

Item: 5.2

Site: Uttoxeter Household Waste Site, Pennycroft Lane, Uttoxeter, Staffordshire, ST14 7BW

Proposal: Erection of 49 dwellings comprising 9 detached dwellings, 18 pairs of semi-detached dwellings and one block of 4 terraced dwellings

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

[Hyperlink to Drawing and Forms](#)

Application No. P/2014/01663

Case Officer: James Norton

Application Type: Detailed Planning Application

Applicant: East Staffordshire Borough Council

Ward: Town

Ward Member(s): Councillor Karen Haberfield
Councillor Susan Jane McGarry

Registered: 09 January 2015

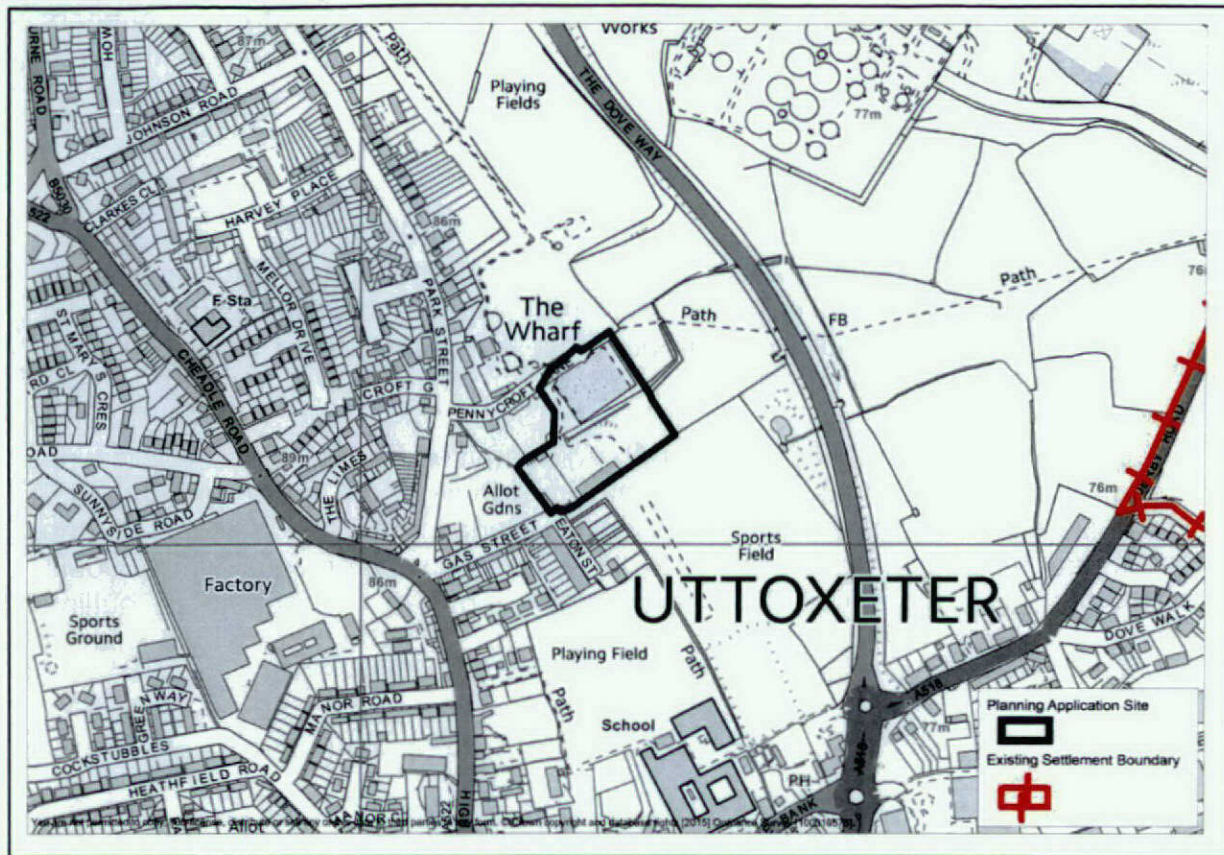
Expires: 09 April 2015 (Extended until 31st July 2015)

Executive Summary

- 1.1 The application site comprises 1.46 hectares of land at Pennycroft Lane, Uttoxeter. The site contains a recycling centre open to the public, commercial units and a vacant former Council depot. The site is currently accessed via Pennycroft Lane. Surrounding land uses include residential, open space, a commercial unit and a field with outline permission for residential development.
- 1.2 The application is submitted in full and proposes the erection of up to 49 dwellings. All matters including access, layout, scale, appearance and landscaping are addressed in this application.
- 1.3 Statutory consultees have raised no objections that cannot be overcome via planning conditions or Section 106 obligations, with the exception of the Town Council which objects to the proposals on the grounds of the loss of the existing recycling facility. One letter of objection has been received from a local resident.

- 1.4 The site lies within the Uttoxeter development boundary and the principle of residential development is considered acceptable, the site being a brownfield site within the settlement boundary, albeit this would mean the loss of a community facility and existing employment units. These facilities are expected to be replaced at an alternative location at Dove Way.
- 1.5 The Masterplan which accompanies the application is informed by the East Staffordshire Design Guide and demonstrates that 49 dwellings can be accommodated on the site without unacceptably affecting the character and appearance of the surrounding area, or the amenities enjoyed by the occupiers of nearby dwellings.
- 1.6 The application is accompanied by a transport statement which concludes that the proposed residential development generates fewer trips in the peak periods and significantly lower number of trips as a daily total than the existing land use. The Highway Authority has no objections to the proposal. On that basis it is not considered that the proposal would prejudice the safe or efficient use of the highway network.
- 1.7 It is not considered that the proposal would unacceptably affect protected species or their habitat and it is not considered that the proposal would unacceptably increase flood risk.
- 1.8 Since the Borough Council is the applicant, and cannot enter into a Section 106 agreement with itself, a condition will be required that no development takes place until the owner has entered into a Section 106 agreement with the County Council, as Education Authority, relating to the education contribution. Other contributions such as affordable housing, open space and the provision of refuse containers cannot be delivered through a Section 106 Assurances from the relevant Head of Service will be required to secure these other contributions. Subject to this condition and other conditions controlling various technical issues it is recommended that this application be approved.

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.



1.0 The Site

- 1.1 The application site comprises 1.46 hectares of land at the eastern extremity of Pennycroft Lane, Uttoxeter. The site contains the County Council's household waste recycling centre open to the public, commercial units including a print works and a car repair facility, and a Council depot. The site is currently accessed via Pennycroft Lane.
- 1.2 Surrounding land uses include residential properties to the south and west, school playing fields to the south, an industrial unit to the north-west, public open space to the north and fields sloping downwards towards The Dove Way to the east. These fields benefit from outline planning permission for residential development.
- 1.3 The site is relatively flat. There is a gradual slope downwards from both the northern and southern boundaries towards a partially culverted stream running approximately south-west to north-east across the centre of the site. The site also generally slopes gently downwards from west to east. The land to the east of the site slopes more steeply downwards towards The Dove Way.
- 1.4 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 existing recycling centre, and a chain

link fence and brick wall approximately two metres in height to the boundary with the school playing fields to the south.

1.5 The site lies within the Uttoxeter development boundary

2.0 The Proposal

2.1 The application has been submitted by the Borough Council. The application is submitted in full and proposes the erection of 49 dwellings and sets out details of access, layout, scale, appearance and landscaping which are all to be considered as part of this application.

2.2 The masterplan (attached at appendix A) submitted as part of the application shows a medium-density residential development of approximately 33.5 dwellings per hectare gross accessed via Pennycroft Lane. Access to the planned residential development to the east is also proposed, which would link the development to The Dove Way, and has the benefit of outline consent. All dwellings in this proposal are 2 storey properties with a maximum height of approximately 9 metres.

2.3 The application is accompanied by the following supporting documents:-

- A **Planning Policy Statement** which considers the planning policy context and concludes that the proposal will provide a sustainable development which will contribute positively to the housing needs of the Borough
- A **Preliminary Ecological Appraisal and Nocturnal Bat Survey** which identifies that bats are roosting in one of the existing buildings on site and recommends mitigation measures. The development is unlikely to affect other protected species although there is a low risk of injury to any badgers that enter the site during construction. Mitigation measures are therefore recommended
- A **Tree Survey** which identifies key trees and hedgerows and establishes root protection areas
- **Phase I and II Geo Environmental Assessments** which identify sources of contamination and recommends further assessments and mitigation measures
- A **Flood Risk Assessment** which recommends measures to minimise the low risk of flooding.
- A **Transport Statement** which concludes that the proposed residential development generates fewer trips in the peak periods and significantly lower numbers of trips as a daily total than the existing land use.

- **A Design and Access Statement** which states that the proposal would provide a natural extension to the residential area and significantly enhance what is an area of low aesthetic value
- **Affordable Housing Statement** which states that any affordable housing provision will be subject to and dependant on a commercial viability appraisal.
- **Planning Policy Statement** which states that this application is fully compliant with the adopted Local Plan Policies and relevant Supplementary Planning Documents.

2.4 The site has been subject to a 'Screening Opinion' which concludes that a formal Environmental Impact Assessment is not required

3.0 Relevant Planning History

3.1 Previous planning history includes an outline application for residential development of up to 49 dwellings P/2013/00206 which Planning Committee resolved to permit in February 2014. As the Borough Council is the applicant and cannot enter into a Section 106 Agreement with itself, no Section 106 has been signed.

4.0 Consultations

4.1	The Environmental Health Manager	Suggest conditions relating to contaminated land, air quality and hours of construction.
4.2	Severn Trent Water Ltd	No objection subject to the submission and approval of surface water and foul sewage plans.
4.3	Uttoxeter Town Council	The Town Council expressed its concern with respect to the loss of the recycling centre/Pennycroft tip.
4.4	The Environment Manager	States that the developer will be required to either provide appropriate external storage containers for refuse or pay a financial contribution of £3,675 for their provision via a S106 agreement
4.5	Staffordshire County Council (Education)	The development falls within the catchments of St Mary's CE(VA) First School, Windsor Park (CE) Middle School and Thomas Alleyne's High School. All schools are projected to be full for the foreseeable future. A development of this size could add 7 first

		school aged pupils, 6 middle school aged pupils, 4 high school aged pupils and one sixth form aged pupil. An education contribution of £244,694 is therefore requested.
4.6	Natural England	Based on the information provided the proposal is unlikely to affect any statutorily protected sites or landscapes.
4.7	Staffordshire County Council (Highways)	No objections on highway grounds subject to the inclusion of conditions relating to surface water drainage interceptors, integral garages to remain for the storage of cars and bicycles, access and car parking to be provided in a bound material and a construction management plan be submitted to and approved by the LPA.
4.8	Environment Agency	Initially objected to the proposed development as submitted due to the Flood Risk Assessment's apparent failure to assess the capacity, condition and deculverting of the downstream culvert of the Uttoxeter Brook in the west of the site. However, following discussion with the applicant and the Lead Local Flood Authority The EA withdrew their objection, subject to conditions relating to compliance with the FRA
4.9	Staffordshire County Council – Flood Risk	Initially objected to the application as the submitted documents were not considered to provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. However, following a site visit with the applicant and the revised drainage details the objection was withdrawn subject to conditions relating to measures set out in the FRA. Of particular note is the confirmation of which responsible body will maintain the surface water system over the lifetime of the development.
	Housing Strategy Manager	The applicant's Affordable Housing Statement recognises the policy

	<p>requirement (which has not changed) for 10% affordable housing from Brownfield sites such as this. It also states that any affordable housing contribution will be subject to and dependent upon a commercial viability appraisal. However I understand we have not received such an appraisal.</p> <p>There is provision in the Housing Choice SPD for an applicant to negotiate to reduce the affordable housing contribution if other obligations sought by the Council exceed £3,000 per dwelling. It is for the applicant to request such negotiations.</p> <p>In the absence of such negotiations it is assumed that the development can provide 10% affordable housing. This means either 5 on-site affordable dwellings, or 4 on-site affordable dwellings and a commuted sum in lieu of 0.9 of a dwelling.</p> <p>The appropriate mix of on-site dwellings is as follows. I would advise the applicant to discuss the type of Intermediate housing with prospective Registered Provider purchasers to ensure that they will be willing to acquire it.</p> <p>A commuted sum is based on the developable area; I measure non-developable area to be around 0.11ha, making the developable area 1.3551ha. The commuted sum in lieu of 0.9 of a dwelling payable prior to commencement would therefore be</p> <p>$0.9/49 \times 1.3551 \times 40 \times £41,900 \times 85\% = £35,471$</p>
--	--

5.0 Publicity/Representations

- 5.1 Neighbours have been notified of the application, a site notice posted and an advertisement placed in the local newspaper. The period for receipt of

comments expired on the 11th February 2015. Comments have been received from one interested party raising the following points:-

1. Sufficient new housing has already been approved in Uttoxeter.
- 2 Loss of well used and well located recycling centre detrimental to local residents increasing fly tipping

6.0 Policy Framework

6.1 National Policy

National Planning Policy Framework (particularly Sections 6,7,10, and 11)

6.2 East Staffordshire Local Plan Saved Policies

- BE1 Design
- H2 Housing: Large Windfall Sites
- H6 Housing Design and Dwelling Extensions
- H12 Affordable Housing
- L2 Landscaping and Greenspace: Assessment
- T1 Transport: General, Principles for New Development
- T6 Parking Areas: Design
- T7 Parking Standards
- CSP4 Urban and Rural Regeneration

6.3 Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Parking Standards
- Housing Choice SPD

6.4 Pre-Submission Local Plan Policies

6.5

- SP1: East Staffordshire Approach to Sustainable Development
- SP13: Burton and Uttoxeter Existing Employment Land Policy
- SP16: Meeting Housing Needs
- SP21: Managing Town and Local Centres
- SP22: Supporting Local Communities
- SP24: High Quality Design
- SP32: Outdoor Sports Facilities
- SP33: Indoor Sports Facilities
- DP1: Design of New Development
- DP3: Design of New Residential Development, Extensions and Curtilage Buildings (Outside Settlement Boundaries)

7.0 Human Rights Act 1998

7.1 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.

8.0 Crime and Disorder Implications

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

9.0 Equalities Act 2010

9.1 Due regard, where relevant, has been taken to the East Staffordshire Council's equality duty as contained within the Equalities Act 2010

10.0 Main Issues/Evaluation

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

1. Principle of the Development
2. Design and Impact on the Character and Appearance of the Area
3. Impact upon Residential Amenity
4. Highway Issues
5. Impact on Ecology
6. Flooding and Drainage
7. Other Issues including Section 106

10.2 Principle of the Development

10.2.1 Paragraph 2 of the National Planning Policy Framework states that the starting point for determining planning applications is the Development Plan, and where this is up to date, development that conflicts with its policies should be refused unless other material considerations indicate otherwise. The Development Plan for East Staffordshire includes:

- East Staffordshire Local Plan 2006 (Saved Policies)
- Staffordshire and Stoke on Trent Minerals Local Plan 1994 to 2006 (Saved Policies)
- Staffordshire and Stoke on Trent Joint Waste Local Plan 2010 to 2026

10.2.2 Whilst the saved policies from the 2006 Local Plan are not considered to constitute an up-to-date plan in relation to housing supply, it is still the basis for decision making and due weight should be given to it unless specific policies are not in general conformity with the National Planning Policy Framework

10.2 3 The site lies within the development boundary as set out in both the adopted and emerging East Staffordshire Local Plan is defined as previously developed land and as such is appropriate for development. The site is currently in use as the household waste and recycling centre, a community facility, and there are also existing commercial units including a paint works and a garage repair facility amounting to the loss of 350 sq m of B1(c) light industrial floorspace. Paragraph 70 of the National Planning Policy Framework states that Local Planning Authorities should; *'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs'*. This is supported by emerging Local Plan Policy SP22 which states that *'Proposals which result in the loss of a community facility will not be permitted unless:*

- (i) adequate alternative provision is available within or adjacent to the settlement or will be provided as part of the development process,*
- (ii) all reasonable efforts have been made to preserve the facility or service, including sharing of premises, but it has been satisfactorily demonstrated to the Council that the service is no longer viable and has been actively marketed for a period of at least 6 months, and*
- (iii) the service or facility is in an inherently unsustainable location and the reuse of the site would be a more sustainable solution than the retention of the service or facility.'*

10.2 4 Although the proposal means the loss of the community facility, the decision to close the household waste recycling centre has already been made following an assessment undertaken by Staffordshire County Council concluding that the County could continue to deliver the service with one fewer site. However, negotiations are ongoing about the relocation of the facility to an alternative site, in line with i) above and the County Council are expected to submit a planning application to themselves, being the Local Planning Authority for Waste, in the near future to re-site the Household Waste Recycling Centre on Land to the East of The Dove Way, adjacent to The Borough Council's own application for B1, B2 and B8 Employment Development.

10.2.5 The loss of the employment premises graded as 'average' in the Employment Land Review (2013) states that the retention of the premises should be supported. The ELR states that the land could be released should the demand for industrial units in Uttoxeter fall. There is no evidence submitted as part of this application that there is a reduced need for employment premises in Uttoxeter. However, The Council is bringing forward a new employment scheme that will replace these employment units as part of a drive to implement employment use on land at Dove Way. Outline consent for employment units has already been approved and expected to be delivered on Dove Way and therefore the broad principle of residential redevelopment is therefore considered to accord with the East Staffordshire Local Plan, the Emerging Local Plan and the National Planning Policy Framework.

10.3 Design and Impact on the Character and Appearance of the Area

10.3.1 The application has been submitted in full and details of layout, appearance, scale and landscaping are included for consideration as part of this application. A masterplan showing details of the points of access, the position of buildings, open space and circulation routes and parking for the proposed buildings have been submitted along with plans and elevations of each house type.

10.3.2 Saved Policy BE1 of the East Staffordshire Local Plan states that planning permission will only be granted for proposals that relate well in design terms to their surroundings. In establishing whether development is acceptable in design terms, it requires that several factors be taken into account, including the scale, massing and height of the proposal and materials from which it is to be constructed in the context of the site and its surroundings.

10.3.3 Saved Policy H6 expands upon this aim with specific reference to residential development. It requires new dwellings to integrate well within the streetscene, and have no adverse effects on neighbouring properties through overlooking or reduction of daylight or sunlight.

10.3.4 The East Staffordshire Design Guide elaborates upon the requirements of Saved Policies BE1 and H6. It states that:

- a) *Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;*
- b) *The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;*
- c) *Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;*
- d) *Repetitive house types should be avoided;*
- e) *The cramming together of large numbers of detached properties should be avoided*
- f) *High proportions of frontage car parking will not be acceptable.*

10.3.5 The area surrounding the application site has a fairly mixed character and appearance. The buildings on site are a mixture of relatively modern brick and corrugated sheet units with fairly shallow roof pitches. The industrial unit to the north-east is similar but is of profile sheet rather than brick construction. The dwellings to the south and south-west are predominantly Victorian era terraces, and the dwellings to the west are modern two storey semi-detached and terraced dwellings. Both these and the Victorian terraces are predominantly of brick and tile construction. The land to the north and east of the site is undeveloped. The land to the north is in recreational use and the land to the east benefits from outline planning permission for residential

development similar in character to this proposal. The prevailing character therefore, is that of a varied built environment.

10.3.6 The proposed residential layout shows a medium density of approximately 33.5 dwellings per hectare, which is considered appropriate in this urban context. Buildings are generally sited to present an active frontage to estate roads and natural surveillance to the recreation area to the north, and to create a degree of enclosure to courtyards and open space. The proposal attempts to establish a new character area which contributes positively towards the varied character of the wider area. 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. It also shows a small amount of public open space adjacent to Uttoxeter Brook which is proposed to be deculverted on the site. A variety of parking solutions are employed throughout the scheme and an average of two spaces per dwelling is achieved across the site. Although frontage parking is employed in some of the smaller house types, this does not dominate the overall layout. Building lines are staggered to add variety, and consideration has been given to provision of vistas within the development and the framing of views. Landscaping and planting is employed throughout the development to soften frontages. These techniques used together provide a coherent scheme.

10.3.7 It is evident the layout is informed by the East Staffordshire Design Guide and its surroundings, and the scheme proposed is considered acceptable and it is considered that the proposal satisfactorily accords with the aforementioned policies and meets the sustainability requirements of the NPPF by providing a high quality built environment.

10.4 Impact upon Residential Amenity

10.4.1 Saved Policy H6 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light or overlooking. The proposed layout shows each new house is sufficiently distant from both existing residential properties and the proposed residential properties to the east, though this scheme is in outline only, to avoid causing them unacceptable loss of light or privacy.

10.4.2 The proposed layout shows that 49 dwellings can be accommodated on the site without compromising the reasonable amenities of their future occupiers, and allowing for sufficient outdoor private amenity space and integrates satisfactorily with the adjoining built form.

10.4.3 It is not considered that the development of the site by the erection of 49 dwellings would materially increase noise and disturbance through either general activity or comings and goings compared to that associated with the established recycling and commercial uses currently occupying the site.

10.5 Highway Issues

10.5.1 Saved Policy T1 of the East Staffordshire Local Plan states that proposals which would prejudice the safe and efficient use of the highway network will be resisted.

10.5.2 The application is accompanied by a Transport Statement which compares the number of trips associated with the existing use to the number of trips predicted to be generated by the proposed development. It concludes that the proposed residential development generates fewer trips in the peak periods and significantly lower number of trips as a daily total - 275 daily trips as opposed to 365 trips for the existing land use.

10.5.3 The Highway Authority has no objections to the proposals. Taking this and the findings of the Transport Statement into account, it is not considered that the proposal would prejudice the safe or efficient use of the highway network.

10.6 Impact on Ecology

10.6.1 Paragraph 118 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused

10.6.2 The application is accompanied by a Preliminary Ecological Appraisal and Nocturnal Bat Survey which identifies that bats are roosting in one of the existing buildings on site and recommends mitigation measures. It concludes that the development is unlikely to affect other protected species although there is a low risk of injury to any badgers that may enter the site during construction. Mitigation measures are therefore recommended.

10.6.3 Subject to the mitigation measures recommended by the Preliminary Ecological Appraisal and Nocturnal Bat Survey it is not considered that the proposals would unacceptably harm protected species or their habitats.

10.7 Flooding and Drainage

10.7.1 The National Planning Policy Framework seeks to ensure that new development does not increase flood risk. The planning application is accompanied by a Flood Risk Assessment which concludes that there is a low risk of flooding which can be satisfactorily mitigated through the incorporation of sustainable drainage techniques

10.7.2 The Environment Agency and Staffordshire County Council (Flood Risk Officer) initially objected to the proposals but, following discussion with the applicant and an assurance from the applicant that redundant drainage channels identified would be removed as part of the redevelopment of the site, they both withdrew their objections subject to conditions relating to compliance with the Flood Risk Assessment (FRA) and, given the response from Severn Trent, it is not considered that the proposed development would be at an unacceptable risk of flooding, or that the proposal would increase the

risk of flooding in the surrounding area. A condition has been attached to ensure that either the Environment agency will adopt or a management company will be formed to maintain the open watercourse running through the site.

10.8 Education

10.8.1 Paragraph 72 of the National Planning Policy Framework states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities

10.8.2 Staffordshire County Council has assessed the proposals against existing school infrastructure. It concludes that the development falls within the catchments of Thomas Alleyne's High School, Windsor Park Middle School and St Mary's CE (VC) First School. All of these schools are projected to be full for the foreseeable future. A development of 49 dwellings would necessitate the following;

- 7 First School places (7 x £11,031 = £77,217)
- 6 Middle School places (6 x £13,827 = £82,962)
- 4 High School places (4 x £16,622 = £66,488)
- 1 Sixth Form place (£18,027)

This gives a total request of £244,694.

10.8.3 Subject to the above contribution being secured it is not considered that the proposal would detrimentally affect existing schools

10.9 Affordable Housing

10.9.1 Saved Policy H12 of the East Staffordshire Local Plan states that on sites with a capacity of 25 or more dwellings an appropriate level of affordable housing will be negotiated. The Housing Choice SPD requires urban brownfield sites to provide a minimum of 10% affordable housing. Ten percent of 49 dwellings equates to an affordable housing provision of 4.9 dwellings. The applicant has not provided a viability appraisal to show that this is unviable.

10.9.2 Given the mix of housing being provided on the site, the most appropriate mix of on-site affordable housing is 4 units of rented social housing on Plots 29 and 30 (3-bedrooms) and Plots 31 and 32 (2 bedrooms). A commuted sum is then due in lieu of 0.9 of a dwelling payable prior to commencement which is calculated as:

$$0.9/49 \times 13551 \times 40 \times £41,900 \times 85\% = \mathbf{£35,471}.$$

10.10 Open Space Provision

10.10.1 The Council's Open Space Supplementary Planning Document suggests that a development of this scale in this location should provide 0.21ha of open space. This equates to a commuted sum of £31,250 towards open space provision in the event that it is to be accommodated off-site. Whilst some open space is provided on site, a large part of this is taken up by the re-graded brook. However, given that the development is very close to Pennycroft Fields which has an equipped play area and a playing field and the applicant has had discussions with the Open Spaces Manager, an off-site contribution to assist in the upgrading of existing facilities is most appropriate. It is therefore recommended that the developer be obligated to either provide 0.21ha of open space on site or contribute **£31,250** towards the provision of open space off-site. As the applicant cannot enter into a S106 agreement with itself, an assurance from the Head of Service will be required.

10.10.2 Emerging Local Plan Policies SP32 and SP33 support Paragraph 73 of the National Planning Policy Framework highlighting the importance of high quality open space and opportunities for sport and recreation. Whilst there is significant open space provided close to the application site a contribution towards indoor and outdoor sports provision in the locality should be provided and The Sport England Sports Facility calculator is used to calculate this contribution. Using the additional population based on the type of houses proposed this generates a required contribution towards built sports facilities of **£63,129**. Local Ward Councillors have both suggested that this contribution be put towards changing facilities at Pennycroft playing fields.

10.10.3 A contribution of **£3,185** is required by the Environment Manager for refuse containers, which can be secured via Section 106. Again, as mentioned in 10.10.1, as the applicant cannot enter into a S106 agreement with itself, an assurance from the Head of Service will be required.

10.11 Section 106 Matters

10.11.1 In accordance with Local Plan Saved Policy IMR2 the applicant will be required to enter into a Section 106 agreement with the County Council to secure the Education contribution. Other commuted sum payments listed below will require an assurance from the Head of Service that these sums will be provided: -

Item	Planning Obligation/Assurance	Cost (where applicable)
Education	Contribution towards the provision of primary and secondary school places	£244,694
Affordable Housing	4 x rented social housing units on plots 29-32 Contribution in lieu of 0.9 of a dwelling commuted off-site, unless the applicant	£35,471

	demonstrates prior to approval that this provision is unviable	
Open Space (Outdoor)	Calculated using the Open Spaces SPD	£31,250
Open Space (Built Facilities)	Calculated using Sport England Facilities Calculator	£63,129
Refuse Containers	Contribution to provide refuse storage containers	£3,676

10.11.2 In this instance the applicant is the Borough Council. Since the Borough Council cannot enter into a Section 106 agreement with itself, a Grampian style condition requiring that no development takes place until a Section 106 agreement securing the above obligations is required.

10.12 Ground Conditions

10.12.1 Paragraph 121 of the NPPF states that consideration should be given to ground conditions in the determination of planning applications. These should include issues arising from natural hazards, or former activities such as mining and pollution arising from previous use. It is also advised that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Policy DP7 of the Submission Local Plan states that planning permission will only be granted for development that will not give rise to, or be likely to suffer from contamination of the ground.

10.12.2 The site is subject to significant levels of contamination owing to former uses. The Council's Contaminated Land Officer has been in negotiations with the applicant to ascertain the level of the issue and necessary remediation measures. The comments of the Contaminated Land Officer set out clearly the conditions to ensure these issues are overcome and do not warrant the refusal of the application.

11.0 **Conclusions**

11.1 The application site constitutes previously developed land within the Uttoxeter development boundary. Although the application would see the loss of a community facility and existing employment units these facilities are expected to be replaced at an alternative location. The principle of residential development is therefore considered appropriate. The application is submitted in full and all matters are discussed in the above report. It is considered that the proposed layout for the erection of 49 dwellings will not unacceptably affect the character or appearance of its surroundings, the amenities enjoyed by the occupiers of nearby dwellings, the safe or efficient use of the highway network or protected species and their habitat. On balance it is therefore considered that the proposal constitutes sustainable development which accords with Saved Policies BE1, H6 and T1 of the East

Staffordshire Local Plan, the National Planning Policy Framework and the East Staffordshire Design Guide.

12.0 Engagement

12.1 During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework.

13.0 Recommendation

13.1 For the reasons set out in the above report then **PERMIT** subject to the following conditions:-

1. Time limit for commencement
2. Approved plans condition
3. No development shall take place until the developer has entered into a Section 106 Agreement substantially in the same terms as the draft appended to the Planning Permission to secure obligations set out in Section 10.8 above
4. Submission and approval of samples and details of materials of construction
5. Submission and approval of drainage details
6. Submission and approval of finished floor levels
7. Submission and approval of a noise assessment and implementation of recommended mitigation measures?
8. Submission and approval of a scheme of improvements to the brook and a schedule of maintenance
9. Submission and approval of details of highway construction
10. Submission and approval of a construction management plan including assessment of noise during construction
11. Submission and approval of details of remediation of contamination including verification
12. Formation of access, parking and turning areas prior to first occupation
13. Implementation of landscaping
14. Implementation of fencing and walling
15. Development to be carried out in accordance with mitigation measures set out in ecology appraisal
16. Development to accord with the recommendations of the FRA
17. Any other conditions recommended by the Contaminated Land Officer
18. Removal of PD rights to allow change of use of garages to internal accommodation.

19. No development to take place until adoption of the watercourse has been agreed or management company set up to ensure future upkeep of the open watercourse.

14.0 Informatives

1. Engagement informative
2. Informative relating to public sewer
3. Applicant to note and act upon as necessary the comments of the Environment Agency

15.0 Background Papers

- 15 1 The following papers were used in the preparation of this report:-
The Local and National Planning Policies outlined above in Section 6
Papers on the Planning Application file reference P/2014/01663
The planning history outlined in Section 3