either parcel of land subject to this application and is not in the ownership or under the control of the applicant, it is a material consideration and the development must not exacerbate the existing situation further.
- 14.6 Conditions relating to drainage on the wider site have been agreed in conjunction with Severn Trent Water and the Local Lead Flood Officer. The new application is accompanied by an updated flood risk assessment and proposed drainage strategy to reflect the increase in dwellings across the wider site (as amended). The strategy shows that attenuation ponds on the western parcel will store surface water arising from the development and limit the discharge of water by discharging it at a steadier rate providing a significant reduction in the contribution of the site to the known downstream drainage issues.
- 14.7 Whilst it is not the developer's responsibility to address the existing localised flooding issues in the area on land outside of their control, it is necessary, as set out above, that the development does not exacerbate these existing issues. It is considered that the reduction in the run off rate from the application site by managing the rate at which it is dispersed will in turn alleviate some of the issues being experienced.
- 14.8 The Environment Agency advises that they defer comments to the Flood Risk Officer at Staffordshire County Council given the site is located within Flood Zone 1. Further to the submission of revised plans and supporting submissions, the SCC Flood Risk Officer raises no objections to the scheme on technical grounds. The Flood Risk Officer considers that the submissions demonstrate that the scheme will accommodate all necessary surface drainage requirements on the site whilst ensuring the proposals do not exacerbate flooding problems downstream from the site. A maintenance scheme will be secured by a condition of the approval along with an associated amendment - by way of a deed of variation - to the Section 106 Agreement attached to the original planning permission to provide for the established open space

management company to take on responsibility for the drainage facilities not otherwise adopted by statutory undertakers.

- 14.9 With regard to the disposal of foul water from the development, Severn Trent Water Ltd raise no objection to the increase in dwellings across the site.
- 14.10 In light of the above, it is considered that a suitable drainage strategy can be employed to adequately address the drainage requirements for the proposed development and this is likely to assist in reducing the existing localised flooding issues being experienced in the area. The proposal is therefore considered to be compliant with Local Plan Policy SP27 and Section 10 of the NPPF.

## 15. Biodiversity/Ecology

### Relevant Policies

- 15.1 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.”
- 15.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 15.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 15.4 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.
- 15.5 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.

### Assessment

- 15.6 Area A now largely consists of bare ground resulting from site clearance associated with the construction of the site access road and roundabout. Area

B comprises former grassland and disturbed grassland/tall ruderals associated with the demolition and clearance of buildings associated with the former Hazelwalls farm. There are no statutory designated sites for nature conservation value within 2km of the wider site. There are seven non-statutory sites within 2km – the closest of which is Cox Bank Farm which is adjacent to the south east boundary of the main western parcel. A number of protected species have been recorded within 2km of the site.

- 15.7 An updated Ecological Assessment has been submitted with the application. This concludes that given Areas A and B currently comprises bare ground, improved grassland and habitats remaining after the demolition of Hazelwalls Farm with no habitats of intrinsic conservation importance present on site the increase in dwellings is not expected to result in impacts on protected species. An LEMP (including ecological mitigation and enhancement measures) has been approved as part of the conditions relating to the approval which will remain relevant for the re-plan. A safeguarding condition is therefore added to this approval to ensure the development as approved is carried out in accordance with the approved LEMP and that mitigation measures are adhered to throughout construction.
- 15.8 In respect of trees, an updated Arboricultural Impact Assessment has been submitted. The proposals provide for all veteran category trees to be retained and protected during the constructed phase. 6 no. Category U trees are to be removed along with two Category C trees, however, these losses will be mitigated by a robust landscaping scheme to which the LPA's Tree Officer raises no objection. This landscaping scheme includes additional tree planting to assist in integrating the proposed development into the wider semi-rural landscape.

### **Habitat Regulations Assessment (Cannock Chase SAC)**

- 15.9 The Development site lies within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC) - both individually and in combination with other development within the zone of influence - will increase the human population within the zone and contribute to the creation of new paths, path widening, erosion and nutrient enrichment from visitor use and vehicle emissions.
- 15.10 The project being assessed would result in a net increase of up to 21 No. residential dwelling within the 15km zone of influence. In line with the published evidence, an adverse in combination effect on the integrity of the SAC would therefore be likely to result due to an increase in recreational disturbance as a result of the new development. As such, in order to lawfully be permitted, the effects resulting from the development will need to be avoided and mitigated through a package of suitable measures.
- 15.11 The Cannock Chase SAC Partnership has agreed a series of mitigation and avoidance measures with Natural England. These are referred to as Strategic Access Management and Monitoring Measures (SAMMM). Furthermore, evidence indicates that the measures set out in the SAMMM can accommodate fluctuations in housing delivery from speculative growth (windfall), provided any fluctuations are within the parameters of currently adopted plans. This is set out in detail in the Cannock Chase SAC Planning Evidence Base Review Stage 2 (2021).

- 15.12 Therefore, the Cannock Chase SAC Planning Evidence Base Review Stage 2 (2021) suggests that any likely significant effects to the Cannock Chase SAC can be avoided or mitigated through the provision of a financial contribution per net residential dwelling proposed towards the measures outlined in the SAMMM. The relevant financial contribution per additional dwelling has been set at £290.58; therefore giving a total of £6392.76 (for the additional 21 No. dwellings) which the applicants have agreed to pay.
- 15.13 Therefore, with relevant mitigation secured in the form of a commuted sum to a deed of variation to the Section 106 Agreement (see also below) it is concluded that that the proposed development would deliver sufficient mitigation and avoidance measures, to prevent an adverse in combination effect on the integrity of the Cannock Chase SAC.

## **16. Green Infrastructure**

- 16.1 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 in planning decisions where relevant.
- 16.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement and/or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet
- 16.3 The approved plans create linkages to the existing green infrastructure network at Blount's Drive and Hazelwalls Community Park, off Foxglove Avenue. There will also be large areas of green infrastructure within the development which will contain a variety of natural and semi natural areas as well as formal play areas.
- 16.4 The development proposes over 8 hectares of public open space across the two sites including the provision of a local equipped area for play (LEAP) and two non-equipped local areas for play (LAP); along with large areas of informal open space with wildflower meadows, native shrub planting and amenity grassland. The areas will have both formal surfaced footpaths and mown footpaths over the more informal natural areas.
- 16.5 A management company will be responsible for the maintenance of general landscaping and areas of public open space (secured through the existing S106 Agreement). Some areas, particularly those to the development edges, bordering farmland to the south, will be left as very low maintenance, natural areas to further enhance ecological potential.
- 16.6 The amended scheme will continue to provide an appropriate amount and type of green infrastructure across the whole site. The green infrastructure will be multi-functional, which contributes towards the overall sustainability of the

development by performing a range of functions including flood risk management, the provision of accessible green space, climate change adaptation and supporting biodiversity.

16.7 The overall provision of public open space is in excess of the policy guidance within the revised Open Spaces SPD, for the scale of the development. The provision is therefore considered to be compliant with Local Plan Policy SP23 and the guidance within the NPPF and NPPG.

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

17.1 Paragraph 57 of the National Planning Policy 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.

17.2 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/footpath & cycle route
- Healthcare Provision
- Refuse Containers
- Travel Plan & Bus Service
- Cannock Chase SAC mitigation
- Surface Water Maintenance

17.3 It is the applicant's intention for the existing S106 (with deed of variation) to stay in place for the original approval with a new legal agreement to cover the additional dwellings.

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

## **18. Affordable Housing (including Housing Mix)**

### **Relevant Policies**

18.1 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.

18.2 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.

18.3 Policy H2 (Housing Mix and Standards) of the Uttoxeter Neighbourhood Plan states that :-

*“In order to secure a sustainable and mixed community, outside the town centre, each development site of greater than ten houses should provide a mix of dwelling types, including bungalows, executive housing and starter homes, and a range of tenures, including affordable housing provision in line with the East Staffordshire Local Plan.*

*Within the town centre higher density residential schemes, such as apartment blocks and smaller dwellings (including accommodation for the elderly) would be supported if the scale and mass of the buildings fits with their surroundings.*

*Affordable housing should be in accordance with the East Staffordshire Local Plan policy.*

*All new residential development should demonstrate how it will be suitable, flexible and accessible for all users and Housing Policies occupants.”*

18.4 The Revised Housing Choice SPD (December 2019) expects the following market housing mix as shown in the table below.

<b>Market Housing Unit Size</b>	<b>Housing Choice SPD requirements for Uttoxeter</b>	<b>Hazelwalls Site (as approved)</b>	<b>Application Site (as re-planned through this application)</b>	<b>Hazelwalls Site (as a result of re-planned through this application)</b>
<b>Housing for the Elderly</b>	12%	3% (10 No.)	12% (18 No.)	5% (18 No.)
<b>1 Bedroom dwellings</b>	3%	0% (0 No.)	4% (6 No.)	2% (6 No.)
<b>2 Bedroom dwellings</b>	16%	8% (30 No.)	26% (40 No.)	12% (48 No.)
<b>3 Bedroom dwellings</b>	32%	32% (116 No.)	38% (59 No.)	33% (126 No.)
<b>4 Bedroom dwellings</b>	26%	57% (209 No.)	19% (30 No.)	47% (182 No.)
<b>5 Bedroom dwellings</b>	11%	0% (0 No.)	1% (2 No.)	1% (2 No.)
<b>TOTAL</b>	<b>100%</b>	<b>100% (365)</b>	<b>100% (155)</b>	<b>100% (382)</b>

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



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

18.6 Policy SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.

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

### Assessment

18.8 In relation to the housing mix as per the table above the re-planned area provides a mix which accords more so with the SPD than the original approval and therefore is acceptable on this basis.

18.9 The application results in a total of 22 No. affordable units (within Areas A and B), giving a total of 68 across the whole Hazelwalls site (11 No. within Eastern Parcel, 36 No. in Areas C and D). The details of total numbers of affordable housing as approved/proposed are shown in the table below and amount to 15% of the whole development.

AREAS	2018 Approval	2022 Proposals	Market Housing 2018	Market Housing 2022	Affordable 2018	Affordable 2022
Eastern Area	70	70	59	59	11	11
Western Areas A and B	156	177	138	155	18	22
Western Area C	125	125	103	103	22	22
Western Area D	78	78	65	65	13	13
TOTAL	429	450	365	382	64 (15%)	68 (15%)

\*Western A and B (application sites)  
Western C (remainder of DWH/Barratt)  
Western D (TWH)

18.10 There is a mixture of both affordable rent/shared ownership proposed.

18.11 The affordable units across the site consist of a mix of property types; being 1-3 bed semi-detached and terraced dwellings.

- 18.12 In terms of the total elderly persons provision within Areas A and B 14 no. bungalows are to be provided and 18 no. dwellings (10.16%) are designed to meet the M4 (2) standards.
- 18.13 The affordable dwellings have been spread across the re-planned western site to avoid clusters of no more than 8 no. units, therefore in accordance with the aforementioned guidance. This is shown in the plan below;



- 18.14 Based on the above the Housing Strategy Officer does not raise objection to the proposals as amended.

## 19. Education

### Relevant Policies

- 19.1 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. Policy C3 of the Neighbourhood Plan relates to Education and Childcare Provision and seeks to ensure the provision of education and childcare facilities.

### Assessment

- 19.2 In this case SCC Schools Organisation Team have requested an additional financial contribution of £55,638 towards both first (£34,900) and middle school (£20,738) education in Uttoxeter as the development would generate a number of school places.

## **20. Open Space/Sports Facilities**

### **Relevant Policies**

- 20.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 20.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 20.3 Policy SP32 of the Local Plan sets out the requirements of open space provision across the Borough.
- 20.4 Policy L3 of the Neighbourhood Plan requires the provision of new public open space as part of large residential developments. The public open spaces should be new allotments, parks and play spaces and playing pitches. Other recreational facilities such as trim trails and other forms of social space will also be supported. For developments over 11 dwellings, public open space should be provided on site in line with the (Borough Council's) Open Space SPD.
- 20.5 Policy E1 of the Neighbourhood Plan seeks to establish a network of green infrastructure, including existing trees, hedgerows, historic field patterns, the Strategic Green Gap and other such assets across the town linking the landscape setting with the urban area. Applications which retain and enhance such features and take the opportunity to re-introduce them into key sites, will be supported. Schemes which seek to establish lines of trees or hedgerows to contribute to this network within the urban street scene will also be supported.
- 20.6 Policy E2 of the Neighbourhood Plan states that new development should protect and where appropriate enhance the landscape setting of the town, and with a particular emphasis on the Picknall, Tean and Dove valleys. Planning applications that would result in the loss or fragmentation of this setting will not be supported. Planning applications that sensitively manage flood risk issues will be supported. All planning applications should demonstrate the extent to which they have respected and reinforced historic landscapes in general, and field patterns in particular.
- 20.7 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan (and associated on line calculator).

20.8 Developers should provide open space to the local standard identified for the area, which are identified in the Open Space and Playing Pitch SPD.

### **Assessment**

20.9 The approved scheme was to deliver 8.17ha of open space which amounts to approximately 4.3ha than required by the SPD. With the additional 21 dwellings proposed, the total amount of POS required increases to 4.07ha. The re-plan of Areas A and B will result in the creation of an additional 0.39ha resulting in 8.56ha of POS in total being delivered across the whole site. This amounts to 4.49ha more open space than required by the Open Spaces SPD and therefore the proposed provision is acceptable. The S106 attached to the original approval also secured the provision of pedestrian/cycle links to Blounts Drive and Fennel Close, which will remain unaffected by the proposals.

20.10 The original approval secured a financial contribution of £369,082 towards the provision of off-site sports facilities in relation to the Uttoxeter Sports Hub and for increasing capacity at Uttoxeter Leisure Centre. An additional commuted sum does not arise in this instance because whilst the number of dwellings on Areas A and B has increased the change in the housing mix (with there being a lower percentage of 4 No. bed dwellings) means that in pro rata terms the financial contributions do not increase.

## **21. Healthcare Provision**

21.1 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.

21.2 Policy C2 of the Neighbourhood Plan relates to health provision and states that where appropriate, contributions for primary healthcare infrastructure will be sought to meet housing and employment growth. The Neighbourhood Plan will support applications for development which demonstrably seek to improve health through play and sports space, high quality and attractive walking and cycle links suitable for all users, subject to compliance with other Plan policies.

21.3 In this case the Clinical Commissioning Group (CCG) 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 CCG have therefore requested a total financial contribution of £13,650 in addition to that secured through the original legal agreement.

## **22. Refuse Containers**

22.1 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 a sum for the additional 21 no. dwellings amounts to £1,890.

## **23. Travel Plan Monitoring Fee**

23.1 A Travel Plan Monitoring fee has already been secured as part of the Section 106 Agreement for the wider site which would remain relevant to this approval. The fee would be used to oversee - and where necessary modify - the Travel Plan(s) for the development of the site.

## 24. Surface Water Drainage Maintenance

24.1 As set out in paragraph 14.8 above it is also necessary to use the deed of variation to provide for the established open space management company to take on responsibility for the drainage facilities not otherwise adopted by statutory undertakers.

## 25. Section 106 Contributions (by Deed of Variation)

25.1 In the in light of the above the following contributions are sought. These contributions are set out below:

Item	Planning Obligation	Cost (where applicable)
Education	Contribution towards both first (£34,900) and middle school (£20,738) education in Uttoxeter	£55,638
Health Care	Contribution towards Primary Health Care provision	£13,650.
Refuse Containers	Contribution to provide refuse storage containers at £90 per dwelling	£1,890
Affordable Housing	On-site provision (15%) and off-site monetary contribution	£117,200
Highways	Scheme to be included in monitoring plan	n/a
Sports Provision	No further contributions in addition to the commuted sum secured towards off site sports provision under the original permission.	n/a
Cannock Chase SAC Mitigation	Contribution of £290.58 per dwelling.	£6,392.76
Surface Water Drainage Management	The established open space management company to take on responsibility for the drainage facilities not otherwise adopted by statutory undertakers	n/a

25.2 Uttoxeter Town Council in their submissions have requested if planning permission was granted for the scheme that any Section 106 (or deed of variation) provide for the following

- I. Providing and installing, or providing the funding for additional road safety/community enhancement measures for traffic calming measures on the Stafford Road and adjoining roads;
- II. Providing and installing, or providing the funding for benches to facilitate enhancement of the Town's green corridors and to provide safe walkways to assist with the promotion of benefits to health for all ages and abilities;
- III. Contributing to the additional costs of the Council-owned Cemetery.

25.3 With regard to point (ii), it is considered that in terms of the additional provision of open space and the enhancement of the green corridors/public footpaths that the scheme already achieves substantive enhancements (with other provisions already secured by the Section 106 attached to the original planning permission). In respect of points (i) and (iii) it is not considered that these matters would meet the necessary tests of the NPPF and Community Infrastructure Levy Regulations 2011 (as amended) as the requested matters are not necessary to make the development acceptable in planning terms (in terms highway safety measures) nor are they directly related to the development. It is also pointed out that the matters requested by the Town Council at point (i) and (iii) did not form part of the Section 106 requirements when the application for the larger scheme was determined by the Committee previously.

## 26. Conclusions

26.1 Having to 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 deed of variation to the original Section 106 agreement and conditions.

## 27. RCOMMEDATION(S)

Grant planning consent subject to the following conditions and the completion of a Deed of Variation to the original S106 Agreement

### 1. Time Limit

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

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

### 2. Plans

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

Received 7<sup>th</sup> September 2022

UTT.SLP.000 Site Location Plan at scale 1:2500 UTT.PL(C).001 Planning Layout (Composite) at scale 1:1000

UTT.PL(D).002 Planning Layout (DWH Parcel) at scale 1:500

UTT.PL(B).003 Planning Layout (Barratt Parcel) at scale 1:500

UTT.GA (C).001.01 Garden areas (Composite) at scale 1:1000

UTT.GA (D). 002.1 Garden areas (DWH Parcel) at scale 1:500

UTT.GA (B).003.1 Garden areas (Barratt parcel) at scale 1:500

R15-422-2501 Rev A General Arrangement Sheet 1 at scale 1:500

R15-422-2520 Rev A External Works Sheet 1 (plots D150 to D197) at scale 1:200

R15-422-2521 Rev A External Works Sheet 2 (plots D150 to D197) at scale 1:200

R15-422-2522 Rev A External Works Sheet 3 (plots D150 to D197) at scale 1:200

R15-422-2523 Rev A External Works Sheet 4 (plots D150 to D197) at scale 1:200

NWB21 - Semi - Floor Plans - Sheet 1 of 2 UTT.HT.010 at scale 1:100

NWB21 - Semi - Elevations - Sheet 2 of 2 UTT.HT.011 at scale 1:100

NWB21 - Terrace - Floor Plans - Sheet 1 of 2 UTT.HT.012 at scale 1:100

NWB21 - Terrace - Elevations - Sheet 2 of 2 UTT.HT.013 at scale 1:100

NWB22 - Semi - Floor Plans - Sheet 1 of 2 UTT.HT.014 at scale 1:100

NWB22 - Semi - Elevations - Sheet 2 of 2 UTT.HT.015 at scale 1:100

N286 - Terrace - Floor Plans - Sheet 1 of 2 UTT.HT.016 at scale 1:100

N286 - Terrace - Elevations - Sheet 2 of 2 UTT.HT.017 at scale 1:100

N382 - Semi - Floor Plans - Sheet 1 of 2 UTT.HT.018 at scale 1:100

N382 - Semi - Elevations - Sheet 2 of 2 UTT.HT.019 at scale 1:100

N331 - Semi - Floor Plans - Sheet 1 of 3 UTT.HT.020 at scale 1:100

N331 - Semi - Elevations - Sheet 2 of 3 UTT.HT.021 at scale 1:100

N331 - Semi - Elevations - Sheet 3 of 3 UTT.HT.022 at scale 1:100

Y341 - Detached - Floor Plans - Sheet 1 of 2 UTT.HT.023 at scale 1:100

Y341 - Detached - Elevations - Sheet 2 of 2 UTT.HT.024 at scale 1:100

NWB46 - Semi Detached - Floor Plans - Sheet 1 of 2 UTT.HT.025 at scale 1:100

NWB46 - Semi Detached - Elevations - Sheet 2 of 2 UTT.HT.026 at scale 1:100

NWB47 - Detached - Floor Plans - Sheet 1 of 2 UTT.HT.027 at scale 1:100

NWB47 - Detached - Elevations - Sheet 2 of 2 UTT.HT.028 at scale 1:100

N418 - Detached - Floor Plans - Sheet 1 of 2 UTT.HT.029 at scale 1:100

N418 - Detached - Elevations - Sheet 2 of 2 UTT.HT.030 at scale 1:100

Y456 - Detached - Floor Plans - Sheet 1 of 2 UTT.HT.031 at scale 1:100

Y456 - Detached - Elevations - Sheet 2 of 2 UTT.HT.032 at scale 1:100

Y469 - Detached - Floor Plans - Sheet 1 of 2 UTT.HT.033 at scale 1:100  
Y469 - Detached - Elevations - Sheet 2 of 2 UTT.HT.034 at scale 1:100  
Y577 - Detached - Floor Plans - Sheet 1 of 2 UTT.HT.035 at scale 1:100  
Y577 - Detached - Elevations - Sheet 2 of 2 UTT.HT.036 at scale 1:100

UTT.HT.037 Chudleigh/Dursley/Fareham/Epping - Floor Plans - Sheet 1 of 4 at scale 1:100  
UTT.HT.038 Chudleigh/Dursley/Fareham/Epping - Floor Plans - Sheet 2 of 4 at scale 1:100  
UTT.HT.039 Chudleigh/Dursley/Fareham/Epping - Floor Plans - Sheet 3 of 4 at scale 1:100  
UTT.HT.040 Chudleigh/Dursley/Fareham/Epping - Floor Plans - Sheet 4 of 4 at scale 1:100  
UTT.HT.041 Kew - Semi - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.042 Kew - Semi - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.043 Kew - Terrace - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.044 Kew - Terrace - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.045 Holywell - Semi - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.046 Holywell - Semi - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.047 Holywell - Terrace - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.048 Holywell - Terrace - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.049 Holywell/Brancaster - Semi - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.050 Holywell/Brancaster - Semi - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.051 Holywell/Brancaster - Terrace - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.052 Holywell/Brancaster - Terrace - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.053 Brancaster - Detached - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.054 Brancaster - Detached - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.055 Matlock - Semi - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.056 Matlock - Semi - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.057 Winterbourne - Detached - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.058 Winterbourne - Detached - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.059 Lutterworth - Detached - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.060 Lutterworth - Detached - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.061 Marwood - Terrace - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.062 Marwood - Terrace - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.063 Charnwood - Detached - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.064 Charnwood - Detached - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.065 Charnwood - Detached - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.066 Charnwood - Detached - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.067 Allerthorpe - Detached - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.068 Allerthorpe - Detached - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.069 Exminster - Detached - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.070 Exminster - Detached - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.071 Sheringham - Semi - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.072 Sheringham - Semi - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.073 Dearne - Detached - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.074 Dearne - Detached - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.075 T50 - Semi - Floor Plans - Sheet 1 of 2 at scale 1:100 at scale 1:100



UTT.HT.076 T50 - Semi - Elevations - Sheet 2 of 2 at scale 1:100 at scale 1:100  
UTT.HT.077 T50 - Terrace - Floor Plans - Sheet 1 of 2 at scale 1:100 at scale 1:100  
UTT.HT.078 T50 - Terrace - Elevations - Sheet 2 of 2 at scale 1:100 at scale 1:100  
UTT.HT.079 Chudleigh/Dursley/T50 - Semi - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.080 Chudleigh/Dursley/T50 - Semi -Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.081 Chudleigh/Dursley/T50 - Terrace - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.082 Chudleigh/Dursley/T50 - Terrace -Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.083 T52 - Semi - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.084 T52 - Semi - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.085 T52/T55 - Semi - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.086 T52/T55 - Semi - Elevations - Sheet 2 of 2 at scale 1:100  
UTT.HT.087 Brancaster.V1 - Detached - Floor Plans - Sheet 1 of 2 at scale 1:100  
UTT.HT.088 Brancaster.V1 - Detached - Elevations - Sheet 2 of 2 at scale 1:100

UTT-G-101 SDG1H8 Garage - Floor Plans & Elevations at scale 1:100  
UTT-G-102 LSG1H8 Garage - Floor Plans & Elevations at scale 1:100  
UTT-G-103 LDG2H8 Garage - Floor Plans & Elevations at scale 1:100

Bir.4741\_11-H Detailed Soft Landscape Proposals at scale 1:250  
Bir.4741\_12-H Detailed Soft Landscape Proposals at scale 1:250  
Bir.4741\_13-I Detailed Soft Landscape Proposals at scale 1:250  
Bir.4741\_16-H Detailed Soft Landscape Proposals at scale 1:250  
Bir.4741\_17-G Detailed Soft Landscape Proposals at scale 1:250  
Bir.4741\_18-H Detailed Soft Landscape Proposals at scale 1:250

UTT.ED.006 Enclosure Details at scale 1:20  
UTT.CS.007 Bin and Cycle Shed Details at scale 1:100  
UTT.MP.003 Materials Plan at scale 1:1000

UTT.ST.004 Street Scene A-A at scale 1:250  
UTT.ST.004.1 Street Scene B-B at scale 1:250  
UTT.ST.004.2 Street Scene C-C at scale 1:250  
UTT.ST.004.3 Street Scene D-D at scale 1:250  
UTT.ST.004.4 Street Scene E-E & F-F at scale 1:250  
UTT.ST.004.5 Street Scene G-G at scale 1:250  
UTT.ST.004.6 Street Scene C-C\_Vs Consented at scale 1:250  
UTT.ST.004.7 Street Scene D-D\_Vs Consented at scale 1:250

UTT.CPRS.002 Car Parking & Refuse Strategy at scale 1:1000

Air Quality Assessment (JAR02625 Rev 2 12/7/2021) by RPS  
Arboricultural Impact Assessment (JSL4070 25/6/2021) by RPS  
Design and Access Statement August 2022 by David Wilson Homes

Ecological Appraisal (OXF10628-R-06c Version 3 6/7/2021) by RPS  
Ecological Update (OXF10628) 6/9/2021 by RPS  
Health Impact Assessment Scoping Statement NP/12215 version 1 30/6/21 by RPS  
Transport Statement by Mode Transport Planning (May 2021)  
Highways Note by Mode Transport Planning  
Statement of Community Consultation and Engagement (July 2021) by David Wilson Homes  
Updated Planning Statement (September 2022) by David Wilson Homes  
Revised Planning Statement Appendices (September 2022) by David Wilson Homes

8<sup>th</sup> September 2022

14-422-2558 S38 Swept Path Analysis Sheet 1 Fire Appliance at scale 1:500  
14-422-2559 S38 Swept Path Analysis Sheet 1 Fire Appliance at scale 1:500  
14-422-2560 S38 Swept Path Analysis Sheet 2 Fire Appliance at scale 1:500  
14-422-2561 S38 Swept Path Analysis Refuse Vehicle Sheet 1 at scale 1:500  
14-422-2562 S38 Swept Path Analysis Refuse Vehicle Sheet 1 at scale 1:500  
14-422-2563 S38 Swept Path Analysis Refuse Vehicle Sheet 2 at scale 1:500

Received 12<sup>th</sup> September 2022

Air Quality Addendum (JAR02625 12/9/2022) by RPS

Received 15<sup>th</sup> September 2022

UTT.GA(C).001.1 Garden Areas (Composite)  
UTT.GA(D).002.1 Garden Areas (DWH Parcel)  
UTT.GA(B).003.1 Garden Areas (Barratt Parcel)

710 P03 Tree Protection Plan D3R and B2R at scale 1:500  
711 P03 Tree Protection Plan D3R and B2R at scale 1:500  
Highways Note

Received 20<sup>th</sup> September 2022

Flood Risk Assessment (HLEF80418) Issue 4 by RPS

Received 7<sup>th</sup> October 2022

R15-422-2502 SECTION 38 GENERAL ARRANGEMENT REPLAN B2R SHEET 1  
R15-422-2503 SECTION 38 GENERAL ARRANGEMENT REPLAN B2R SHEET 2

Received 31<sup>st</sup> October 2022

## UTT.AHLP A Affordable Housing Location Plan

Received 8 December 2022

15-422-1561C Drainage Strategy Plan Plots D150 to D193  
15-422-1562C Drainage Strategy Plan Plots B49 to B181  
15-422-1564 Replan SW Catchment Plan  
15-422-1565 Replan SW Catchment Plan  
15-422-1566 Site Drainage Layout Plan  
SW Network All Site Rev B  
SUDS Drainage Maintenance Plan

Received 10 January 2023

R15 422 – Drainage Strategy Report Rev C

Received 16<sup>th</sup> January 2023

15-422-2556D Flood Routing Plan – B2 SHT 1  
15-422-2557D Flood Routing Plan – TW and B2 SHT 2  
15-422-255D Flood Routing Plan – D3 and TW

Received 19<sup>th</sup> January 2023

Recreational Facilities Leaflet  
SHE Form 05 - Construction Phase Safety, Health and Environmental Plan  
1377-02 Proposed Street Lighting Locations West section sheet 2 dated as received 19<sup>th</sup> January 2023  
1377-02 Proposed Street Lighting Locations West section sheet 4 dated as received 19<sup>th</sup> January 2023  
Outdoor Lighting Report (SE-HL-01377 AR1) by Eon dated 19<sup>th</sup> January 2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality/setting of heritage assets, the amenities of neighbouring properties, ecological/biodiversity interests or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies NP1, SP1, SP2, SP3, SP4, SP6, SP7, SP8, SP9, SP10, SP16, SP17, SP23, SP24, SP25, SP27, SP29, SP35, DP1, DP2, DP3, DP5, DP6, DP7, DP8 and DP11, Uttoxeter Neighbourhood Plan, the East Staffordshire Design Guide, Separation Distance and Amenity SPD, Parking Standards SPD and the National Planning Policy Framework.

### 3. AutoTrack Analysis

Before the commencement of any works on the site details of the estate road layout, including visibility splays at all junctions and bends, an AutoTRACK analysis of the path of refuse vehicles around the site.

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

#### **4. Construction Management Plan**

No development shall take place until a Construction Management Plan, which shall specify the routing of demolition and construction vehicles to and from the site, parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of plant and materials used during the construction of the development, appropriate wheel wash facilities and measures to prevent the deposition of deleterious material on the public highway, has been submitted and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be implemented and adhered to throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

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

#### **5. Site Waste Management Plan**

No development shall take place until a site waste management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved Site Waste Management Plan.

Reason: To minimise waste generation during construction and promote the use of recycled and waste materials to reduce the overall amount of waste being sent to landfill in accordance with the National Planning Policy Framework.

#### **6. Materials**

The development shall only be carried out in accordance with the external materials that are stated within the application and shown on the approved plans (listed at condition 2 above) unless otherwise first agreed in writing by the Local Planning Authority

Reason: To safeguard the visual character of the locality in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24 and DP3, The East Staffordshire Design Guide, Uttoxeter Neighbourhood Plan and the National Planning Policy Framework.

#### **7. Levels**

The development hereby approved shall be completed in accordance with the slab level and finished ground level details shown on the approved plans listed in condition 2 above unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not adversely affect the amenities of adjoining properties and the character or appearance of the area in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24 and DP3, the East Staffordshire Design Guide, Uttoxeter Neighbourhood Plan and the National Planning Policy Framework.

## **8. Foul and Surface Water**

The development hereby approved shall be completed in accordance with foul and surface water drainage details shown on the approved plans/documents listed in condition 2 above unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

## **9. Ecological Enhancement Measures**

The ecological enhancement measures contained within the Ecological Appraisal (OXF10628-R-06C) by rpsgroup dated as received 14<sup>th</sup> July 2021 shall be installed prior to the first occupation of any of part of the development and thereafter retained and made available at all times for their designated purposes.

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

## **10. Landscape and Ecology/Biodiversity Management Plan**

The development shall be completed in accordance with the Landscape and Ecology/Biodiversity Management Plan 'Ecological Appraisal' (version 3) by RPS dated as received 14<sup>th</sup> July 2021 unless alternatives are first 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.

## **11. Landscaping**

The development shall be completed in accordance with the landscaping, fencing and walling plans (as listed in condition 2) during the course of

development unless alternatives are first agreed in writing by the Local Planning Authority.

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

## **12.Parking and Turning Facilities**

Prior to the first occupation of any of the dwellings hereby granted permission the proposed external parking and turning facilities (as shown on the approved drawings listed at condition 2) shall have been surfaced in a porous bound material and thereafter shall be maintained and made available at all times for their designated purposes for the life of the development.

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

## **13.Cannock Chase SAC**

Prior to first occupation of any dwelling, the Recreational Facilities Leaflet dated as received 19<sup>th</sup> January 2023 shall go into the welcome pack for each property.

Reason: In order to promote the use of alternative recreation facilities and to mitigate the impact of use on the Cannock Chase SAC, in accordance with Local Plan Policy DP11 and the National Planning Policy Framework.

## **14.Lighting and Method Statement (Bats)**

The development hereby approved shall be completed in accordance with the approved lighting plans unless first agreed in writing by the Local Planning Authority;

- 1377-02 Proposed Street Lighting Locations West section sheet 4 dated as received 19<sup>th</sup> January 2023
- 1377-02 Proposed Street Lighting Locations West section sheet 2 dated as received 19<sup>th</sup> January 2023
- Outdoor Lighting Report (SE-HL-01377 AR1) by Eon dated 19<sup>th</sup> January 2023

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

## **15.Ecological Mitigation Measures (Construction Phase)**

The construction phase of the development hereby approved shall be carried out in accordance with the species protection measures contained within the

dated as received Ecological Appraisal' (version 3) by RPS dated as received 14<sup>th</sup> July 2021.

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

### **16.Contamination**

If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

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.

### **17.Soil Imports**

Any soil to be imported to the site shall first be chemically analysed for contaminants, with the results submitted to and approved in writing by the Local Planning Authority prior to the soil being installed.

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

### **18.FRA Compliance**

The development shall only be carried out in accordance with the mitigation measures recommended by the approved Flood Risk Assessment (Issue 4) by RPS dated as received 20th September 2022 (section 6)

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

### **19.Landscaping Implementation**

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

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality (and occupiers of adjacent buildings - where appropriate) and in accordance with East Staffordshire Local Plan Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

## **20. Boundary Treatments Implementation**

The scheme of walling and fencing approved as part of the landscaping scheme required by Condition 10 above shall be completed prior to the relevant dwelling/relevant part of the development first being occupied/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 SP24 and DP3, and the National Planning Policy Framework.

## **21. Provision of Garages**

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

Reason: To ensure adequate off-street parking exists to serve the development to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP3, Parking Standards SPD and the National Planning Policy Framework.

## **22. Surface Water Drainage**

Prior to being discharged into any watercourse, surface water system or soakaway, all surface water drainage from parking areas and hardstanding draining towards the public highway shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment and in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

## **23. Cycle Storage Shed/Facilities**

Prior to the first occupation of any of the residential units hereby granted permission the cycle storage Shed/facilities shown on the approved plans (as defined in Condition 2) shall be provided and thereafter retained for use for



the life of the development unless otherwise first agreed in writing by the Local Planning Authority.

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

#### **24. Bin Storage**

The bin storage points indicated on the drawings titled 'Parking and Refuse Strategy' and drawing no. UTT.CS.007 Bin and Cycle Storage received 7<sup>th</sup> September 2022 shall be provided before the relevant dwelling(s) they serve are first occupied and thereafter retained for their stated purpose for the life of the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure adequate bin collection facilities are provided in accordance with Policies DP1 and SP24 of the East Staffordshire Local Plan and the National Planning Policy Framework.

#### **25. Electric Car Charging**

The electric vehicle charging points indicated on the drawing no. H7092/ECP/01 'Electric Chargers Plan' dated as received 4<sup>th</sup> November 2022 shall be installed prior to the first occupation of each dwelling concerned and shall be retained and maintained for the lifetime of the development unless otherwise first agreed in writing by the Local Planning Authority.

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

#### **26. Removal of PD Boundary Treatments**

Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those approved by this consent) shall be erected within the front curtilage of the dwelling(s) unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building(s) and its/their surroundings in accordance with East Staffordshire Local Plan Policies SP24 and DP3, and the National Planning Policy Framework.

#### **27. Tree Protection Measures**

The tree protection measures detailed in the Arboricultural Impact Assessment (Version 1) by RPS dated as received 14<sup>th</sup> July 2022 shall be put in place prior to works commencing and be retained in situ for the during

the construction of the development unless otherwise agreed in writing by the Local Planning Authority.

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

### **28.Noise Mitigation (Construction)**

The development hereby approved shall be carried out in accordance with the document 'SHE Form 05 - Construction Phase Safety, Health and Environmental Plan' dated as received 19<sup>th</sup> January 2023 unless alternatives are first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining and nearby residents in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

### **29.Dust Mitigation (construction)**

The development hereby approved shall be carried out in accordance with the mitigation measures contained within the document SHE Form 05 - Construction Phase Safety, Health and Environmental Plan dated as received 19<sup>th</sup> January 2023 unless alternatives are first agreed in writing by Local Planning Authority.

Reason: To safeguard the amenities of adjoining and nearby residents in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

### **30.Surface Water Drainage Maintenance Scheme**

Prior to the first occupation of any dwelling unit on the development hereby approved a detailed scheme for the future maintenance of the surface water drainage system shall be first submitted to and agreed in writing by the Local Planning Authority. The surface water drainage system shall thereafter be maintained for the life of the development in accordance the approved scheme.

Reason: To ensure adequate measures are established for the maintenance of the surface water drainage facilities 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 SP27 and DP7 and the National Planning Policy Framework.

### **31. Windows to be Obscure Glazed**

The window unit(s) to be installed in the first floor side elevations of Plots No. 117 (Northern) 118 (Northern) and 127 (Northern) shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policies SP1 and DP3 of the East Staffordshire Local Plan and the National Planning Policy Framework.

## INFORMATIVES

1. 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. Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contact our Development Services Team (Tel: 0800 707 6600).
3. You are advised that Public Footpath No.16 in the Parish of Uttoxeter Town runs through the site and no works should be undertaken which might adversely affect the rights of users.
4. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works agreed.
5. The Condition above requiring off-site highway works shall require Major Works Agreements with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Agreement Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))<http://www.staffordshire.gov.uk/transport/staffs-highways/licences/>

The applicant(s) is/are advised that this permission does not absolve them from their responsibilities in relation to protected species and in terms of vegetation removal during the bird breeding season. If evidence of active nests or bats is found during development work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

6. Your attention is drawn to the comments of the Police Architectural Liaison Officer dated 28<sup>th</sup> September 2021.
7. The County Council Public Rights of Way Officer advises that :-

The attention of the developer should be drawn to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the rights of way or their closure or diversion.

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. Further details are required regarding how the surface will be safeguarded during the development.

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

We would ask that trees are not planted alongside the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility, not the County Council

## **28. Background papers**

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

- Papers on Planning Application file ref: P/2015/01497 and associated discharge of conditions files
- Papers on Planning Application file ref: P/2019/00600

- The Local and National Planning Policies and Supplementary Planning Documents outlined in the report above

## **29. Human Rights Act 1998**

29.1 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.

## **30. Crime and Disorder Implications**

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

## **31. Equalities Act 2010**

31.1 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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