

Agenda Item:	5.1
Site:	Former Uttoxeter Household Waste Site, Pennycroft Lane, Uttoxeter, ST14 7BW
Proposal:	Demolition of existing buildings to facilitate the erection of 44 No. dwellings together with associated access road, external works, car parking and landscaping

Report of Head of Service (Section 151 Officer)

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

[Hyperlink to Application Details](#)

Application Number:	P/2022/01349	
Planning Officer:	Alan Harvey	
Type of Application:	Full	
Applicant:	Trent and Dove Housing	
Ward:	Town	
	Cllr G Allen	
	Cllr P R Krupski	
Date Registered:	22 nd December 2022	
Date Expires:	22 nd March 2023 - extension of time agreed by applicants to 30 th October 2023	
Reason	The application site is owned by the Borough Council	
Recommendation	Approve , subject to Section 106 Agreement and conditions	

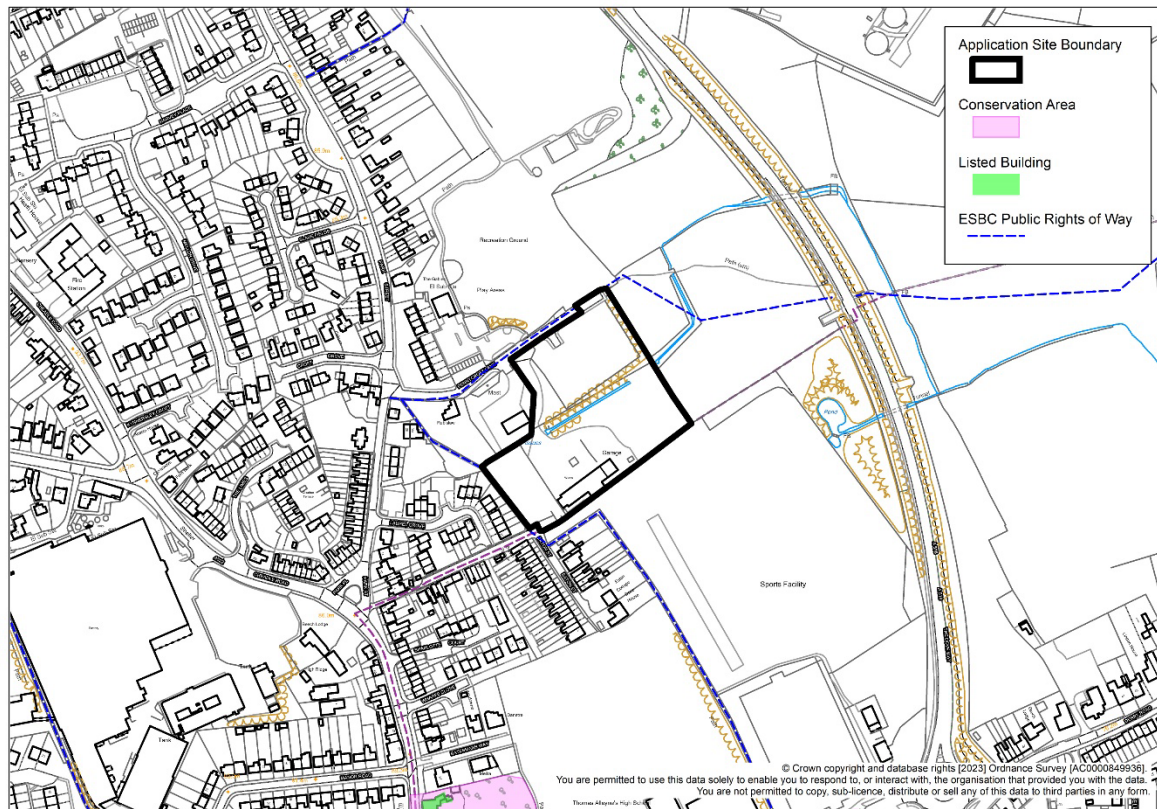
1. Executive Summary

- 1.1 The application site comprises the former Household Waste site occupying approx. 1.38 ha on the southern side of Pennycroft Lane at the north-eastern periphery of Uttoxeter. The site is bordered by existing residential development to the west and south-west with Pennycroft Park to the north and fields to the east. School playing fields lies to the south.
- 1.2 The scheme is a full application for the proposed demolition of the existing buildings to facilitate the erection of 44 No. dwellings together with an associated access road, external works, car parking and landscaping.
- 1.3 All the proposed properties are two storeys in height and are all to be affordable housing units; comprising 34 No. affordable rental units and 10 No. shared ownership dwellings. There is a combination of two, three and bedroom dwelling units and these

are to be constructed as a mix of detached, semi-detached and terraced properties. The 14 No. apartments are for the over 55s on an affordable rental basis and are a mix of one/two bed units.

- 1.4 Uttoxeter Town Council state that in overall terms they support this affordable housing scheme which is *“in a sustainable location and of energy efficient building standards”* subject to flooding and wildlife mitigation/enhancements, along with improvements to the junction of Pennycroft Lane and Park Street.
- 1.5 The County Highway Authority, however, do not consider any off-site junction improvements to be necessary in raising no objections in principle to the scheme. This is consistent with the previous approval for 49 No. dwellings on the site. Other statutory consultees have also raised no issues in relation to technical matters that cannot be reasonably addressed via planning conditions.
- 1.6 The Town Council also requested that Public Realm Improvements and Community Priorities are secured by Section 106 Agreement, however, these fall outside the criteria relevant to this specific scheme. In any event, a viability appraisal commissioned by the Borough Council concludes that the scheme would not be viable if the Local Planning Authority was to require the commuted sums for education, health and open space provision as requested by consultees.
- 1.7 Three No. local residents/interested parties made representations on the original submissions raising concerns about access potentially being taken off Gas Street/Eaton Street and the use of timber fencing to boundaries to the public domain on these streets. The boundary treatment was subsequently amended to a wall/fence combination whereas the scheme has never proposed any access off Gas Street or Eaton Street (a matter which nevertheless will be controlled by a condition).
- 1.8 The proposal would not be likely to adversely affect the amenities of occupiers of existing nearby dwellings whilst also providing for an acceptable level of amenity for the occupiers of the future new dwellings. The proposals would not give rise to any environmental concerns.
- 1.9 The scheme would also provide some mitigation in relation to ecological and biodiversity impacts and whilst these would not fully compensate for the loss of the existing habitats on the site (which have become established as a consequence of the partial land contamination mitigation), it is considered that the benefits of the scheme in terms of the full de-contamination of the site, the visual amenity enhancement and the delivery of affordable housing would outweigh this impact. Furthermore, the current scheme would provide further ecological enhancements over and above that of the previously approved scheme which remains extant (and therefore lawfully capable of being progressed).
- 1.10 It is therefore considered that on balance the submitted scheme would be compliant with the provisions and overall aims of the relevant development plan policies and the National Planning Policy Framework. The application is therefore recommended for conditional approval subject to the necessary Section 106 Agreement to retain the dwellings as affordable housing units.
- 1.11 **Members are advised that the above is a brief summary of the complex proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site



2. The site description

- 2.1 The application site, which is of some 1.38 ha, is the former Uttoxeter Household Waste Site and is located on the southern side of Pennycroft Lane at the north-eastern periphery of Uttoxeter.
- 2.2 The application site is currently provided with two access points from Pennycroft Lane. Wider access to the site is provided from Cheadle Road, onto Park Street and then into Pennycroft Lane. Public Footpath (No.41a Uttoxeter Town) passes through the northern most point of the site boundary along Pennycroft Lane. Public Footpath (No.43 Uttoxeter Town) runs adjacent to - but outside - the south -western boundary.
- 2.3 The application site is bordered by existing residential development to the west and south-west with Pennycroft Park to the north. The site is adjoined immediately to the north-west by the premises of Gun-point (a light industrial use) and a telecommunications mast with three storey flats beyond. To the east are agricultural lands and there are school playing fields to the south.
- 2.4 The site has a gradual slope downwards from both the northern and southern boundaries towards a partially culverted water course running approximately south-west to north-east across the centre area of the site. The site also generally slopes gently downwards from west to east. There are areas of self-set green space and a small number of trees both within, and to the periphery of the site. There is an outbuilding close to the site boundary in the south-western corner.
- 2.5 The site is enclosed by a variety of boundary treatments, including a blockwork wall approximately two metres in height along the western boundary, palisade fencing to the boundary with the adjacent industrial unit and demarcating the boundary of the former recycling centre, and a brick wall approximately two metres in height to the boundary with the school playing fields to the south.

- 2.6 The application site is within the settlement as defined in the adopted Local Plan is allocated for housing development.

3. Planning History

- 3.1 There was an extensive planning history in relation to the former use of the land as the Household Waste site.
- 3.2 The site was also previously subject of a proposed residential re-development scheme for which planning permission was granted conditionally subject to a Section 106 agreement in February 2016. Application ref: P/2014/01663 was approved for the erection of 49 No. dwellings comprising 9 No. detached dwellings, 18 No. pairs of semi-detached dwellings and one block of 4 No. terraced dwellings.
- 3.3 A series of applications were subsequently approved for the discharge of conditions to application ref: P/2014/01663 to enable land contamination works to be undertaken at the site in 2017/18.
- 3.4 The scheme was not progressed in terms of construction works on the dwelling themselves but the planning permission remains extant given the material commencement of development on the site.

4. The proposal

- 4.1 This application for full planning permission proposes the erection of 44 No. affordable dwelling units together with an associated single access road off Pennycroft Lane, external works, car parking and landscaping. The scheme comprises 34 No. affordable rental units and 10 No. shared ownership units.
- 4.2 The proposals provide for a mix of 30 No. houses; being 21 No two bed, 8 No. 3 bed and 1 No. 4 bed; along with 14 No. apartments for the over 55s. The apartments are grouped in two blocks and are mix of one bed (8 No) and two bed (6 No) units. The apartments are all affordable rental units.
- 4.3 The individual dwellings will be predominantly semi-detached (24 No.) along with 3 No. terraced and 3 No. detached units. Individual dwellings will be provided with private amenity space including rear gardens, whilst the occupiers of the two apartment 'blocks' are to be provided with shared amenity areas.
- 4.4 All the buildings are 2 storey in height with the proposed dwellings having a height of approx. 8.2 metres above ground level and the apartment buildings having a maximum height of some 8.4 metres. The materials to be used in the development are red multi facing brickwork with slate grey concrete interlocking tile rooftiles. There will be dark grey composite weather boarding to house front gables and dark grey and teal green render to apartment balcony gables. The window and door units, along with steelwork to glazed balustrades (to the apartments) and metal handrails/supports are all to be dark grey.
- 4.5 A landscaping scheme is proposed to be provided, primarily alongside the watercourse running through the site (which will remain culverted). The scheme proposes the planting of 33 No. trees in the lieu of the 8 No. to be removed to facilitate the development.
- 4.6 The treatments to rear common boundaries and between gardens are predominantly to be of 1.8m high close board timber fence with concrete post and concrete gravel boards. Where the application site adjoins the highway on Eaton Street/Gas Street at its south-western corner to be 1.0 m high brick wall and 1.9m high brick piers with 0.8m high infill close board fence panels. Red multi facing brick work with brick on edge coping is to be used for retaining walls where they are proposed.

- 4.7 The development will only have vehicle and pedestrian access provided from Pennycroft Lane via its junction with Park Street (and as such there will be no pedestrian access directly off Gas Street or Eaton Street). The new access road will be of tarmac and block paving with individual driveways and shared driveways being of block paving.
- 4.8 Each terraced and semi-detached property (of 2 or 3 No. beds) is provided with 2 No. parking spaces, with the detached 4 No. bed property provided with 3 No. parking spaces. The two apartment buildings are provided with an overall total of 20 No. parking spaces shared between the units along with a secure cycle locker each. Bins spaces are shown for all properties.

List of supporting documentation

4.9 The following documents comprise the application:

- Application Form
- Site Location Plan
- Site layout Plan
- Existing and Proposed Site levels
- Detailed dwelling type and streetscape drawings
- Landscape and boundary treatment plans
- Design and Access Statement
- Planning Statement
- Archaeological Assessment
- Ecological assessments and surveys (including protected species survey work).
- Biodiversity Net Gain Assessment
- Tree Survey
- Highway Assessment
- Sustainable drainage strategy reports and layouts
- Flood Risk Assessment
- Land Contamination/Remediation Strategy
- Noise Assessment
- Affordable Housing Statement

4.10 During the application process and in response to consultees/officer requirements various reports were updated and supplemented (for example in relation to protected species and habitats). The applicants were also required to provide a Housing Mix Justification statement. Revised plans were received in relation to boundary treatments on Eaton Road/Gas Street (in response to representations from interested parties).

4.11 The relevant findings of the various technical documents are dealt with in Section 8 onwards below.

4.12 The applicants also provided development viability submissions which have been subject to detailed assessment by external consultants appointed by the Local Planning Authority. The background to this matter and the relevant conclusions are dealt with in detail in Section 18 of this report.

5. Consultation responses and representations

5.1 A summary of the consultation responses as they relate to the final scheme are set out below:

Statutory and non statutory consultee	Response
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5.2	Uttoxeter Town Council	<p>The Town Council comments that it supports this application for affordable housing which is in a sustainable location and will be built to be energy efficient, through the incorporation of renewable technologies and well insulated building fabric. The Town Council also request that :-</p> <p>(1) That a Section 106 condition is applied under the criteria of Town Centre Public Realm Improvements and Community Priorities with the level of funding to be agreed between ESBC and the Town Council for the purposes of:-</p> <p>(i) Providing or funding additional road safety/community enhancement measures for traffic calming into and out of Uttoxeter;</p> <p>(ii) Providing or funding 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;</p> <p>(iii) Contributing to the additional costs of the Council-owned Cemetery.</p> <p>(2) That Section 106 funding is secured in respect of public open spaces and is used for the enhancement of Pennycroft Park.</p> <p>(3) That the applicant be requested to install swift boxes and bee bricks within the build where possible and that there is provision for hedgehog access points installed along all boundaries.</p> <p>(4) That with the increase in vehicle and pedestrian traffic resulting from this development, the junction of Pennycroft Lane and Park Street is redesigned to provide safer egress onto Park Street.</p>
5.3	SCC Highways	No objections in principle
5.4	SCC Education	Advise an education contribution of £222,552 is required; comprising new places in first school education (£139,600) and middle school education (£82,952)
5.5	SCC Flood Risk Team	No objections in principle.
5.6	SCC Rights of Way	Raise no objections but request that the applicants be reminded that the public footpaths - one of which crosses the site - be kept free of obstruction and are available to users.
5.7	Peak and Northern Footpaths Society	Request that it is ensured that use of the public footpaths/the safety of users must not be affected
5.8	Local Ramblers	Have no objection
5.9	Environment Agency	No objections

5.10	Severn Trent Water	No objections
5.11	Architectural Liaison Officer	No objections.
5.12	County Archaeologist	Raises no archaeological/historic environment issues regarding the development in this instance.
5.13	Newt Officer	No objections in principle
5.14	County Ecologist	Required the provision of additional reports in relation to the common toad (which in turn have provided by the applicants) and recognises that the development will provide for hedging/landscaping. County Ecologist points out, however, that the scheme will result in the significant loss of the habitat mosaic that has established itself on the site - further to the land contamination remedial works - and that if such a loss cannot be addressed on site (inevitably with a reduction in the level of development) then off-site compensation would be necessary to meet the NPPF requirements to ensure there is no net habitat loss.
5.15	Health	Advise that a commuted sum of £26,650 would be required towards health facilities in Uttoxeter.
Internal Consultees		Response
5.16	Environmental Health	Recommend that mitigation measures need to be secured to address the land contamination, include cooperating with the Environment Agency. Environmental Health also recommend conditions to control noise and dust during the development phase.
5.17	Housing Officer	Consider that the affordable housing type and tenure mix is acceptable further to the provision of the Housing Mix Justification statement
5.18	Open Spaces	An off-site contribution of £24,500 for open space/leisure provision is required (having regard to the proximity to Pennycroft Park).
5.19	Tree Officer	No objections in principle.
5.20	Waste Management	Require appropriate provision for waste and recycling bins on the site.

6. Neighbour Responses

6.1 The application was advertised on the site and in the local press and adjoining residents/properties consulted. 3 No. representations were received from local residents which primarily raised the concerns that there could be pedestrian access into the development from Gas Street which would be to the detriment of existing residents and highway safety. The representations requested

boundary treatments that were more substantial (than timber fence panels) to prevent breakage or disturbance.

6.2 The parties concerned were re-consulted on the revised plans (showing revised boundary treatments comprising of brick walls/piers with fence panel infills/clarifying there would no pedestrian access propose from Gas Street or Eaton Street). One party has commented further that they *“are pleased that the changes have been made to the plans.”*

6.3 Policy Framework

6.4 The relevant national and local planning policies are listed in order below. Policy NP1 of the Local Plan sets out the role of Neighbourhood Plans and in the case of this report the policies of the ‘made’ Uttoxeter Neighbourhood Plan are addressed as an integral part of this report.

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
- SP4 Distribution of Housing Growth 2012 – 2031
- SP9 Infrastructure Delivery and Implementation
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- 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.
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP7 Pollution and Contamination
- DP8 Tree Protection

‘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 L3 - Public Open Space
- Policy E1 - Uttoxeter's Network of Green Infrastructure
- Policy E3 - Green Links
- Policy E4 - Heritage
- Policy H2 - Housing Mix and Standards
- Policy C2 - Health Provision
- Policy C3 - Education and Childcare Provision

Supplementary Planning Documents/Guidance

- Housing Choice Supplementary Planning Document (2023)
- East Staffordshire Design Guide
- Separation Distances and Amenity Supplementary Planning Document
- Parking Standards Supplementary Planning Document
- Waste Storage and Collection Guidance for New Developments
- Open Spaces and Playing Pitch SPD
- Climate Change SPD
- Planning Obligations SPD

7. Assessment

7.1 The main considerations in the determination of the scheme are:-

- Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Highway Matters (including Public Rights of Way)
- Heritage Environment
- Flood Risk and Drainage
- Contamination
- Ecology and Biodiversity.
- Building Sustainability
- Section 106 matters/Viability

8. Principle of Development

- 8.1 The development of this site is in line with national and local policies for the sustainable location of new residential development. The principle of the erection of housing on the site has already been established following the grant of the planning permission in 2016.
- 8.2 The application scheme of 44 No. units is wholly of affordable housing provision and having regard to the mix of dwelling types, tenures and unit sizes the Council's Housing Officer considers the development to be acceptable. The applicants confirm that they are agreeable to accept a Section 106 Agreement attached to any approval to ensure the dwellings remain available as affordable units.
- 8.3 Design and Impact on the character and appearance of the area
- 8.4 The established residential development to the west and south-west are predominantly two storey Victorian era terraces. These properties are largely two storey and predominantly of brick and tile construction.

- 8.5 The proposal in its overall design will establish a new character area which will contribute positively towards the varied character of the wider area. The buildings have been arranged to provide vistas both looking into and within the site, with consideration given to the provision of the active frontages, especially on corner plots. The scale of the development and the materials to be used respect those of the established housing in the locality.
- 8.6 The scheme provides a belt of landscaping adjacent to watercourse within the site. Although frontage parking is employed within the development, it is considered that this does not visually overly dominate the layout. Building lines to the new dwellings are staggered to add variety, and due consideration has been given to provision of vistas within the development and the framing of views. Landscaping and planting are also proposed to be employed within the development to soften frontages and will be secured by condition. Provision of associated domestic infrastructure such as space for bin storage will also be addressed by conditions.
- 8.7 Residential Amenity
- 8.8 The proposed development will not have an adverse impact on the amenities of new or existing residents by way of loss of light or overlooking. The proposed layout shows each new house is sufficiently distant from both existing residential properties and the proposed residential properties to the west and to the south-west to avoid causing them unacceptable loss of light or privacy. The development also has an acceptable relationship with the light industrial unit and the telecommunications mast adjacent to the north-western boundary.
- 8.9 The proposed layout shows that 44 No. dwellings can be accommodated on the site without compromising the reasonable amenities of their future occupiers, allows for sufficient outdoor private amenity space and integrates satisfactorily with the adjoining built form. The submissions in terms of the individual dwellings comply with the minimum garden length (10 metres) and overall rear garden size standards (per dwelling size) as set out in the Council's Separation Distances and Amenities SPD. The size(s) of the shared amenity spaces to serve the two apartment blocks exceed the minimum requirements of the SPD
- 8.10 In terms of noise and disturbance it is considered that the activities generated by the occupation of the proposed development, including traffic movements, would not be significantly detrimental to surrounding existing residents. Conditions of any approval would provide for noise and dust mitigation and controls on hours of operation during the construction phase.
- 8.11 Necessary waste/recycling bin provision for future residents will also be secured by way of a condition.

9. Highway Matters (including Public Rights of Way)

- 9.1 The Town Council request that with the increase in vehicle and pedestrian traffic resulting from proposed development, the junction of Pennycroft Lane and Park Street is redesigned to provide safer egress onto Park Street. As was the case with previously approved scheme form more dwellings (49 No.), however, the County Highway Authority, raise no objections to the scheme in terms of the capacity of the road network. A condition of the approval will

prevent any vehicular or pedestrian access being secured to any part of the application site directly off Gas Street or Eaton Street).

- 9.2 With regard to on-site car parking provision, the County Highway Authority consider the scheme would be acceptable and will be secured by condition. Each of the one bed flat units will also be provided with a secure cycle store/locker.
- 9.3 The proposed development would not impact directly on the public footpath that crosses the site, although an informative will be attached to the decision notice to remind the applicants of their obligations to keep the route clear for users and repair any damage that may occur to surfaces.

10. Historic Environment

- 10.1 In relation to archaeological matters, the County Archaeologist advises that whilst the North Staffordshire Railway (Churnet Valley Branch) formerly crossed the eastern portion of the site given that the railway has since been infilled no concerns are raised taking into account the scale of development. There will be no inter-visibility between the proposed development on the application site and any built historic assets.

11. Flood Risk and Drainage

- 11.1 The application site being bisected by a watercourse means that it is partly situated within flood zone 2 and partly within flood zone 3.
- 11.2 The Environment Agency and the County Council as the Local Lead Flood Authority, both conclude that the technical solutions proposed to mitigate any flood risk concerns are acceptable and these will be secured by conditions.
- 11.3 The County Council as the Local Lead Flood Authority and Severn Trent Water Ltd raise no objections in principle in terms of foul and surface water drainage which would also be subject to conditions of the approval, including providing for long term maintenance.

12. Land Contamination

- 12.1 The Borough Councils Environmental Protection section comment that the geo-environmental report provided has revealed a significant range of contamination issues across the site (cyanide, PAH, TPH, asbestos and vanadium) along with ground gas and volatile fumes from hydrocarbons; all with potential to adversely impact on human health and groundwaters. As such necessary mitigation measures have been recommended to be secured to address these contamination issues, which will be agreed in conjunction with the Environment Agency. The measures will be secured by conditions commensurate to the nature of the contaminants on the site.

13. Building Sustainability

- 13.1 The proposed dwellings have been designed to comply with the most recent revisions of the Building Regulations which provide for a 35% reduction in CO₂ in comparison with the previous standards. Thermal efficiency measures will be gained through construction of building elements and this will be further enhanced through the use of renewable technologies in the form of roof mounted solar photovoltaic panels (PV's) which generate sustainable electricity, a high-efficiency heating system and other thermal efficiency and sustainability measures including controlled background ventilation and air leakage, LED lighting, efficient water fittings and low energy

mechanical ventilation. These measures all contribute to lowering emissions from the new dwellings.

14. Biodiversity and Ecology

- 14.1 The culverted watercourse that runs through the central area of the site will be open following the development with its immediate surrounds landscaped. The other landscaping works, including hedge planting, will enhance the natural environment as well benefitting the future amenities of residential and wider visual amenities of the locality.
- 14.2 The scheme also provides for the retention of a number of trees within the site and on its boundaries with the ESBC Tree Officer satisfied that the tree protection plan and arboricultural working statements are of a commensurate standard to the development proposals. These will be secured by appropriate conditions.
- 14.3 In terms of ecological impacts, the applicants have provided the necessary reports on protected species and subject to necessary mitigation conditions to provide for bat boxes/roosts, bird boxes, swift bricks and bee bricks along with hedgehog holes in boundary treatments, it is considered that the scheme will not be likely to have a negative impact on protected species and other wildlife.
- 14.4 In relation to overall biodiversity impact, however, whilst the scheme would provide the mitigation measures identified these would not fully compensate for the loss of the existing mosaic habitats on the site (which have become established as a consequence of the partial land contamination mitigation). These additional mitigation measures could potentially be secured off site, however, such a requirement would in turn have financial consequences in terms of viability; a matter which is considered in the following Section this report.

15. Section 106 Matters/Development Viability

- 15.1 Paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 15.2 Having regard to the responses of consultees (as set out in Section 5 above) and the Council's Planning Obligations SPD the following contributions - totalling £273,702 - have been identified as meeting the criteria :-

Item	Planning Obligation Requirement	Cost
Education	Commutated sums for new school places in first school education (£139,600) and middle school education (£82,952).	£222,552
Health Primary Care	Commutated sum of £26,650 towards health care provision in Uttoxeter.	£26,650

Open space	£24,500	£24,500
TAL	-	£273,702

- 15.3 A Section 106 Agreement could also be used to provide for off-site mitigation in terms of the loss of mosaic habitat in terms of biodiversity (as referred to in paragraph 17.4 above).
- 15.4 As set out in Section 5 Uttoxeter Town Council also requests that any Section 106 provides for the following
- (i). Providing or funding for additional road safety/community enhancement measures for traffic calming into and out of Uttoxeter;
 - (ii). Providing or funding 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.
- 15.5 With regard to point (i), as set out in Section 12 above the County Highway consider the development can be adequately served by the existing highway network. In respect of points (ii) 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 this particular development acceptable in planning terms.
- 15.6 In relation to the relevant Planning Obligation Requirements (set out at paragraphs 18.2 and 18.3 above) themselves, the applicants have submitted a viability statement which states that the development will not raise enough profit to provide the contributions requested, and that the proposal will be undeliverable if the total contribution of £273,702 is required, along with (the cost of) off-site ecological works.
- 15.7 The submitted viability statement has been independently assessed on behalf of the Council - as the Local Planning Authority - and it has been agreed that the development will not achieve sufficient profit to make the delivery of 44 No affordable housing units a viable scheme were the commuted sums to be required. This would similarly apply to off-site compensatory ecological/biodiversity works.

16. Conclusions

- 16.1 Accordingly, having taken into account the schemes overall environmental, social and economic impacts it is considered having regard to the material planning merits/considerations, including that of its viability, that the scheme should be supported. It is recognised that the scheme would not fully compensate for the loss of the existing mosaic habitats on the site, however, it is considered that the benefits of the scheme in terms of the full de-contamination of the site, the visual amenity enhancement to the locality and the delivery of affordable housing would outweigh this impact in the circumstances that prevail. The fact that the scheme provides levels of open green space over and above that of the extant planning permission also weighs in its favour as material consideration in this case.
- 16.2 It is therefore considered that on balance the scheme would achieve the overall aims of East Staffordshire Local Plan Policies SP1, SP2, NP1, SP4, SP9, SP10, SP16, SP17,

SP23, SP24, SP25, SP27, SP29, SP32, SP24, SP35, DP1, DP2, DP3, DP5, DP7 and DP8, made Uttoxeter Neighbourhood Plan Policies D1, D3, T1, T2, T3, T4, L3, E1, E3, E4, H2, C2, and C3, the East Staffordshire Design Guide, the Parking Standards SPD, Separation Distances and Amenity SPD, Open Space SPD, Housing Choice SPD, Waste SPD, Climate Change SPD and the National Planning Policy Framework.

16.3 The application is therefore recommended for approval subject to conditions and subject to a Section 106 Agreement to ensure retain the dwellings as affordable housing units.

17. RECOMMENDATION - THAT FULL PLANNING PERMISSION BE APPROVED SUBJECT TO A SECTION 106 AGREEMENT (to retain the dwellings as affordable units) and the following CONDITIONS.

Condition 1 - Standard Three Years commencement

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

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

Condition 2 - Approved Plans

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

Drawing No 201936-02C - Location Plan dated as received 5.12.2022
 Drawing No 201936-30J - Site Plan date as received 27.10.2023
 Drawing No 201936-03A - Flat Floor Plans Plots 31-38 dated as received 22.11.2022
 Drawing No 201936-04 - Flat Elevations Plot 31-38 dated as received 22.11.2022
 Drawing No 201936-07A - 2B3P House Floor Plans dated as received 22.11.2022
 Drawing No 201936-08 - 2B3P House Elevations dated as received 22.11.2022
 Drawing No 201936-09A - 2B4P Wide House Floor and Roof Plans 22.11.2022
 Drawing No 201936-10 - 2B4P Wide House Elevations dated as received 22.11.2022
 Drawing No 201936-11A - 2B4P House Floor Plans dated as received 22.11.2022
 Drawing No 201936-12 - 2B4P House Elevations dated as received 22.11.2022
 Drawing No 201936-13A - 3B5P House Floor and Roof Plans dated as received 22.11.2022
 Drawing No 201936-14 - 3B5P House Elevations dated as received 22.11.2022
 Drawing No 201936-15A - 4B6P House Floor and Roof Plans dated as received 22.11.2022
 Drawing No 201936-16 - 4B6P House Elevations dated as received 22.11.2022
 Drawing No 17438B-T_ - Topographical Survey dated as received 22.11.2022
 Drawing No 22-083-PL-02 - Detailed Landscape Plan dated as received 5.12.2022
 Drawing No 22079 - PL-100S38 A- Section 38 Agreement Plan dated as received 22.11.2022
 Drawing No 22079 - PL-DS01 Rev C - Indicative Drainage Strategy Layout dated as received 30.3.2023.
 Drawing No 22079 - PL-SPA01 Rev D - Swept Path Analysis - Refuse dated as received 22.11.2022
 Drawing No 22079 - PL-SPA02 Rev C - Swept Path Analysis - Fire Tender dated as received 22.11.2022
 Drawing No 22079 - PL-SPA03 Rev C - Swept Path Analysis - Private Car dated as received 22.11.2022
 Drawing No 201936-34 - Roof Plans on Site with Indicative PV Panels dated as received 22.11.2022
 Drawing No 201936-35 - Street Elevations dated as received 22.11.2022

Drawing No 201936-36 - Buildings to be Demolished Plan dated as received 6.12.2022

Drawing No 22079 - PL-02 - REV Proposed Impermeable Area Plan dated as received 30.3.2023

Drawing No 22079 - PL-03 - REV Existing Impermeable Area Plan dated as received 30.3.2023

Drawing No 22079 - PL-04 - REV Flood Exceedance Routing Plan dated as received 30.3.2023

Drawing No 22079 - PL-101 Rev B - External Works (Sheet 1 of 2) dated as received 30.3.2023

Drawing No 22079 - PL-102 Rev B - External Works (Sheet 2 of 2) dated as received 30.3.2023

Drawing No 56306 - Location of Underground Drains and Sewers dated as received 22.11.2022

Banners Gate - Technical Note Response to LLFA request for further information (29th July 2023) dated as received 30.3.2023

Drawing No. 22079-PL-S38-01 B - Planning Section 38 Agreement Plan (1 of 2) dated as received 9.1.2023

Drawing No. 22079-PL-S38-02 - Planning Section 38 Agreement Plan (2 of 2) dated as received 9.1.2023

Banners Gate Flood Risk Assessment (November 2022) dated as received 22.11.2022

Ivy House Environmental Soakaway Testing Letter Report (17th June 2022) dated as received 22.11.2022

Ivy House Environmental Initial Letter Report to client - data review waste classification dated as received 22.11.2022

Ivy House Environmental Data review of previous remediation and validation works etc. (24th August 2022) dated as received 22.11.2022

Ivy House Environmental Phase II Geo-Environmental Report (June 2022) dated as received 22.11.2022

Ivy House Environmental Remediation Method Statement: Phase 2 Areas (August 2022) - dated as received 22.11.2022

XtraTech Ltd Test report of moisture content of soils (February 2022) dated as received 22.11.2022

Focus Environmental Consultants Preliminary Ecological Appraisal with Preliminary Roost Assessment (January 2021) dated as received 22.11.2022

Focus Environmental Consultants Reptile Survey Report (September 2021) dated as received 22.11.2022

Focus Environmental Consultants Bat Survey Update Site Visit Report (21st December 2022) dated as received on 21.12.2022

Focus Environmental Consultants Arboricultural Survey and Constraints Report dated as received 22.11.2022

Focus Environmental Consultants Arboricultural Method Statement (March 2023) dated as received on 16.3.2023

Focus Environmental Consultants Arboricultural Survey & Impact Assessment (AIA) (March 2023) dated as received on 16.3.2023

Focus Environmental Consultants Aerial Inspection of Trees for Potential Roosting Features for Bats (September 2021) dated received on 22.11.2022

Focus Environmental Consultants Bat Survey Report (September 2021) dated received on 22.11.2022

Focus Environmental Biodiversity Net Gain Assessment 4.0 - Pennycroft Lane (10th July 2023) dated received on 26.7.2023

Banners Gate Technical Note – Central Watercourse Optioneering (11 November 2022) dated as received 22 November 2022

Noise.co.uk Environmental Noise Assessment (dated 22 October 2020) dated as received 22.11.2022

Banners Gate Highways and Transport Statement (November 2022) dated as received 22.11.2022

Application Form dated as received 22.11.2022

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP2, NP1, SP4, SP9, SP10, SP16, SP17, SP23, SP24, SP25, SP27, SP29, SP32, SP35, DP1, DP2, DP3, DP5, DP7 and DP8, made Uttoxeter Neighbourhood Plan Policies D1, D3, T1, T2, T3, T4, L3, E1, E3, E4, H2, C2, and C3, the East Staffordshire Design Guide, the Parking Standards SPD, Separation Distances and Amenity SPD, Open Space SPD, Housing Choice SPD, Waste SPD, Climate Change SPD and the National Planning Policy Framework.

Condition 3 - Construction Management Plan (inc. hours of operation)

No development shall commence, including site clearance works, until a Construction Management Plan, including details of parking provision for vehicles of site visitors and operatives, hours of operation, the provision of storage and unloading of plant and materials, and measures to mitigate deleterious material being carried onto the highway 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 Construction Management Plan unless other approved in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of highway safety, and to safeguard the amenities enjoyed by the occupiers of nearby dwellings in accordance with East Staffordshire Local Plan Policies SP1, SP35 and DP7 and the National Planning Policy Framework.

Condition 4 - Road Construction details

No development shall take place until details of road construction including longitudinal sections, streetlighting and drainage details for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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 National Planning Policy Framework

Condition 5 - Foul Water Drainage

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework

Condition 6 - Sustainable Surface Water Drainage

No development shall commence on the site until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority and Severn Trent Water Ltd. The design must be in accordance with drainage strategy drawing 22/079 / PL DS01 Rev C and must further demonstrate/provide:

- a) Surface water drainage system(s) designed in accordance with the non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- b) Limiting the discharge rate generated by all rainfall events up to 100-year event (including a 40% climate change allowance) to 22 l/s.
- c) A plan showing the final impermeable area contribution.
- d) Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. The design shall incorporate SuDS features to provide recycling and additional source control (water butts, permeable paving), water treatment, amenity, and biodiversity benefits (rain gardens, tree catchment pits and bio-retention areas) in accordance with the CIRIA SuDS Manual. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include as a minimum the 1:1 year, 1:30 year and the 1:100-year plus climate change (40%) return periods.
- e) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.

Where applicable, finished floor levels to be set 150mm above the surrounding ground to mitigate the risk from exceedance flows.

The development shall be implemented in accordance with the approved details/scheme unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development and to mitigate pollution in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework

Condition 7 - Land contamination mitigation scheme

No development hereby approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A detailed risk assessment and, based on this, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (1) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be implemented in accordance with the approved details/scheme unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework

Condition 8 - Ground Gases mitigation scheme

No development shall take place until a detailed scheme for the investigation and recording of ground gases (including soil vapour), which shall include any necessary measures for mitigation of any identified risk for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved mitigation measures, and a declaration that remedial targets have been achieved shall be submitted and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings on site unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

Condition 9 - Construction Environmental Management Plan (biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs

The approved Construction Environmental Management Plan (CEMP) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 10 - Ecological Mitigation and Management Plan

No development, including site clearance works, shall take place until an Ecological Mitigation and Management Plan (EMMP) has first been submitted to and approved in writing by the Local Planning Authority. The EMMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions.
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The ecological mitigation and management plan (EMMP) shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 11 - Construction Noise Mitigation scheme

Prior to commencement of the development, including demolition, construction or earthworks on site, a scheme of construction noise mitigation scheme in line with BS 5288 Part 1+A1:2014 shall be submitted to and agreed by the Local Planning Authority. The construction phase of the development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

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

Condition 12 - Dust mitigation scheme (construction phase)

Prior to commencement of the development, including demolition, construction or earthworks on site until a scheme of dust prevention and mitigation measures for the construction phase have been submitted to, and approved in writing by the Local Planning Authority. The construction phase of the development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard human health and the water environment as well as to preserve the amenities of nearby residents in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework

Condition 13 – Watercourse works

The development hereby permitted must not be commenced until such time as a scheme for the ongoing effective operation and maintenance of the Waterstones Brook and its culverts has been submitted to, and approved in writing by, the Local Planning Authority. This shall comprise of a CCTV survey and the subsequent plan for repair and maintenance to cover the lifetime of the development. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To demonstrate that the development will remain safe from flooding for its lifetime in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

Condition 14 - Reasonable Avoidance Measures Statement (RAMS)

No development, including site clearance works, shall take place until a Reasonable Avoidance Measures Statement (RAMS) to ensure the development will not impact on great crested newts and their habitats 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 RAMS statement unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 15 - Updated Bat surveys

Buildings B1 and B2 (as identified in the Focus Environmental Consultants Bat Survey Update Site Visit Report of 21st December 2022) shall not be demolished until such time as updated Bat surveys have first been submitted to and approved in writing by the Local Planning Authority. The survey report shall include details of any necessary mitigation measures to secure licences. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 16- Control of surface water (Construction Phase)

Satisfactory arrangements for the control of surface water shall be put in place during the construction phase of the development to ensure that flood risk is not increased prior to the completion of the approved drainage strategy (as required by condition 6 above).

Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction in accordance with East Staffordshire Local Plan Policy SP27 and the National Planning Policy Framework

Condition 17 - Tree protection plan (Construction Phase)

All existing trees shown on the approved plans (listed at condition 2 above) to be retained shall be fenced off in accordance with in accordance with the approved Tree Protection scheme (dated as being received on 16 March 2023) before the commencement of development (including any site clearance works) . The approved protection measures shall be retained at all times whilst construction work is taking place and no works including removal of earth, storage of plant or materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas at any time unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are taken to preserve trees 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.

Condition 18 - External Materials details

No built development shall take place above damp proof course level until samples and details of all materials to be used externally for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless other approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenities in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy.

Condition 19 - Arboricultural method statement adherence (construction phase)

The approved Arboricultural method statement (dated as being received on 16 March 2023) shall be adhered to at all times during the construction phase unless otherwise agreed in writing by the Local Planning Authority.

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

Condition 20 - Common Toad mitigation (construction phase)

The development shall be undertaken in accordance with the Common Toad mitigation statement (dated as being received on 3 October 2023) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 21 - Soil Importation controls (construction phase)

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 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 22 – Adherence to Levels details (construction phase)

The development shall only be carried out in accordance with the approved slab and ground regrading details shown on the approved plans (listed at 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, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework

Condition 23 - Land contamination mitigation completion (verification before occupation)

Prior to any part of the development being first occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework

Condition 24 - Management and maintenance plan for the surface water drainage system

Prior to the first occupation of any dwelling at the site a management and maintenance plan for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the name and contact details of the body/bodies responsible. The surface water drainage system shall thereafter be maintained in accordance with the approved management and maintenance plan unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development and to mitigate pollution in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework

Condition 25 - External lighting scheme

No dwelling unit shall be occupied until such time as an external lighting scheme has first been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18: Bats and artificial lighting in the UK and shall include a lighting contour plan to demonstrate that there will be minimal impact on receptor habitats such as trees and greenspace. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework

Condition 26 - Parking provision (before occupation)

Prior to the first occupation of any of the relevant dwelling(s)/apartment(s) hereby granted permission the access, parking and turning areas shown on the approved plan shall be provided in a bound material in accordance with details shown on the approved plans (as listed at condition 2 above), and thereafter shall be made available at all times for their designated purposes.

Reason: In the interests of highway safety, and to ensure porous materials are used where appropriate to reduce the risk of flooding in accordance with East Staffordshire Local Plan Policies SP1 and SP35, Car Parking Standards SPD and the National Planning Policy Framework

Condition 27 - Secure cycle locker provision (before occupation)

Prior to the first occupation of the relevant apartment(s) hereby granted permission the secure cycle locker(s) shall be provided in accordance with the approved details (as shown on the list of approved plans at condition 2 above) and thereafter shall be retained and made available at all times for the life of the development.

Reason: To encourage sustainable transport methods in accordance with East Staffordshire Local Plan Policies SP1 and SP35, Car Parking Standards SPD and the National Planning Policy Framework

Condition 28 - Boundary Treatments provision before occupation (including hedgehog holes)

The boundary treatment scheme hereby approved (as shown the approved drawings listed at condition 2) shall be completed prior to the first occupation of the dwelling concerned/prior to the relevant part of the development first being brought into use. Hedgehog holes shall be provided as per the approved scheme.

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.

Condition 29 - Provision of swift boxes/bricks and bee bricks (prior to occupation)

No dwelling unit shall be first occupied until a detailed scheme (including a timetable for installation) for the provision of bat roosts/boxes, bird boxes, swift bricks and bee bricks has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details (including the agreed timetable) unless otherwise first agreed in writing by the Local Planning Authority and once installed bat roosts/boxes, bird boxes, swift bricks and bee bricks shall be retained for the life of the development.

Reason: To safeguard wildlife habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework

Condition 30 – Landscaping provision (upon completion)

All planting, seeding or turfing comprised in the approved details of landscaping (as shown on the drawings listed at condition 2) 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 otherwise first agreed in writing by the Local Planning Authority.

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 in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 31 - No pedestrian or vehicular access from Gas Street/Eaton Street

No pedestrian or vehicular access shall be formed at any time between the application site and Gas Street or Eaton Street.

Reason: In the interests of highway safety and to safeguard the amenities enjoyed by the occupiers of nearby dwellings in accordance with East Staffordshire Local Plan Policies SP1, SP35 and DP7 and the National Planning Policy Framework.

Condition 32 - Permitted Development Rights Removal (for extensions and alterations to dwellings under Class A)

Notwithstanding the provisions of Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and its/their surroundings in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

Informatives

1. Standard negotiation

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. Discharge of Condition

The condition(s) identified below require details to be approved prior to the commencement of development/works.

Condition(s) No. 3-15 inc.

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

Condition(s) No. 23-25 inc.

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

3. Details of Proposed Materials

The applicant is advised that in complying with Condition 18 above regarding the submission of samples and details of all external materials, ensuring the product name and manufacturer is provided and must be submitted in writing to the Local Planning Authority as part of the relevant Discharge of Condition application along with correspondence confirming that date on which samples will be made available on-site and where they will be located.

4. Severn Trent Water Ltd Sewer Records

Severn Trent Water Ltd advises that according to its sewer records, there is a CSO with associated overflow pipe and two separate 300mm siphons which cross the proposed development. A protective strip* of 10m across the asset and pipe's centerline (5m each side) will be required.

(*A protected strip is an area, over and to either side of the sewer on which no buildings, permanent or temporary structures, or trees are permitted).

5. Severn Trent Water Ltd – Technical Drainage comments

Severn Trent Water Ltd advises that a pumping station may be required for the southern section of the site and advise the applicants/developer continues communications with Network Solutions via the Development Enquiry (SAP ref: 1048623). Severn Trent Water Ltd also points out the response on the planning application relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

6. Police Architectural liaison advisory notes

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

7. SCC Rights of Way Officer advice

SCC Rights of Way Officer advises that:-

“The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

Users of the path/s must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development.

If any public rights of way need diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence. For further information the applicant must read [section 7 of DEFRA's Rights of Way Circular \(1/09\)](#). It is also strongly suggested, in order to avoid unwanted complications, that guidance should be sought from Staffordshire County Council as Highways Authority, regarding the exact position of the Public Right of Way shown on the Definitive Map. Should this planning application be approved and any right of way require a temporary diversion, please see the County Council website for [guidance and an application form](#).

Any trees and shrubs planted within 3 metres of the public right of way are the responsibility of the Landowner not the Highways Authority (including maintenance and liability).

Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity.

The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.”

8. Protected Species advisory

The applicants are advised that this permission does not override any obligations in respect of protected species under relevant wildlife legislation. In particular, trees can provide a habitat for nesting birds and bats which are protected species. It is a criminal offence to wilfully cause harm to either. The works should therefore be carried out outside the bird nesting season, and if bats are known to be using the tree(s) as a roost, or are discovered during the carrying out of the works, a competent ecologist should be employed to ensure the bats are safeguarded.

9. Cadent advisory note (Gas Mains)

Your attention is drawn to the attached comments of Cadent.

10. Section 106 advisory

This permission is subject to a Section 106 Agreement

18. Background papers

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

- The Local and National Planning policies outlined above in Section 7
- Papers on the Planning Application file reference P/2022/01349
- Papers on the Planning Application file reference P/2014/01663 and the associated discharge of condition application files.

19. Human Rights Act 1998

19.1 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.

20. Crime and Disorder Implications

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

21. Equalities Act 2010

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

For further information contact: Alan Harvey
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Email: dcsupport@eaststaffsbc.gov.uk