

<b>Agenda Item:</b>	5.1
<b>Site:</b>	Land adjacent to 374a Tutbury Road, Burton upon Trent, Staffordshire
<b>Proposal:</b>	Outline application for the erection of up to 40 affordable dwellings (28 first homes and 12 affordable rented) including details of access (REVISED DESCRIPTION)

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

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

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

<b>Application Number:</b>	P/2021/01020	
<b>Planning Officer:</b>	James Mattley	
<b>Type of Application:</b>	Outline Planning Application	
<b>Applicant:</b>	Mr R Kirkland - Maplevale Developments	
<b>Ward:</b>	Tutbury and Outwoods	
<b>Ward Member (s):</b>	Adriana Bailey	
	Mandy Shrive	
	Michael Slater	
<b>Date Registered:</b>	13/08/2021	
<b>Date Expires:</b>	Extension of time secured until 31/08/2023	
<b>Reason for being on Agenda</b>	Councillor Gaskin has requested the application be called into Planning Committee due to concerns regarding the principle of the development, the precedent that it would set, level of existing infrastructure and highway safety concerns.	
<b>Officer Recommendation</b>	<b>Approval of outline planning permission subject to a S106 legal agreement and conditions.</b>	

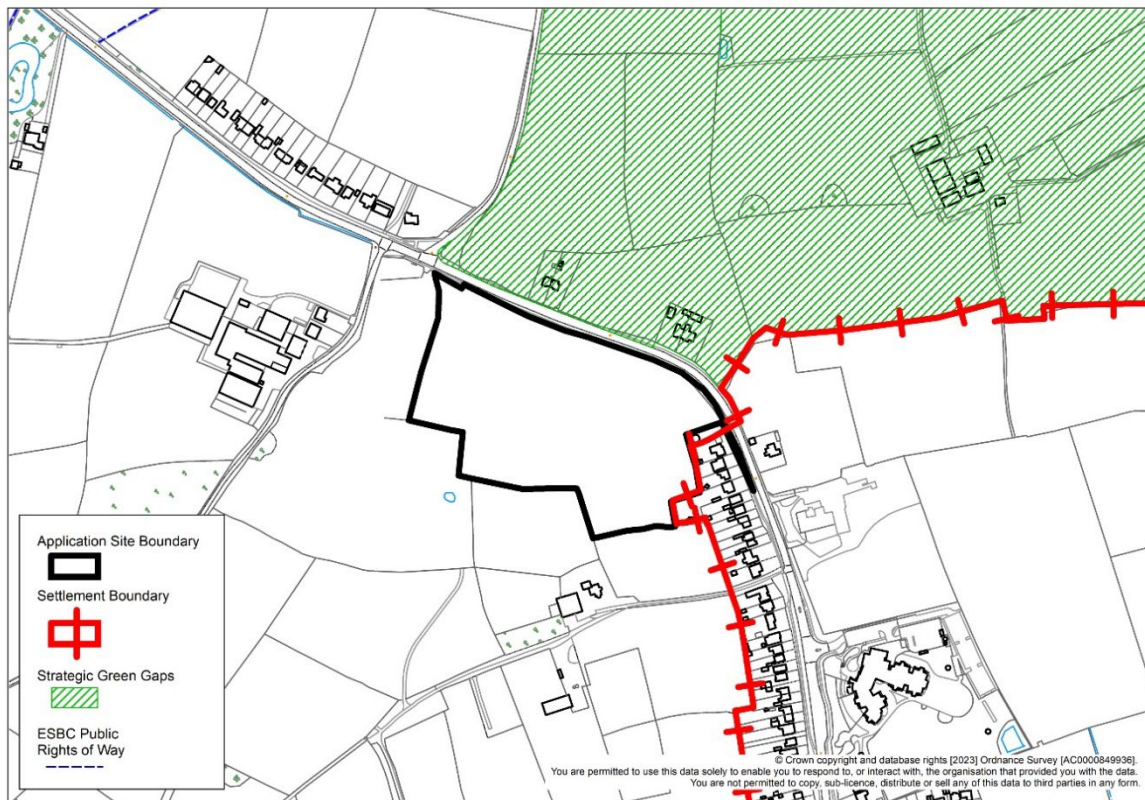
## 1. Executive Summary

- 1.1 The site comprises 1.59 hectares of agricultural land, located to the south and south west of Tutbury Road (A511), Burton upon Trent.
- 1.2 The application site intends to provide up to 40 affordable dwellings, comprising up to 28 no. first homes and up to 12 no. affordable rented dwellings.
- 1.3 The application is in outline, with access only, with all others matters reserved for subsequent, later approval. The proposed vehicular access to the application site is proposed as priority T-junction onto the A511 Tutbury Road

and will be 5.5 metres wide. A footway is also proposed which would link with the existing footway on the southern side of Tutbury Road.

- 1.4 Statutory consultees have raised no technical objections that cannot be overcome by way of planning conditions or obligations.
- 1.5 There have been 36 no. representations received from local residents with the main grounds of objection being the impact on highways, visual and residential amenity, ecology and the principle of the application.
- 1.6 The principle of residential development is considered to be acceptable. It is acknowledged that the proposal does not fully accord with the Council's definition of a 'Rural Exception Site' for the purposes of Policies SP8 and SP18 of the Local Plan and Housing Choice SPD 2019. The scheme, however does comply with the Paragraph 72 of the NPPF and the weight placed upon the need for accessible fully affordable housing sites which would increase the supply of reduced cost home ownership products in Burton, together with the site constituting a sustainable development and in accordance with Policies SP1 of the Local Plan and Policy TA5 of the Neighbourhood Plan, are considered to outweigh this departure from the local plan, in this case.
- 1.7 There are no objections from the County Highway Authority in relation to the proposed access, subject to the imposition of conditions and provision with the Section 106 Agreement to secure a Travel Plan Monitoring Fee and extension to the 30mph speed limit beyond the site access.
- 1.8 There are no drainage, flood risk, noise or contamination concerns or impacts upon trees, biodiversity or ecological issues raised by statutory undertakers that cannot be addressed at the latter reserved matters stages or by the imposition of planning conditions, and/or clause of a Section 106 Agreement.
- 1.9 The scheme seeks to provide a 100% affordable housing scheme, as well as contributions towards education, health care provision, refuse/recycling, National Forest Planting, speed limit extension and Travel Plan monitoring.
- 1.10 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' Outwoods Neighbourhood Plan, the Borough Council's Supplementary Planning Documents (SPDs) and the National Planning Policy Framework.
- 1.11 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 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 site****2. The site description**

- 2.1 The site comprises 1.59 hectares of agricultural land, located to the south and south west of Tutbury Road. Immediately to the east of the site are residential properties on Tutbury Lane. To the south and west is agricultural land.
- 2.2 The site is located outside of the settlement boundary of Burton upon Trent, with the settlement boundary drawn around the rear gardens of the residential properties which bound the site to the east.
- 2.3 The site is located within the boundary of the Outwoods Neighbourhood Plan area, is located within the National Forest and the site falls within Flood Zone 1.
- 2.4 For the avoidance of doubt the Rolleston on Dove Neighbourhood Plan area is located to the other side (east) of Tutbury Road.
- 2.5 The nearest heritage asset is a Grade II Milepost located some 600 metres from the south of the site. There are no other designations or constraints identified on the site.

**3. Planning History**

- 3.1 No Planning History.

#### 4. The Proposal

- 4.1 Outline planning permission for access only is sought for up to 40 no. dwellings. The scheme comprises 28 no. first homes and 12 no. affordable rented dwellings.
- 4.2 All other matters being layout, scale, appearance and landscaping are reserved.
- 4.3 The scheme originally sought outline consent for up to 46 no. dwellings, however this was reduced and amended during the course of the application.
- 4.4 Vehicular access to the application site will be via a priority T-junction onto the A511 Tutbury Road and the scheme proposes a 5.5 metres width footway to link to the existing footway on the southern side of Tutbury Road.
- 4.5 The illustrative layout shows an open space buffer to the south and south-western peripheries of the site, as well as areas of open space either side of the proposed vehicular access and along the northern edge of the site adjacent to Tutbury Road.
- 4.6 During the course of the application, the following amendments and additional information have been submitted:-
- Reduction in units from 46 to 40 units;
  - Scheme amended to a 100% affordable housing scheme with a revised mix;
  - Amended layout to increase the application site to the north-west and reduce the application site to the west;
  - Updated Location Plan and Site Layout;
  - Updated Flood Risk Assessment;
  - Updated Transport Statement;
  - Updated Noise Risk Assessment and Acoustic Design Statement;
  - A Planning Statement Addendum;
  - An Outline Drainage Strategy and additional drainage information; and
  - Updated Ecological Impact Assessment.
- 4.7 Re-consultation has been undertaken with all relevant statutory consultees, neighbours and Outwoods and Rolleston on Dove Parish Councils.

#### List of supporting documentation

- 4.8 The documents listed below were provided as part of the final application submissions; with those originally submitted having been revised/updated and supplemented – and others superseded – during the application process reflecting the amendments to the scheme and the need to respond to the requirements of statutory consultees and officers of the Local Planning Authority.
- Outline Planning Application Form
  - Location Plan
  - Proposed Site Layout

- Topographical Survey
- Ecological Impact Assessment
- Flood Risk Assessment and Final Report
- Landscape and Visual Appraisal
- Zone of Theoretical Visibility Methodology
- Phase I Ground Investigation report
- Planning Statement and Design and Access Statement
- Planning Addendum
- Noise Risk Assessment and Acoustic Design Statement
- Transport Statement
- Tree Constraints Plan
- Tree Survey
- Tree Survey Sketch Plans
- Drainage Strategy Report
- Letter regarding Soakaways
- Developer Enquiry Form (Severn Trent)
- Severn Trent Surface Water Guidance Note
- Sewer Record
- Staffordshire SUDS Handbook
- Ecological Impact Assessment

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

## 5. Consultation responses and representations

A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.1	Rolleston on Dove Parish Council	Supports the applicant's proposals to:- <ul style="list-style-type: none"> <li>• retain the majority of hedgerows and trees within the application site, and</li> <li>• to extend the existing TRO for 30mph past the site access.</li> </ul>
5.2	Outwoods Parish Council	Objects to the application as it is in conflict with strategic and local plan policies:- <ul style="list-style-type: none"> <li>• It is outside the development boundary;</li> <li>• We must keep the identity of our villages and these developments keep nibbling away at the open spaces between villages;</li> <li>• The entrance to the site is too near to the bend in the road;</li> </ul>

		<ul style="list-style-type: none"> <li>• This development introduces high density housing in a raised position, totally destroying any privacy current residents enjoy;</li> <li>• It introduces considerable urban form;</li> <li>• Provides no public facilities;</li> <li>• It is not essential for the viability of any business;</li> <li>• The evidence being used to justify this new proposal is flimsy at best with only 8 respondents requiring affordable housing. This is easily catered for within development currently under construction. The survey used to produce this evidence also showed that 67% of respondents said that no further housing is needed outside of existing allocations;</li> <li>• Outwoods has two large allocated sites, one at Upper Outwoods Farm (Beamhill Heights) and one at Glenville Farm (Tutbury Rd, Harehedge Lane). Together these developments will bring forward in excess of 300 affordable homes. The shortfall of affordable housing in and around Burton on Trent is therefore already being met;</li> <li>• The proposal does not comply with Policy SP17; and</li> <li>• The application does not comply with Policies RD1, RD3 and LR4 of the Outwoods Neighbourhood Plan.</li> </ul>
5.3	SCC Highways	No objection subject to conditions and provisions to be secured through a S106 Agreement.
5.4	SCC Education	No objection subject to a financial contribution to be secured through a S106 Agreement.
5.5	SCC Flood Risk Team	No objection, subject to conditions.
5.6	SCC Archaeology	No objection.
5.7	Environment Agency	No comments to make.
5.8	Severn Trent Water	No objection, subject to conditions.
5.9	The National Forest	No objection subject to financial contributions/provision to be secured through a S106 Agreement.
5.10	Architectural Liaison Officer	No objection. Recommendations and guidance on the layout.

5.11	Natural England	No objection.
5.12	Newt Officer	No objection, subject to conditions.
5.13	NHS	No objection, subject to a financial contribution.
5.14	Forestry Commission	No comments to make
5.15	Rolleston Civic Trust	<p>Objection on the basis that it encroaches on the Green Belt and is contrary to Rolleston's Neighbourhood Plan</p> <p><i>"This new proposal will add to the already proposed 500 houses in the vicinity. Rolleston's neighbourhood plan states a clear green belt between Burton and Rolleston, this proposal along with others encroaches on this green belt. There will be a severe increase in traffic making the already difficult traffic conditions around Harehedge lane and Beacon roundabout even more dangerous. Moreover there will increased traffic through Rolleston and Stretton as they will be used to cut through to A38. The suggestion that everyone will use public transport or cycle to work is pure fantasy. There is no provision for school spaces for this extra housing and there will be a severe impact on local amenities.</i></p> <p><i>The Rolleston Civic Trust strongly objects to this proposal and we feel that this part of Burton is already providing its fair share of quota for new housing development and any more will significantly adversely affect provision of schools, local amenities and create a dangerous traffic situation in the area."</i></p>

Internal Consultees		Response
5.16	Environmental Health	No objection, subject to conditions.
5.17	Housing Strategy	No objection subject to financial contributions/provision to be secured through a S106 Agreement.
5.18	Open Spaces	No objection, subject to a condition.
5.19	Waste Team	No objection subject to a condition or financial contribution.
5.20	Tree Officer	No objection, subject to conditions.
5.21	Councillor Russell Lock	<i>"The proposal is planned for land not currently considered viable for construction according to the most recent SHLAA, and is outside the settlement boundary. Given the</i>

		<p><i>availability of land within the settlement boundary there appears little reason to extend it further?</i></p> <p><i>While the application refers to the land north of the site as 'a few individual properties' those are the minor settlement of Lodge Hill, constructed 80 years or so ago. It would undermine the established green field boundary between Lodge Hill and Outwoods, effectively merging the two?</i></p> <p><i>The area in question is short on amenities such as shops, and this site would exacerbate that further.</i></p> <p><i>While the designs are not finalised, half the proposed houses appear to have no pedestrian access except through use of the roadway?"</i></p>
5.22	Councillor Simon Gaskin	<p><i>"This application is outside the Planning Boundary for the Borough and it would open the door for many applications to come forward in the future also it is on a very dangerous bend for access. We already have 1400 houses being built in the area and the roads and services just can't take any more</i></p> <p><i>I am vehemently against this application as it is outside the planning boundary and will make a precedent for future applications if granted."</i></p>
5.23	Kate Griffiths MP	Supportive of constituent comments and object to this application on the basis that the land is outside the local plan and therefore not suitable for a development of this kind.

## 6. Neighbour responses

6.1 36 letters of objection have been received:-

Neighbour responses	
Principle	<ul style="list-style-type: none"> <li>• Outside the development boundary</li> <li>• The shortfall of affordable housing in and around Burton is already being met</li> <li>• The survey confirmed that 67% of residents said that no further housing is needed outside of existing allocations</li> <li>• Does not comply with Strategic Policy 18 of the Local Plan</li> <li>• Does not comply with the Policies of Outwoods Neighbourhood Plan RD3, RD1 and LR4.</li> </ul>



	<ul style="list-style-type: none"> <li>• Sufficient housing in Outwoods</li> <li>• Loss of good quality agricultural land</li> <li>• Have DEFRA been consulted as the rapidly changing food provision and environmental situation would benefit from using the land to grow crops?</li> <li>• Low input/Organic agricultural land should be saved to increase and encourage insects and their predators to survive and multiply, not be destroyed by a housing development on a Green Field site</li> <li>• ESBC have a housing land supply in excess of 5 years</li> <li>• The applicant has stated that this application is phase 1 of a development with phase 2 for a total of 92 houses to be submitted later if this application is approved. Please refer to Phase 1 Site Appraisal in the application</li> <li>• The housing mix is at odds</li> <li>• Amount of social housing</li> </ul>
<p>Visual Impacts</p>	<ul style="list-style-type: none"> <li>• Another green space disappeared</li> <li>• High density housing</li> <li>• Topography/raised/elevated site</li> <li>• Dominate the skyline</li> <li>• Considerable urban form</li> <li>• Proposal does not comply with Strategic Policy 17 in terms of dispersal of affordable housing units</li> <li>• No 20 metre buffer between new and existing properties as set out in the Outwoods Neighbourhood Plan</li> <li>• The majority of the dwellings on Tutbury Road follow a single line on both sides of the road as it is a traditional old road with character. A new housing estate would look totally out of place and not in keeping with the rest of the housing. A blot in the landscape comes to mind.</li> </ul>
<p>Impacts on Amenity</p>	<ul style="list-style-type: none"> <li>• Topography – raised site – the proposed development would overlook surrounding residents</li> <li>• Any green space and trees should be around the neighbouring residents boundaries to shield the new houses from the view of the existing residents</li> <li>• Potential for nuisance neighbours (for the new as well as the existing).</li> </ul>

Highways Impacts	<ul style="list-style-type: none"> <li>• Poor vision in both directions and the entrance is too near to the bend in the road</li> <li>• Accidents in the vicinity – front wall was demolished and re-built twice, lamps standard was damaged beyond repair, a car overturned and another car demolished a portion of hedge; Two accidents recently along this road; 2 deaths involving a mini bus and a HGV lorry; the bollards to a pedestrian crossing to St. Modwen’s School has been damaged three times since their installation 8years The bollards were again damaged several weeks ago and before they could be repaired were again demolished in the last two weeks and do not now offer any warning for traffic of the crossing</li> <li>• Visibility splays shown are in sufficient for a site entrance in this area, they should be at least 2.5m x120m similar to those agreed for the Glenville Farm development and St. Modwen’s School access.</li> <li>• Suggest that a right turn traffic lane for traffic coming from Tutbury be provided with ghost road markings as appropriate.</li> <li>• Access should be moved or maybe a roundabout put in</li> <li>• Changing the speed limit to 30mph will not change anything</li> <li>• The traffic survey was not carried out with the schools are open</li> <li>• Local roads are becoming crowded and dangerous</li> <li>• Need to consider the cumulative impacts of the further 500 odd houses to be built between Rolleston Road, Tutbury Road and Harehedge and 300 odd houses off Beam Hill.</li> <li>• Proposed alterations to the A511 would not be considered adequate or safe.</li> <li>• Transport Statement refers to walking distance along Anslow Lane which is a very rural road with no pavement or street lighting</li> </ul>
Ecology	<ul style="list-style-type: none"> <li>• Environmental and biodiversity damage</li> <li>• Displace wildlife</li> <li>• Thriving corridor of buzzards, badgers, field mice, the owl and local bats</li> </ul>

	<ul style="list-style-type: none"> <li>• Barn owls, kestrels, bats, buzzards, woodpeckers and occasional skylarks. We believe all these are near or at the top of the food chain and require this type of agricultural land and hedges to survive</li> <li>• The destruction of wild life habitat including a badger set on the site, which has been noted on the application with no further comment.</li> <li>• When the site was visited by the environmental inspectors, it was the 20th January 2020. In our opinion, this is not a correct time to judge what plant species are on site as they may be dormant and bats, we believe, will be hibernating.</li> <li>• The site is within the National Forest and no matter what protection is put on trees they could be felled by "mistake" as happened on the Beamhill development.</li> </ul>
Other	<ul style="list-style-type: none"> <li>• Greed and personal profit</li> <li>• Flooding – existing floods every winter and during heavy rain and the increase in roof, drive and roads will increase this risk dramatically</li> <li>• This proposal will place unacceptable additional pressure on the A511 air quality management area</li> <li>• Carbon footprint of this development – every tonne of cement emits up to 622 kg of co2</li> <li>• Adversely affect the wider fights against climate change</li> <li>• Provides no public facilities; no doctors surgery</li> <li>• Local amenities are already overrun with the hospital and schools bursting at the seams</li> <li>• Local GP's have no capacity to accept any new patients, and there are no plans to increase capacity over and above that for existing housing allocations.</li> <li>• Not essential for the viability of any business</li> <li>• Causing much anxiety within the community</li> <li>• Introducing noise pollution, light pollution</li> <li>• Introducing an elevated anxiety over crime</li> <li>• On the approach Burton from Tutbury, there is a sign stating "Start of the National Forest" but no indications that this is true. In fact with the proposed development on farmland between Tutbury Road and Rolleston Road, the few trees that are already planted look to possibly be removed. To this end the Queen's Green Canopy Project could be implemented and a number</li> </ul>

	of trees could be planted in this area instead of building dwellings.
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## 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  
 SP6 Managing the Release of Housing and Employment Growth 2012 – 2031  
 SP8 Development outside of Settlement Boundaries  
 SP9 Infrastructure Delivery and Implementation  
 SP10 Education Infrastructure  
 SP16 Meeting Housing Needs  
 SP17 Affordable Housing  
 SP23 Green Infrastructure  
 SP24 High Quality Design  
 SP26 National Forest  
 SP27 Climate Change, Water Body Management and Flooding  
 SP29 Biodiversity and Geodiversity  
 SP32 Outdoor Sports and Open Space  
 SP34 Health and Wellbeing  
 SP35 Accessibility and Sustainable Transport  
 DP1 Design of New Development  
 DP2 Designing in Sustainable Construction  
 DP3 Design of New Residential Development, Extensions and Curtilage Buildings  
 DP7 Pollution and Contamination  
 DP8 Tree Protection

### Outwoods Neighbourhood Plan (2014-2031)

- TA2 – Roads and Streets
- TA3- Parking
- TA4 – Footpath and Cycle Routes
- TA5 – Public Transport
- CF1 – Schools and Education
- CF5 – Open Space
- RD1 – Design
- RD2 – Public and Private Space

- RD3 – Type and Tenure
- LR1 – Sports Pitches
- LR2 – Play for All
- LR3 – Green and Blue infrastructure

### Supplementary Planning Documents

- Car Parking Standards SPD
- Housing Choice SPD (revised version of March 2023)
- Climate Change SPD
- East Staffordshire Design Guide SPD
- Separation Distances and Amenity SPD
- Open Spaces and Playing Pitch SPD
- Planning Obligations SPD
- Waste Storage and Collection Guidance SPD
- First Homes Planning Advice Note

## **8. Assessment**

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

- Principle of Development
- Design and Impact on the character and appearance of the area
- Residential Amenities
- Highway Matters
- Flood Risk and Drainage
- Ecology and Biodiversity
- Archaeology
- Trees
- The National Forest
- Open Space and Play Space
- Other Matters
- Section 106 Matters
- Conclusions

## **9. Principle of Development**

9.1 The site falls within the Outwoods Neighbourhood Plan Area and outside of the settlement boundary of Burton upon Trent, in an area of countryside.

9.2 The site therefore falls to be considered against Policy SP8 of the Local Plan. Policy SP8 states that development outside settlement boundaries will not be permitted unless it is development under the Rural Exceptions Sites policy, set out under Policy SP18 of the Local Plan.

9.3 The determination as to whether the proposed development is in accordance with the Development Plan (which in this case includes the Local Plan 2015 and the Outwoods Neighbourhood Plan) must consider whether the application meets the existing Local Plan Policy on exception sites.

9.4 Policy SP18 of the Local Plan states that where the Council is satisfied in the light of evidence that there is a need for new affordable housing which will not otherwise be met, permission may be granted for a small development to specifically meet that need on a suitable site outside a settlement boundary. Policy SP18 then sets out a number of provisos that must be met to satisfy the policy, and the scheme is assessed against those below:-

- **The site is within or on the edge of a settlement**

It is adjacent to and abuts the settlement boundary of Burton on Trent to the east.

- **The site is within easy reach of local services and facilities;**

The site is within walking distance of shopping and primary schools and within a mile of other services and facilities. Given appropriate pedestrian links it is therefore within good active travel distance of amenities.

- **The scale of development is appropriate given the size of the existing settlement;**

SP18 requires that Rural Exceptions sites are to be 'small'. Whilst there is no specific definition of 'small' given in SP18, the development can be considered to be of an appropriate scale, as it is approximately 1.51 hectares, which equates with the maximum size for entry level exception sites (NPPF 2021 para 72) when taking into account the size of Burton on Trent. Furthermore, discussion on the appropriate definition of 'small' for this form of development was considered as part of the recent appeal; APP/B3410/W/20/3245077 Land off Aviation Lane. In that case a larger 100% affordable housing development was deemed appropriate given its location on the edge of Burton on Trent.

- **The majority of units provided on the site will be affordable housing;**

The proposal is for 100% affordable housing, including both First Homes and 12 homes for affordable rent.

- **Affordable housing will remain affordable in perpetuity;**

First Homes, as presented in this case are to remain at market discount in perpetuity unless specific legal conditions are met. Therefore the requirements of SP18 in this regard are met and the S106 Agreement would secure this.

- **The development complies with other relevant policies in the Plan;**

These matters are discussed in the report below.

- **Evidence of Need is provided in accordance with the Housing Choice SPD; and The development will specifically meet the assessed need.**

- 9.5 The applicants have submitted a housing needs survey covering the Parishes of Anslow and Outwoods. The Housing Needs Survey recommended provision of up to 6 affordable homes and 4 market homes. Therefore, the number of affordable homes being proposed outweighs the need identified when considered only in terms of these rural parishes.
- 9.6 Furthermore, Page 25 of the 2019 Housing Choice SPD states “The role of rural exception sites is to meet an identified housing need in small settlements which cannot be met from existing or planned development within the timescale that housing is needed.” A recent draft update to the Housing Choice SPD (2022) reinforces this need for Rural Exception sites to be for the needs of rural settlements rather than those of the main towns.
- 9.7 In short, following an assessment of the scheme in light of Policy SP18, whilst the scheme would satisfy all other criterion, the proposal does not strictly comply with the Local Plan definition of a ‘Rural Exception Site’ outlined in SP18 and the 2019 Housing Choice SPD. This is because the need for affordable housing in this location does not specifically arise from the nearby rural parishes covered by the Local Housing Needs Survey. The proposal would not therefore benefit from Policy SP18 definition of a ‘Rural Exception Site’ and by extension would therefore be contrary to Policy SP8 of the Local Plan. Approval of the development would therefore constitute a departure from the development plan.
- 9.8 The Council, however, has not fully met the Authority’s affordable housing need in previous years of the plan period (13/14 – 19/20) and there is an acknowledged need for consented sites for affordable housing to meet Burton’s need over the plan period.
- 9.9 This is reinforced with the recent APP/B3410/W/20/3245077 Land off Aviation Lane appeal decision which states that there is a shortfall of affordable housing in the Borough, especially that which will meet the needs of those wishing to access affordable accommodation for first time buyers; many of whom will find current mortgage rates challenging when paying full market price.
- 9.10 In her decision in the Land off Aviation Lane appeal, the inspector concluded “In this case I have found that the delivery of the site for 100% affordable housing would be a very significant benefit...” She drew a distinction between the Aviation Lane scheme which was to be 100% affordable and other schemes which include market housing. The inspector determined that “providing 100% affordable housing as a material consideration which would outweigh the conflict with the development plan in this instance.”
- 9.11 This proposal is considered to be similar to that of the appeal decision at Aviation Lane in that it is a 100% affordable scheme, and accords with Paragraph 72 of the NPPF – Entry Level Exception Sites which are intended mainly to meet the needs of first time buyers, but can contain any tenure of affordable housing.

Paragraph 72 of the NPPF states that:-

*“Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area. These sites should be on land which is not already allocated for housing and should:*

*a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and*

*b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.”*

- 9.12 The scheme is considered to comply with Paragraph 72 of the NPPF, as the site is not currently allocated for housing, is 100% affordable and the majority of homes are intended for First Time buyers, offering two types (so one or more types) of affordable housing. The site also meets footnote 35 in that it is not larger than one hectare in size or exceeding 5% of the size of the existing settlement. It is also adjacent to Burton on Trent, and accords with footnote 36 (not being in a National Park (or within the Broads Authority), an Area of Outstanding Natural Beauty or land designated as Green Belt.). For the reasons set out in the report below the scheme is also considered to comply with or can be designed at the relevant reserved matters stages to comply with local design policies and standards.
- 9.13 In terms of sustainability the site abuts the settlement boundary and is within a reasonable walking distance of Burton on Trent’s services and amenities. There are two sets of bus stops along the A511 Tutbury Road and are both within 300m of the proposed access. Service 401 and 402 provide a regular service between Uttoxeter and Burton. The site is considered to be sustainably located and would accord with Policy SP1 of the Local Plan and Policy TA5 of the Neighbourhood Plan.
- 9.14 In conclusion, the Council has not fully met the Authority’s affordable housing need in previous years of the plan period (13/14 – 19/20), there is an acknowledged need for consented sites for affordable housing to meet Burton’s need and the approval of the scheme could give a boost to the early delivery of First Homes in the area.
- 9.15 Accordingly, whilst the proposal does not fully accord with the Council’s definition of a ‘Rural Exception Site’ for the purposes of Policies SP8 and SP18 of the Local Plan and Housing Choice SPD 2019, the scheme does comply with the Paragraph 72 of the NPPF and the weight placed upon the need for accessible fully affordable housing sites which would increase the supply of reduced cost home ownership products in Burton, together with the site constituting a sustainable development, are considered to outweigh this policy conflict. The principle of residential development is therefore considered to be acceptable in principle, subject to all other matters being adequately addressed.



**10. Design and Impact on the Character and Appearance of the Area**

10.1 As mentioned within the introduction, this is an outline application for access only. As such, layout, design, appearance and landscaping are not for consideration within this application.

10.2 The applicant states that a dense landscaping buffer will be planted around the periphery of the site to create new habitats and screen the proposed development. The application is supported by a landscape and visual impact appraisal (LVIA). The original LVIA was assessed by the Council through an independent landscape consultant who concluded that:

*It is therefore suggested that the LVIA for the most part forms a reasonable basis for taking into account in the judgements to be made as to landscape and visual effects as part of the overall planning balance.*

10.3 It is considered, having regard to the indicative details submitted that the site could physically accommodate up to 40 no. dwellings in a form that would complement the surrounding area.

10.4 The provision of associated domestic infrastructure such as space for bin and cycle storage would be addressed in any reserved matters submissions. Accordingly, a suitably designed scheme could be designed at the relevant reserved matters stage(s).

10.5 In terms of the loss of agricultural land the Agricultural Land Classification (ALC) map for the West Midlands Region outlines that the land is Grade 3 (Good to Moderate). Best and Most Versatile (BMV) agricultural land is defined as falling within Grades 1, 2 and 3a of the ALC but the ALC map does not specify whether the Grade 3 land falls within the 3a (BMV) or 3b (not BMV) classification. Whilst the NPPF does not suggest that the release of smaller BMV sites is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Therefore given the relatively limited extent of the potential loss of the site (1.59 hectares), it is considered that this is not sufficient to sustain a reason for refusal in the context of criteria (b) of Paragraph 174 of the NPPF.

10.6 For the avoidance of doubt, as the application is in outline form, considering access only, Policy RD1 of the Outwoods Neighbourhood Plan is not applicable at this stage, as it refers to applications for full or reserved matters. Policy LR4 of the Outwoods Neighbourhood Plan relates to landscaping schemes for proposals in excess of 100 dwellings which is not applicable in this case, given the scheme relates to up to 40 dwellings. Nevertheless, when layout and landscaping are presented at the relevant reserved matters stage(s) the scheme will need to comply with both the Local Plan and Outwoods Neighbourhood Plan policies in terms of layout, design and landscaping.

10.7 In response to concerns raised by residents that affordable housing should be dispersed and not be in clusters of more than 8, as per Policy SP17 of the Local Plan and Policy RD2 of the Outwoods Neighbourhood Plan, these policies preventing clusters, cannot be applied to 100% affordable housing schemes.

## **11. Residential Amenity**

- 11.1 The indicative layout shows that 40 no. dwellings can be constructed on the site without compromising the reasonable amenities of existing occupiers of neighbouring residential properties on Tutbury Road and the future occupiers of the dwellings, whilst dwellings can also be provided with sufficient private amenity space commensurate with their size.
- 11.2 The precise layout, scale and design of the dwellings therefore will necessarily follow at any reserved matters stage, which will need to have regard to the guidance set out in the Separation Distances and Amenity SPD. It is, however, possible to conclude at this stage that the site is of sufficient size to accommodate up to 40 no. dwellings without giving rise to negative impacts upon adjoining future residential amenities.
- 11.3 In respect of noise, the Council's Environmental Health Team recommend that a condition be imposed securing the mitigation measures (glazing, ventilation insulation and 3 metres acoustic barrier) be installed prior to the first occupation of any dwelling to protect the future occupiers from noise.
- 11.4 At this outline stage it is considered that the scheme could be designed to ensure compliance with Policies SP24, SP34, DP1 and DP3 of the Local Plan, the Separation Distances and Amenity SPD and Policy RD2 of the Outwoods Neighbourhood Plan.
- 11.5 Furthermore, the Council's Environmental Health Team also recommend a condition in respect of land contamination and any remediation measures, if necessary. The scheme is considered to be in accordance with Policy DP7 of the Local Plan.

## **12. Highway Matters**

- 12.1 The application is accompanied by a Transport Statement.
- 12.2 The A511 Tutbury Road is a single carriageway road which measures approximately 8.5 metres in width. There is a change in speed limit from 40mph to 50mph equidistant across the site frontage. Further to the southeast on Tutbury Road on approach to the existing built-up area the speed limit reduces to 30mph.
- 12.3 Vehicular access to the application site will be via a priority T-junction onto the A511 Tutbury Road and will be 5.5 metres wide with footway provision linking with the existing footway on the southern side of Tutbury Road. The existing Traffic Regulation Order (TRO) for 30mph will be extended to continue past the site access.
- 12.4 The scheme has been assessed by County Highway Authority (CHA who confirm that the proposed access is positioned on the inside of a bend which as solid white lines in the carriageway at this point which ensures there are no overtaking manoeuvres permitted as to do so would be unsafe. In respect of the visibility splays "behind" the drivers' position, whilst are not ideal are allowed for in the design guidance.

- 12.5 The CHA state that the impact of its traffic on the network has not yet been fully modelled but that there is likely to be an access solution that will provide sufficient capacity at the site access and should that solution require a right turn ghost island there would sufficient land to accommodate any necessary works and it is reasonable to impose conditions requiring the junction assessment to be revisited considering the additional traffic whilst the work on extending the speed limit is ongoing. Accordingly, the CHA request a S106 to ensure no work commences on site prior to the new speed limit being in place as well as securing the monitoring fee for the Travel Plan, stating that it would be relatively straight forward to carry out the additional modelling works during the S106 negotiations as that will be required in any event for the Travel Plan monitoring fee and so the detail of the conditions can also be agreed during that time.
- 12.6 Subject to the aforementioned conditions and obligations advised by the CHA, it is considered that the proposal is acceptable in relation to highway safety and is therefore in compliance with Policies SP1 and SP35 of the Local Plan and Policy TA2 of the Outwoods Neighbourhood Plan.
- 12.7 The CHA have also recommended a condition requiring that the car and cycle parking spaces shall be in accordance with the Council's parking standards. As the application is in outline form the layout and bedroom numbers are not yet known, parking provision would be assessed at the relevant reserved matters stage(s).

### **13. Flood Risk and Drainage**

- 13.1 The site lies within Flood Zone 1 (which has the lowest risk of flooding) as defined on the Environment Agency's Surface Water Flood Maps.
- 13.2 Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer directly adjacent to the proposed development on Tutbury Road.
- 13.3 Following an original holding objection from the Lead Local Flood Authority (LLFA), the applicant has produced an updated Flood Risk Assessment and Outline Drainage Strategy and associated appended documents.
- 13.4 The additional information has been subject to re-consultation with the LLFA, Environment Agency and Severn Trent Water.
- 13.5 The Environment Agency have no comments to make on the application and Severn Trent Water and the LLFA raises no objection, subject to the imposition of surface water and foul drainage conditions.
- 13.6 Subject to the imposition of the aforementioned conditions, it is considered that the proposal is in compliance with Policy SP27 of the Local Plan and Policy LR4 of the Outwoods Neighbourhood Plan.

## **14. Ecology and Biodiversity**

- 14.1 The site falls within the amber impact risk zone for Great Crested Newts (GCN) and as such further surveys would usually be needed. However, the Newt Officer confirms that the current proposal avoids features such as scrub and wet woodland that might be suitable, the ecology report includes reasonable measures for incidental occurrences, and therefore no further action is needed.
- 14.2 The Newt Officer states that a condition be imposed requiring all site works to be in accordance with the recommendations of the Ecological Impact Assessment.
- 14.3 In respect of loss of any existing biodiversity, the site has field margins of up to 2 metres in width along the edges, which largely comprise of with a small area of woodland in the north-western most corner. As this woodland habitat and the adjoining hedgerows are not impacted by the proposed development it is not considered that there would be any significant anticipated biodiversity loss from the proposed development.
- 14.4 Notwithstanding the above, a net gain in biodiversity is required to be achieved, as set out in Paragraph 174(d) of the NPPF.
- 14.5 The Newt Officer also confirms that no assessment of biodiversity net gain has been submitted, however, it is apparent that with the proposed greenspace and tree planting a net gain should be achieved, in line with NPPF.
- 14.6 In this case, whilst no calculations have been provided, no significant loss of habitat would occur as a result of this development and the reserved matters application(s) provides an opportunity to secure long term enhancements as part of the landscaping, appearance and layout. As the application is in outline form, a condition is recommended that requires the submission of a scheme of biodiversity enhancements as part of the reserved matters application, in order to secure a biodiversity net gain.
- 14.7 The Newt Officer also recommends conditions to secure 4 no. house sparrow terraces on or integrated into the brickwork of the new dwellings and 4 no. integrated bat tubes or bat boxes within the new dwellings, located on south or west elevations.
- 14.8 Subject to the aforementioned conditions, it is therefore considered that the proposal complies with the requirements of Local Plan Policy SP29 and Policy LC3 of the Neighbourhood Plan.

## **15. Archaeology**

- 15.1 The County Archaeological Team confirm that given the scale of the proposals and the recent archaeological evaluation comprising both geophysical survey and trial trenching within the immediate surrounding area which has indicated that there is low potential for surviving archaeological remains, no archaeological concerns are raised in regards to this application.

**16. Trees**

- 16.1 The application is accompanied by a Tree Constraints Plan, Tree Survey and Tree Survey Sketch Plans.
- 16.2 There are no protected trees on site and the Forestry Commission confirm that there is no ancient woodland affected and consequently have no comments to make on this application.
- 16.3 The Council's Tree Officer has requested further information during the course of the application and is satisfied that trees T1 and G02 are to be retained.
- 16.4 As neither layout nor landscaping are for consideration at this stage, it is not possible to state whether a plot would be positioned within a root protection area or where proposed planting will be undertaken, as this will be determined at the reserved matter stage(s).
- 16.5 As such, as this outline stage it is considered that a scheme could be presented at the relevant reserved matters stage(s) to ensure compliance with Policy DP8 of the Local Plan, but that this would be a matter which could be assessed at the latter reserved matters stage(s).

**17. National Forest Planting**

- 17.1 In accordance with Policy SP26 of the Local Plan, 20% of the site area or 0.2 hectares should be provided as dedicated National Forest planting and landscaping. Although the Design and Access addendum states that 0.6 ha of landscaping buffer and open space is to be provided, and the indicative plan shows areas annotated as 'open space' and 'open space buffer,' the National Forest state that they believe the areas shown would be unlikely to qualify as National Forest planting.
- 17.2 Accordingly, the National Forest seek either 0.2 hectares of on-site National Forest planting or a financial contribution in lieu of on-site provision, to be paid prior to the commencement of development. This financial contribution is currently calculated at £35,000 per hectare, therefore for this application the contribution is £7000 (0.2ha x £35,000).
- 17.3 As this application is in outline, a scheme may be presented at the relevant reserved matters stage with on-site National Forest Planting which does qualify. Accordingly, provision for 0.2 hectares of National Forest Planting on site or a financial contribution in lieu will be specified as an obligation, within the S106 Agreement.
- 17.4 Subject to the aforementioned obligation, it is considered that the proposal would comply with Policy SP26 of the Local Plan.

**18. Open Space and Play Space**

- 18.1 The indicative details show how scheme could comprises 0.6 hectares of open space and landscaping. The illustrative layout shows an open space buffer to the south and southwestern peripheries of the site, as well as areas of open

space either side of the proposed vehicular access and along the northern edge of the site adjacent to Tutbury Road.

- 18.2 The Council's Open Spaces Team confirm that the proposed open space provision appears to exceed the minimum requirement required through the Open Spaces SPD, however, given the location of the proposed development the applicant should provide suitable play facilities for the children of the families that are likely to occupy the homes.
- 18.3 On the basis that neither the Council nor Parish Council own facilities that are close enough for children-with or without their parents to reach on foot, an off-site sum of any size would not be acceptable, in lieu of open space provision in this case. Accordingly, a scheme will be required to be presented at the relevant reserved matters stage(s), which provides for on-site provision for play space and this is to be secured by way of a planning condition.
- 18.4 Overall it is considered that the scheme is required to provide play space and there is scope available for this to include play space for older children/teenagers within the areas of open space that will come forward as part of the reserved matters stage(s) to comply with Policy SP32 of the Local Plan, the Open Space and Playing Pitch Supplementary Planning Document (SPD) and Policy LR2 of the Outwoods Neighbourhood Plan.

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

- 19.1 Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Planning obligations must only be sought where they meet all of the following tests:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
- 19.2 In this case the issue of the provisions/contributions are salient in relation to the following matters:
- Affordable Housing (including housing mix);
  - Education;
  - Healthcare Provision;
  - Speed Limit;
  - Travel Plan Monitoring;
  - National Forest; and
  - Refuse.

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

Affordable Housing (including housing mix)

19.4 In preparation of this application, the applicant appointed Midland Rural Housing to undertake a survey of housing needs for the parish of Anslow and Outwoods. The report was produced in August 2020 and the outcome recommended the provision of up to 6 affordable homes and 4 market homes.

19.5 Following the survey, subsequent discussions with the Local Planning Authority, and Trent and Dove in respect of their Housing register the scheme was amended to a 100% affordable housing scheme, comprising a mix of 28 'first homes' and 12 'affordable rent'. Therefore, there will no off-site contribution in relation to this development.

The application proposes the following mix:-

<b>First Homes</b>	<b>Affordable Housing</b>
0 no. 1 bed	1no. 1 bed
20 no. 2 Bed	4no. 2 bed
8 no. 3 Bed	5no. 3 bed
0no. 4 Bed	2no. 4 bed
<b>Total 28</b>	<b>Total 12</b>

19.6 In this case, the ESBC Housing Officer is content with the proposed housing tenure mix and affordable housing provision. The housing tenure is to be secured within the S106 Agreement and the bedroom mix as set out above will be secured by way of a Planning condition.

Education

19.7 The Staffordshire County Council Senior School Organisation Officer confirms that this application would attract a contribution of £179,536 to mitigate the impact on the secondary school and sixth form education school provision for Mosley Academy.

Healthcare Provision

19.8 NHS Staffordshire and Stoke-on-Trent request a total financial contribution of £26,000 for inclusion in the Section 106 Agreement to be allocated towards Carlton Street Surgery, Dove River Practice and Tutbury Practice to support their adaptations and expansions to accommodate the additional pressures, resultant of additional patients as a result of this development.

Speed Limit

19.9 The County Highway Authority (CHA) confirm that the development includes provision for extending the 30mph limit beyond the site access which cannot be conditioned as it is subject to a further process of approval and cannot therefore be guaranteed. The County Highway Authority therefore request that a Section 106 Agreement secures that no work commences on site prior to the new speed limit being in place and any associated works in the highway (such as a ghost island if needed).

Travel Plan Monitoring Fee

19.10 The CHA also seek a Travel Plan Monitoring fee to be secured as part of the Section 106 Agreement. The fee would be used to oversee - and where necessary modify the Travel Plan for the development of the site. The fee requested by the CHA is £10,000 for a measures and outcomes plan.

National Forest

19.11 In accordance with Strategic Policy 26 of the East Staffordshire Local Plan, 20% of the site area or 0.2hectares should be provided as dedicated National Forest planting and landscaping. Although the Design and Access addendum states that 0.6ha of landscaping buffer and open space is to be provided, and the indicative plan shows areas annotated as ‘open space’ and ‘open space buffer,’ it is unlikely that these areas would qualify as National Forest planting.

19.12 Accordingly, the National Forest seek either 0.2 hectares of on-site National Forest planting or a financial contribution in lieu of on-site provision, to be paid prior to the commencement of development. This financial contribution is calculated at £35,000 per hectare, therefore for this application the contribution is £7,000 (0.2 hectares x £35,000).

Refuse Containers

19.13 In line with the Waste Storage and Collection Guidance SPD the developer will be required to pay for the provision of refuse storage bins for each dwelling at a cost of £90 per dwelling. As such the total for inclusion in any Section 106 Agreement would be £3,600 (if the full 40 dwellings are progressed).

**Section 106 Contributions**

19.14 The following contributions are sought. These contributions are set out below:

<b>Item</b>	<b>Planning Obligation</b>	<b>Cost (where applicable)</b>
Affordable Housing	100% provision to be provided on-site	N/A



Education	Secondary and sixth form contribution for Mosley Academy.	£179,536
Healthcare (NHS)	Contribution towards the adaptation/refurbishment/expansion/replace ment of Carlton Street Surgery and Dove River Practice and Tutbury Practice.	£26,000
Highways	No work commences on site prior to the new speed limit being in place and a Travel Plan Monitoring Fee	£10,000
National Forest	0.2 hectares of on-site National Forest planting or a financial contribution in lieu of on-site provision  £35,000 per hectare, therefore for this application the contribution is £7000 (0.2ha x £35,000).	£7,000 or 0.2 hectares of on - site provision
Refuse Containers	Contribution to provide refuse storage containers at £90 per dwelling	£3,600

19.15 With regard to these contributions/requirements, the applicants have confirmed that they are agreeable to a Section 106 Agreement to provide for (on a pro rata basis where relevant) all the obligations set out in the table.

## 20. Conclusions

20.1 In conclusion, the principle of residential development is considered to be acceptable. It is acknowledged that the proposal does not fully accord with the Council's definition of a 'Rural Exception Site' for the purposes of Policies SP8 and SP18 of the Local Plan and Housing Choice SPD 2019. The scheme, however does comply with the Paragraph 72 of the NPPF and the weight placed upon the need for accessible fully affordable housing sites which would increase the supply of reduced cost home ownership products in Burton, together with the site constituting a sustainable development and in accordance with Policies SP1 of the Local Plan and Policy TA5 of the Neighbourhood Plan, are considered to outweigh this departure from the local plan, in this case.

20.2 It is considered, having regard to the indicative details submitted that the site could physically accommodate up to 40 no. dwellings in a form that would complement the surrounding area and could be designed at the reserved matters stages to ensure no significant adverse impact on occupiers of

neighbouring dwellings in terms of overlooking or loss of privacy or in terms of noise and disturbance.

- 20.3 There are no objections from the County Highway Authority in relation to the proposed access, subject to the imposition of conditions and provision with the Section 106 Agreement to secure a Travel Plan Monitoring Fee and extension to the 30mph speed limit beyond the site access.
- 20.4 There are no drainage, flood risk, noise or contamination concerns or impacts upon trees, biodiversity or ecological issues raised by statutory undertakers that cannot be addressed at the latter reserved matters stages or by the imposition of planning conditions, and/or clause of a Section 106 Agreement.
- 20.5 The scheme seeks to provide a 100% affordable housing scheme, as well as contributions towards education, health care provision, refuse/recycling, National Forest Planting, speed limit extension and Travel Plan monitoring.
- 20.6 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 Outwoods Neighbourhood Plan, the Borough Council's Supplementary Planning Documents (SPDs) and the National Planning Policy Framework.
- 20.7 Having due regard to the planning merits of the case set out in detail in the Assessment section of this report – and as summarised in the Executive Summary - the application is recommended for **approval** subject to the necessary Section 106 agreement and conditions.

## **CONDITIONS**

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

Applications for approval of the reserved matters for any Phase of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

No development shall take place until plans and particulars of the layout, scale, and appearance of the building(s) to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.

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

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

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

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

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

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

- Location Plan Drawing No. 1428/05 Rev F dated as received on 23/06/22;
- Proposed Site Layout (Plot layout and landscaping are indicative) Drawing No. 1428/10 Rev M dated as received on 23/06/22;
- Topographical Survey dated as received on 27/07/21;
- An Ecological Impact Assessment dated as received on 27/07/21
- Landscape and Visual Appraisal dated as received on 30/07/21
- Flood Risk Assessment dated as received on 23/06/22;
- Noise Risk Assessment & Acoustic Design Statement dated as received on 23/06/22;
- Planning Statement & Design and Access Statement dated as received on 05/08/21
- Phase I Ground Investigation report dated as received on 10/08/21;
- Tree Constraints Plan dated as received on 27/07/21;
- Tree Survey dated as received on 27/07/21;
- Tree Survey Sketch Plans dated as received on 27/07/21;
- Addendum Planning Statement dated as received on 23/06/22;
- Transport Statement dated as received on 23/06/22;
- Zone of Theoretical Visibility Methodology dated as received on 23/06/22;
- Letter regarding Soakaways dated as received on 14/03/23;
- Developer Enquiry Form (Severn Trent) dated as received on 14/03/23;
- Severn Trent Surface Water Guidance Note dated as received on 14/03/23;
- Sewer Record dated as received on 14/03/23;
- Outline Drainage Strategy Rev B dated as received on 21/03/23;
- Staffordshire SUDS Handbook dated as received on 21/03/23; and

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP3, SP4, SP6, SP6, SP8, SP9, SP10, SP17, SP17, SP23, SP24 SP26, SP27, SP29, SP32, SP34, SP35, NP1, DP1, DP2, DP3, DP7, DP8, Outwoods Neighbourhood Plan Policies TA2, TA3, TA4, TA5, CF1, CF5, RD1, RD2, RD3, LR1, LR2 LR3, the East Staffordshire Design Guide, Car Parking Standards SPD, Housing Choice SPD, Climate Change SPD, Separation Distances and Amenity SPD, Open Spaces and Playing Pitch SPD, Planning Obligations SPD, Waste Storage and Collection Guidance SPD, First Homes Planning Advice Note and the National Planning Policy Framework.

#### **Condition 5 – No. of Units**

A total of no more than 40 dwellings shall be erected.

Reason: For the avoidance of doubt and to define the scope of the permission.

**Condition 6 – Mix**

The reserved matters application(s) required under condition 2 above shall provide a housing mix of 2-3% 1 beds, 59-61% 2 beds, 32-33% 3 beds and 5% 4 beds, unless an alternative mix is first agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy 16 of the East Staffordshire Local Plan Policy RD2 of the Outwoods Neighbourhood Plan, East Staffordshire Housing Choice Supplementary Planning Document and the National Planning Policy Framework.

**Condition 7 – Play Area Provision**

The reserved matters application(s) required under condition 2 above shall include precise details of the proposed play area (including a programme of works). The agreed play area shall be provided in accordance with an agreed programme of works and those areas shall not thereafter be used for any purpose other than as a play area.

Reason: To ensure that adequate play areas are available at all times in the interests of providing reasonable amenities for future residents and in accordance with Policies SP24, SP32, DP1 and DP3 of the East Staffordshire Local Plan, Open Spaces and Playing Pitch Supplementary Planning Document, Policy LR2 of the Outwoods Neighbourhood Plan and the National Planning Policy Framework.

**Condition 8 – Levels**

The reserved matters application(s) required under condition 2 above shall include details of existing and finished ground levels and the proposed floor levels of the units in relation to an existing datum point off the site. Finished Floor Levels are to be set at least 150mm above surrounding ground levels in accordance with Condition 11 (i) of this permission. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the development takes the form envisaged by the Local Planning Authority.

**Condition 9 - Contaminated Land**

- a) Where the Phase 1 Site Appraisal completed by Patrick Parsons (Ref: B20265. Issued January 2021) has identified potential contamination no development including any construction works, remediation or site demolition shall commence until details of an intrusive site investigations including all technical data, as a Phase 2 Report has been submitted to and approved in writing by the Local Planning Authority. The intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Chemical analysis, identified as being appropriate by the desktop study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods;
- b) In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which

mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed;

- c) If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement; and
- d) The development shall not be occupied until a validation report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

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

#### **Condition 10 - Drainage (LLFA)**

No development shall commence until the following elements of a surface water drainage design have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The drainage strategy provided shall be in accordance with the Staffordshire SuDS Handbook and shall include the following specific details:

- a) Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015);
- b) Evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. This shall include detailed infiltration testing carried out to Building Research Establishment (BRE) Digest 365 standards shall be undertaken to establish if an infiltration solution is feasible on site, the possibility of surface water sewer requestions for connection into the Rolleston Brook and if discharge is proposed to an existing sewer, then evidence shall be provided regarding permission to connect;
- c) A maximum discharge rate from site of 3.0l/s to 1 in 100yr + climate change standards;
- d) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations shall demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;

- e) Provision of surface water run-off attenuation storage in accordance with the requirements specified in ‘Science Report SC030219 Rainfall Runoff Management for Developments’;
- f) Multi-benefit SuDS shall be provided on site in line with the August 2022 Guidance on Flood and Coastal Change;
- g) The use of rain garden features to provide bio-treatment of surface water runoff and enhance amenity values;
- h) Provision of supporting information to demonstrate that sufficient water quality measures have been incorporated into the design. This shall be in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria;
- i) Finished Floor Levels and openings (e.g. air bricks) are to be set at least 150mm above surrounding ground levels and ground levels shall be designed to direct surface water away from dwellings;
- j) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system; and
- k) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site to ensure adequate water quality protection of the receiving water body and to ensure lifetime maintenance of the system to prevent flooding issues to accord with SP27 of East Staffordshire Local Plan and LR4 of the Outwoods Neighbourhood Plan.

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

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

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

**Condition 12 – Highways**

No development shall commence until 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, electric vehicle charging facilities and details of proposed pedestrian and cycle routes and facilities in the site shall be submitted to and approved by the Local Planning Authority. The scheme shall be fully implemented and thereafter retained in accordance with the approved details.

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

**Condition 13– Highways Access**

No development shall commence until the access details shall be submitted to and approved by the Local Planning Authority and the construction of the access shall be completed to at least base course level and adequately drained to ensure no surface water runs onto the highway. The scheme shall be fully implemented and thereafter retained in accordance with the approved details.

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

**Condition 14 – Travel Plan**

Prior to the first occupation of any dwelling hereby approved a Travel Plan shall first be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include a monitoring methodology which will include a survey methodology for assessing the travel mode choices of residents, an initial series of targets for modal shifts for residents and a secondary series of targets should the initial targets not be achieved. These secondary targets could include contributions to improving infrastructure to support sustainable travel modes as well as or instead of other measures to drive change.

The Travel Plan once approved will be monitored and managed including an agreed surveying system to identify travel choices of residents, changes in those travel choices and submission of annual reports from the Travel Plan Co-ordinator to the Local Authority for at least five years from the occupation of the final part of the development or until the targets in the Travel Plan are met.

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

**Condition 15 - Biodiversity Enhancement**

Prior to the first occupation of any dwelling hereby approved a scheme of on-site landscape biodiversity net gain shall be completed, the exact details, specification and

implementation of which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and thereafter retained in the approved form.

Reason: In the interests of mitigating the impact of the development on protected species and their habitats and securing a net-gain in biodiversity in accordance with the National Planning Policy Framework.

#### **Condition 16 – Ecological Enhancement**

Prior to first occupation of any dwellings hereby approved details of ecological enhancement measures being 4 no. house sparrow terraces on or integrated into the brickwork of new dwellings, as appropriate and 4 no. integrated bat tubes or bat boxes within the new dwellings, located on south or west elevations shall be shall first be submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the first occupation of the relevant dwellings / and thereafter made available at all times for their designated purposes.

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

#### **Condition 17 – Noise Mitigation**

Prior to the first occupation of any dwelling hereby approved the mitigation measures identified in the above Noise Assessment shall first be installed. These mitigation measures include the glazing and ventilation insulation specifications identified in the Assessment for the properties for the different areas of the site and the 3 metre acoustic barrier identified for parts of the site boundary. The mitigation measures shall thereafter be retained.

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

#### **Condition 18 – Highways**

The site will be provided with a suitable wheel washing facility that ensures no mud or any loose material is carried from the site onto the public highway at any time.

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

#### **Condition 19 – Ecological Assessment**

All site works must comply with recommendations in sections 5.1-5.3 of the Ecological Impact Assessment (Ecolocation, May 2021) received by the Local Planning Authority on 27/07/21.

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



**Condition 20 - Lighting**

Any external lighting shall be provided only in accordance with an external lighting scheme which shall first have been submitted to and approved in writing by the local planning authority.

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

**Informatives****Informative 1: Engagement (Proactive)**

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.

**Informative 2: Pre-commencement Conditions**

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

Condition No's. 9-13

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

The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

**Informative 3: During development conditions**

The condition identified below require details to be approved during the development/works.

Condition No's 14, 15 and 16

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

Confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

#### **Informative 4: Ecology**

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

#### **Informative 5: Highways Works Agreement**

The proposed site access works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to [road.adoptions@staffordshire.gov.uk](mailto:road.adoptions@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

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

#### **Informative 6: Highways**

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

## **Informative 7: Severn Trent Water**

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

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

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

### **21. Background papers**

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

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

### **22. Human Rights Act 1998**

22.1 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.

### **23. Crime and Disorder Implications**

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

**24. Equalities Act 2010**

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

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