Item 5.4

Site: Proposed Residential Development, Forest Road, Burton upon Trent, Staffordshire

Proposal: Demolition of existing garages to facilitate the erection of 83 dwellings including access, associated infrastructure and attenuation pond

Report of Head of Regulatory Services

Hyperlink to Drawing and Forms

Application No. P/2014/01304
Case Officer: Jim Malkin
Application Type: Detailed Planning Application

Applicant: Peveril Homes Limited & Radleigh Group Limited

Ward: Branston
Ward Member(s): Councillor M J Bowering
Councillor P L Ackroyd
Councillor R G W Grosvenor
Councillor B Ganley
Councillor W A Ganley

Registered: 05 November 2014
Expires: 02 February 2015

Executive Summary

1.0 The application site comprises of approximately 4.08 hectares of existing agricultural land on the outskirts of Burton upon Trent to the rear of existing properties on Forest Road. Surrounding land uses include residential, agricultural and the permitted Red House Farm development site.

1.1 The application is submitted in full for the erection of 83 dwellings, access, associated infrastructure and the provision of a rear access road for properties on Forest Road.

1.2 The statutory consultees have raised no objections that cannot be overcome by planning conditions or S106 obligations

1.3 Thirteen letters have been received from local residents, raising concerns including, lack of local infrastructure, flooding, highway safety, loss of countryside, impact upon the amenities of the neighbouring properties,
damage to trees and hedgerows, too much housing, and biodiversity. A letter has been received supporting the provision of the rear access road.

1.4 The site lies outside of the Development Boundary as set out in both the adopted Local Plan (2006) and the Submission Local Plan. However, in the context of the lack of a five year supply of housing land, the social and economic benefits associated with the residential development of the site are considered to outweigh the detrimental effects associated with development in the countryside.

1.5 The design of the dwellings and the layout of the development are considered to be of a high quality and in conjunction with the green infrastructure proposed can be constructed without materially affecting the character and appearance of the surrounding area, or the amenities enjoyed by the occupiers of nearby dwellings.

1.6 The application utilises an existing access onto Forest Road with associated improvements. The Highway Authority has raised no objections to the development, and has advised that proposed traffic can be accommodated on the existing highway network subject to a section 106 agreement being entered into to secure off-site improvements.

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, or have impacts on drainage in the locality.

1.8 Subject to the applicant entering into a Section 106 agreement to secure contributions towards education, open space maintenance, affordable housing, highway sports facilities and the provision of refuse containers, and subject to conditions controlling various technical issues it is recommended that this application be approved.

1.9 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 approximately 4.08 hectares of existing undulating agricultural land to north of Forest Road in Burton upon Trent.

1.2 The site is bound by existing terraced housing to the south, and open fields to all other boundaries. To the far north of the site is Red House Farm site which was granted planning permission for residential development at appeal.

1.3 The application site initially slopes gently from south to north, but then climbs more steeply to its northern boundary. There are few landscape features within the site, however existing hedgerows and hedgerow trees add to the urban fringe character of the site.

1.4 The site lies outside of the Burton upon Trent Development Boundary as defined by the Adopted Local Plan. The site is also not allocated for residential development within the Submission Local Plan or the modifications document, and as such remains outside the amended Settlement Boundary in the emerging plan. The site is also not allocated within the Outwoods Neighbourhood Plan.

2.0 The Proposal
2.1 The application is submitted in full and proposes the demolition of existing garages and the erection of 83 dwellings together with vehicular access from Forest Road, and associated infrastructure and attenuation pond. In addition to this a rear access road for existing properties on Forest Road is proposed to be provided.

2.2 The indicative layout available at Appendix A shows a relatively low density scheme of approximately 20.3 dwellings per hectare. This figure includes internal roads and open space within the site. The proposed layout shows building concentrated to the south, west and east of the site which are much shallower sloping. The steeper northern portion of the site is proposed to be used for open space and National Forest Planting. The attenuation pond is sited to the west of the site adjoining the Shobnall Brook.

2.3 The scheme includes the following mix of dwellings:

- 1 bed – 6
- 2 bed – 12
- 3 bed – 35
- 4+ beds – 30

2.4 The application is accompanied by the following supporting documentation:

- **Statement of Community Involvement**: Concludes that the submitted scheme has been through an in depth public consultation exercise, with flyers posted to local residents. The comments received from East Staffordshire Borough Council, Staffordshire County Council and local residents have been taken into account throughout the design process leading to a masterplan which will provide for a high quality development.

- **Design and Access Statement**: Outlines that the development will result in high quality new housing, and that proposals fully comply with planning policy resulting in the creation of a modern residential development as demonstrated by the compliance with the principles of Building for Life 12.

- **Open Space Assessment**: Concludes that the scheme provides a very green development which will improve the open space for new and existing residents. The proposal is therefore in accordance with National and Local Planning Open Space Policy.

- **Affordable Housing Statement**: Advises that the scheme complies with adopted local policy and proposes a 30% contribution to affordable housing with 15% on site and an off-site contribution towards the remaining 15%.
- **Transport Assessment**: Concludes that in transport terms the site is a suitable location for the proposed development. The TA demonstrates that the forecast traffic impacts will not have a severe impact on the local highway network, and that development traffic can be accommodated within the existing network. There are no transport or highway reasons why planning consent should not be granted.

- **Travel Plan**: Promotes sustainable travel through a combination of physical and behavioural measures.

- **Tree Survey**: Advises of the condition and health of trees within and adjoinging the site, and advises of their possible retention as part of the scheme.

- **Utilities Statement**: Concludes that the site is served by all necessary amenities.

- **Phase 1 Site Appraisal**: Advises that the site should be suitable for the proposed development, assuming compliance with all the recommendations within the report.

- **Walkover Ecological Survey, including Great Crested Newt Scoping Survey**: Concludes that no bat habitats are present on the site. Confirms the presence of Great Crested Newts in a pond 60m from the site, and confirms that individual newts could use the application site, however it is not considered that this will result in the direct loss of the breeding pond, but suggests mitigation measures to ensure that no newts are harmed during construction. Also advises that no reptiles were present on the site, and there are no badger setts; badgers do however use the site for foraging and commuting. The Shobnall Brook was also evaluated and is not large enough to provide habitat for Water Voles, White Clawed Crayfish or Otters. The report also suggests ecological enhancement measures.

- **Flood Risk Assessment**: Concludes that the buildings are located within a low flood risk area, and the risk from the adjacent watercourse is small. Increasing the ground floor level 600mm above the 1 in 100 year plus climate change level will ensure the site is safe for the lifetime of the project and the current drainage feasibility study utilises sustainable drainage techniques where practically possible.

- **Planning Support Statement**: Concludes that there are no potential adverse impacts which would significantly or demonstrably outweigh the benefits that will arise out of this development and therefore in accordance with the NPPF planning permission should be granted.

### 3.0 Relevant Planning History
3.1 There is no planning history relevant to the re-development of this site.

4.0 Consultations

4.1 Branston Parish Council The infrastructure is not adequate for additional development, is in an area of flood risk, the area is becoming over developed, and the National Forest is eroding

4.2 Highways Agency No objections

4.3 Outwoods Parish Council The comments of Outwoods PC are attached for members information at Appendix B

4.4 Staffordshire County Council Education

The development is for 83 dwellings including 6 social rented (RSL) and 6 intermediate properties. The RSL properties are discounted from the secondary school calculation and the 6 1-bed dwellings (3 x RSL and 3 x Intermediate) have been discounted from all calculations. The development falls within the catchments of John Taylor High School and Shobnall Primary School.

Discounting the 6 x 1-bedroomed properties from the calculations and the remaining 3 social rented properties from the secondary school calculation (only), the development is scheduled to provide 77 dwellings at primary school level and 74 counting dwellings at secondary level. This development could add 16 primary aged pupils, 11 secondary school aged pupils and 2 sixth form aged students.

Based on 77 houses (74 for secondary), the proportional contribution for a site of this size would be £308,000 for primary and £296,000 for secondary and 6th Form (not including the cost of acquisition of the necessary land). Therefore the total education contribution (not including the cost of acquisition of land) would be £604,000.
4.5 Staffordshire County Council Environment
No objections but requests conditions in relation to the protection of trees and hedgerows, a method statement for the protection of newts, submission of a detailed landscape plan including biodiversity benefits, a method statement for the protection of badgers if necessary. A scheme of archaeological assessment is also recommended to be secured via condition.

4.6 Environment Agency
No objections but give advice on reducing flood risk from the development

4.7 Sport England
No objections but confirms that a contribution towards sports provision should be provided

4.8 Police Architectural Liaison Officer
No objections but gives advice on designing out crime, and secured by design principles

4.9 Staffordshire County Council Flood Authority
No objections but request conditions relating to the surface water drainage strategy, details of risk of exceedance flows, and details of the maintenance regime for the SUDS

4.10 Severn Trent Water Ltd
No objections subject to a condition in relation to foul and surface water drainage

4.11 Environmental Health Manager
No objections but requests conditions relating to the submission of a construction management plan, and hours of working. Also confirm that the proposed contamination investigation appears appropriate

4.12 Environment Manager
No objections subject to a Section 106 obligation securing the provision of refuse containers

4.13 Open Spaces Manager
Initially advised that the development should supply 0.99ha of open space excluding the SUDS, across a variety of typologies which do not appear to have been met as part of this submission. Following clarification and the submission of a further plan removing
4.14 Natural England

No objections but advise that this application should be considered against standing advice.

4.15 National Forest Company

No objections but request conditions requiring the erection of fencing to protect the brook and woodland to the boundaries. Welcome the provision of 1.09ha of planting, and request a condition requiring detailed landscaping plans, including habitat creation around the balancing pond. Raise some concerns regarding the layout and properties facing onto the public open space and adjoining the woodland, and have requested buffer planting. Advises that the provision of the footpath to the red-house farm development can be secured via the Section 106 agreement.

4.16 Staffordshire County Council Highways

No objections subject to conditions in relation to the following:

- Provision of the access road to base level before construction commences on main site

- Provision of parking court access and parking area for existing residents to be provided before the commencement of construction on site

- Submission of revised details of the gate to the access road to be provided

- Where private accesses fall towards the public highway they shall be provided with a surface water interceptor

- Provision of parking and turning areas

- All garages shall be set back 5.5m from the highway edge

- Integral garages shall remain available for the parking of motor vehicles and cycles
Provision of visibility splays in accordance with approved plans, and not obstructions above 600mm

Submission of a Construction Management Plan

In addition to the above conditions SCC Highways require the applicant to enter into a S106 agreement requiring the payment of £6,300 as a Travel Plan monitoring fee, and a capital contribution of £35,000 towards the East Staffordshire Integrated Transport Strategy

4.17 Housing Strategy Manager

1. The affordable housing requirement is 30%, of which 15% can be on-site and 15% commuted off-site in accordance with the Housing Choice SPD.

2. 15% of 83 are 12.45 which can be rounded down to 12 on-site dwellings.

3. The Affordable Housing Statement proposes provision of 6 x 1-bedroom and 6 x 2 bedroom homes and states that this is in line with pre-application discussions.

4. In fact pre-application advice was that the requirement would be 4 x 1-bedroom, 6 x 2-bedroom and 2 x 4-bedroom homes, and this continues to be the requirement.

5. It has now been agreed that the scheme will provide 6 x 1-bedroom, 4 x 2-bedroom houses and 2 x 4-bedroom houses as affordable housing, and plot numbers have been designated.

6. Although the sizes of the 2-bedroom homes are smaller than the minimum floor area of 67sq m required by the Housing Quality
Indicators, this is not a problem provided the applicant can provide evidence that Housing Associations will still purchase them.

7. 30% less 12 on-site dwellings leaves 15.54% affordable housing to be commuted off-site. The applicant’s Site Layout drawing reports the net developable area to be 2.84ha. Using the formula set out in the Housing Choice SPD, this means that the off-site contribution amounts to £627,314 (15.54% x 2.84 ha x 40 x £41,900 x 85%).

8. This calculation assumes other financial contributions of £3,000 per dwelling amounting to £249,000. This indicates a maximum amount for financial contributions of £876,314. I understand other contributions exceed £249,000 and I would ask that reductions are not simply applied to the affordable housing contribution.

Market housing

9. The scheme includes 2 bungalows which is good, but to meet identified need it should include far more housing designed to meet the needs of older people; 6 units would make the necessary contribution towards need and ensure a suitably mixed and hence sustainable community. However you have indicated that the Council cannot currently take account of the mix of market housing.

Whole scheme

10. Local Plan Policy H6 states that the Council will negotiate to ensure that at least 10% of the houses will be constructed to Lifetime Homes standards and the Housing Choice SPD states that applicants must
identify which dwellings (if not all) will meet the standard. I see no reason why this site should not satisfy the 10% requirement.

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 9th January 2015. Comments have been received from 14 interested parties raising the following points:-

1. Ecology and trees on the site should be protected as the site provides significant habitat
2. The development may increase fly tipping which already occurs
3. Gardens within the development appear small
4. The rear access to properties on Forest Road is not wide enough, not overlooked and could encourage crime
5. The affordable housing mix is contrary to the SHMA
6. Removing on street parking will increase speeds on Forest Road
7. Speed cameras should be provided
8. Cumulative highway impacts from adjoining developments should be considered in the TA
9. Reduction in value of property
10. The service road provides no benefit to residents
11. Surely already allocated land already exceeds what the area can accommodate
12. The site cannot be adequately drained of both foul and surface waters
13. The removal of on street parking will just increase speeds and increase highway danger especially to children walking to school
14. Unnecessary loss of greenfield land outside of any designated development boundary
15. Properties will suffer increased vibration, noise and dust pollution during construction works
16. Should the development go ahead trees should be provided next to the service road to screen the development from existing houses
17. Overlooking as houses are higher than existing development
18. Local schools are already full
19. The scheme does not comply with all policies
20. The service road should not link to estate roads
21. No public consultation took place
22. Children will lose areas to play outdoors
23. Alternative accommodation should be provided for users of existing garages until the rear access road is provided
24. The developer should provide an agreed yardage of concrete hardstanding to the rear of properties on Forest Road
25. Will the farm still be viable following the sale of the land
26. The development of this site and Red House Farm should be comprehensive and the development of this site in isolation is premature, especially as the proposed layout results in ransom strips as highways do not extend to the site boundaries.

27. The rear access road should be provided within 6 months of the work commencing, and should be made available free of charge for perpetuity.

28. The developers should pay for works to improve the highway.

29. Play areas could be better sited within the development and better overlooked.

5.2 A letter of support raising the following points has been received:

1. We welcome the service road as this will free the main road of traffic, and stop lorries having to stop in this location which increases noise.

5.3 Cllr Staples has provided the following comments in relation to the development:

**Application for housing off Forest Road, Burton on Trent**

Although this application is not in Tutbury and Outwards Ward, it is in Outwoods Parish.

As I attended the last Outwoods PC meeting on the 10th November I thought it incumbent on me to pass on comments/concerns made by the parishioners who attended.

The main objections seemed to be over highways issues, with concerns over the actual junction into the site and the affect the extra traffic likely to be generated would have on this already congested road.

There were also concerns over how local primary and secondary schools would cope with the extra children and loss of privacy to the local householders.

5.4 Burton Civic Society has supplied the following comments:

This is a greenfield site on usable agricultural land, and its development should not take precedence over brownfield sites.

The houses overlook existing dwellings on Forest Road.

Access to Shobnall Road will be difficult; visibility is often impaired by parked cars; even at present, one lorry and one car are unable to pass each other in places. The junctions into which Shobnall Road debouches are already bottlenecks at peak times.

We are concerned over the idea of a potential link to the Red House Farm development; we note that the proposed road system allows for a through
road at some future date. This could produce a continuous urban sprawl along the escarpment destroying the 'green frame' which is highly valued by Burton residents.

We would also emphasize that this site is not in the current Local Plan, which should be accepted shortly.

6.0 Policy Framework

6.1 National Policy

National Planning Policy Framework
National Planning Policy Guidance

6.2 East Staffordshire Local Plan Saved Policies

CSP5 Infrastructure and Community Provision
BE1 Design
H6 Housing Design
T1 Transport: General Principles for New Development
T2 Strategic Highway Network
T6 Parking Areas: Design
T7 Parking Standards
L2 Landscape/Greenspace: Assessment
IMR2 Contributions and Legal Agreements

6.3 Submission Local Plan Policies

Principle 1 – Presumption in Favour of Sustainable Development
Strategic Policy 1 – East Staffordshire Approach to Sustainable Development
Strategic Policy 2 – A Strong Network of Settlements
Strategic Policy 3 – Provision of Homes and Jobs 2012 – 2031
Strategic Policy 4 – Distribution of Housing Growth 2012 – 2031
Strategic Policy 9 – Infrastructure Delivery and Implementation
Strategic Policy 10 – Education Infrastructure
Strategic Policy 16 – Meeting Housing Need
Strategic Policy 17 – Affordable Housing
Strategic Policy 23 – Green Infrastructure
Strategic Policy 24 – High Quality Design
Strategic Policy 25 – Historic Environment
Strategic Policy 27 – Climate Change, Water Body Management and Flooding
Strategic Policy 28 – Renewable and Low Carbon Energy Generation
Strategic Policy 29 – Biodiversity and Geo-diversity
Strategic Policy 30 – Locally Significant Landscape and Views
Strategic Policy 32 – Outdoor Sports and Open Space Policy
Strategic Policy 33 – Indoor Sports Policy
Strategic Policy 34 – Health
Strategic Policy 35 – Accessibility and Sustainable Transport
Detailed Policy 1 – Design of New Development
Detailed Policy 2 – Designing in Sustainable Construction
Detailed Policy 6 – Protecting the Historic Environment
Detailed Policy 7 – Pollution
Detailed Policy 8 – Tree Protection

6.4 Supplementary Planning Documents/Guidance

East Staffordshire Design Guide
Open Space
Parking Standards
Housing Choice
ESBC Affordable Housing Viability Assessment
Waste Storage and Collection Guidance for New Development

6.5 Outwoods Neighbourhood Plan

TA1 – Public Realm
TA2 – Roads and Streets
TA3 – Parking
TA4 – Footpath and Cycle Routes
CF5 – Places to Meet
RD1 – Design
RD2 – Public and Private Space
RD3 – Type and Tenure
LR3 – Green Space Strategy
LR4 – Landscape and Drainage
LR5 – Local Green Spaces and Views

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:-

Principle of the development
Design and impact on the character and appearance of the area
Highway matters
Impact on the amenities of nearby residents
Section 106 Matters
Other Matters including Heritage Assets and Archaeology, Flooding, Ecology, Affordable Housing and

10.2 Principle of the Development

10.2.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. It also re-emphasises that the starting point for decision-making is the development plan, and that where proposed development accords with an up-to-date plan it should be approved, and where it does not accord with the plan it should be refused unless material considerations indicate otherwise. Saved policies within the existing Local Plan can currently be given due weight in the determination of applications according to their degree of consistency with the NPPF. The policies in the NPPF constitutes a material consideration, and take precedence on matters where there are no relevant up-to-date policies in the development plan.

10.2.2 The development plan for East Staffordshire is comprised of saved policies in the adopted Local Plan. The starting point for decision-making in respect of the proposal therefore is Saved Policy NE1 of the Local Plan which seeks to restrict new development in the countryside to that which could not reasonably be located within a development boundary and which is essential to the efficient working of the rural economy or otherwise appropriate in such a location because of the nature of the development. However, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council’s latest position is that as of August 31st 2014, it can only demonstrate a 3.89 year supply. Housing supply policies within the adopted local plan are therefore not considered to be up to date, a point that was conceded at various appeals in 2013. In addition and also the subject of the appeals process in 2013 was the Council’s ability to rely upon Policy NE1 in the consideration of housing applications. It was concluded that Saved Policy NE1, cannot be considered up to date in the determination of applications for housing because housing applications to accommodate future growth beyond 2011, which is the adopted local plan period, cannot be accommodated within the existing adopted Local Plan development boundary.
10.2.3 Paragraph 216 of the NPPF states that decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

10.2.4 The application site is not specifically allocated for residential development within the Submission Local Plan or in the modifications document that has been submitted to the Secretary of State for examination. As a consequence the Submission Local Plan or the modification document does not amend the Burton upon Trent Settlement Boundary to include the application site. The proposal is therefore contrary to the emerging Submission Plan as well as the Adopted Plan. However, the Submission Plan remains at a stage where it is still subject to change as part of the examinations process and there are unresolved objections to housing quantum and distribution. On that basis, although the housing allocations and settlement boundaries within the Submission plan are thought to be consistent with the National Planning Policy Framework, in so far as the allocations and development boundary extensions constitute sustainable extensions to existing settlements, it is considered on balance that only limited weight can currently be attached to the emerging plan in assessing whether the broad principle of residential development is acceptable in this location.

10.2.5 In the absence of a demonstrable 5 year supply of deliverable housing sites, and with the emerging Local Plan at too early a stage to be accorded significant weight in respect of this application, the principle of the proposal therefore falls to be assessed against the NPPF. The NPPF sets out a presumption in favour of sustainable development. It states that there are three dimensions to sustainable development namely economic, social and environmental, and that these should be considered collectively when assessing development proposals. In respect of the current proposal the principal elements of sustainability to be taken into account are: the importance of providing a supply of housing to meet the needs of present and future generations; ensuring accessibility to local services; creating high quality built environments; protecting and enhancing the natural environment; and safeguarding the amenities of existing communities.

10.2.6 In relation to the social arm of sustainability the development would contribute positively towards meeting the Borough’s requirement to provide
additional housing (including affordable housing) to meet the needs of present and future generations, whilst the site is well located relative to local services and facilities, which are accessible by a range of modes of sustainable travel. This application is also a full application and the applicant has advised that the units can be delivered in the short term to meet existing need. In terms of the economic arm there are obvious benefits associated with new development, especially during the construction period, whilst financial contributions are to be secured towards highways, education, open space and sports provision to assist in the ongoing provision of infrastructure in the locality.

10.2.7 The Outwoods Neighbourhood Plan is at a relatively advanced stage, having undergone its draft consultation in the summer of 2014 and currently at submission consultation stage (7th January 2015 – 18th February 2015). The submission plan seeks to protect the whole development site as a Local Green Space (Policy LR5) where development will be resisted to retain the openness of the landscape.

10.2.8 The requirements of Policy LR5 of the Outwoods Neighbourhood Plan are noted in the context of the decision on this application. However at this stage the plan has not yet been examined and therefore can only be afforded limited weight in the consideration of this application. Members should also be aware that this proposal will secure the retention of significant areas of open space, and there provision as dedicated public open space which will benefit future occupiers of the development, and also existing residents of Outwoods and adjoining parishes.

10.2.9 Given the above it is considered that the proposal complies with the social and economic arms of sustainability as defined by the NPPF. The scheme’s compliance with the environmental arm of sustainability will be considered within the following relevant sections of the report below.

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

10.3.1 Paragraph 109 of the NPPF states that the planning system should contribute to the natural and local environment by protecting and enhancing valued landscapes.

10.3.2 The application site comprises of sloping agricultural land on the outskirts of the settlement of Burton upon Trent. It is adjoined to the south by a row of terraced dwellings with agricultural land to other boundaries; to the north is the permitted Red House Farm residential development site.

10.3.3 The proposed development would, through the encroachment of built development into the open countryside, impact upon the character and appearance of the local landscape. However, the site is viewed in the context of existing built development to the south, and will ultimately be viewed in relation to the Red House Farm development at the top of the slope. Therefore in time the development will be viewed against the backdrop of the existing settlement from more distant vantage points. It is
considered that this reduces the sensitivity of the site in landscape character terms. The retention of trees and hedgerows and the proposed National Forest Planting alongside open space will also help to assimilate the proposals into the landscape context, and shows that this rural fringe site can be sensitively developed in landscape terms.

10.3.4 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.

10.3.5 Saved Policy H6 expands upon this aim with specific reference to residential development. It requires new dwellings to integrate well within the street scene.

10.3.6 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.

10.3.7 The proposed access road from Forest Road enters the site and then splits with two forks accessing residential development to the east and west of the site, three short spur roads one from the main access road and one each from the eastern and western spurs serve small areas of residential development. The access road is flanked by existing housing and 6 new ‘back to back’ properties and a large detached property behind a proposed landscaping strip.

10.3.8 Residential development then follows a set pattern of properties set back slightly back from the two spur roads. The proposal attempts to establish a new character area which contributes positively towards the varied...
character of the wider area. Buildings have been consciously arranged to provide vistas both looking into and within the site, with consideration given to the provision of active frontages, especially on corner plots. The development predominantly proposes on plot car parking either to the side or frontage of properties.

10.3.9 The proposed house types provide are a mix of properties between 1 and 5 bed with varying elevation treatments. The proposed house types are traditional in proportion, and also in design and are appropriate to their setting. Repetitiveness is avoided through the use of varied materials and finishes. The dwellings feature decorative details such as brick detailing, complementing window and eaves styles, corbelling details, increased roof pitches and overhanging eaves. It is therefore considered that the proposal contributes positively towards the overall varied character of the wider area.

10.3.10 With regard to other materials, a mix of red brick and rendered walls is proposed, with the rendered properties being dispersed throughout the site to break up the predominantly red brick facades. This arrangement should result in subtle variety within the streetscenes to enhance the appearance of the development. Final details of materials can be secured through a suitably worded condition.

10.3.11 The proposed landscaping will be central to softening the development and providing areas of green infrastructure. An appropriate scheme of landscaping can again be secured via condition and will ensure the development sits acceptably on the rural edge. Appropriate boundary treatments can also be secured via condition. The requirements of policy CSP5 in relation to National Forest planting have been met as part of the scheme.

10.3.12 Based on the above assessment, it is considered that the design of the development is appropriate for its context and will result in a high quality development which complies with the relevant development plan policies, the East Staffordshire Design Guide and the National Planning Policy Framework.

10.4 Highway Matters

10.4.1 Saved Policies T1 and T2 of the Local Plan state that new development will be accepted where it will not adversely affect the safe and efficient use of adjoining highways, including strategic routes.

10.4.2 The application proposes a single point of access to serve the 83 properties and the proposed rear access road which will serve the rear of properties on Forest Road. The access runs across the front of 48-55 Forest Road and will be 4.2m wide with pedestrian paths to each side. The rear access road runs to the rear of 10-48 Forest Road and will enable occupiers of these properties, should they wish, to create an off street parking space to the rear of their properties.
10.4.3 The application is accompanied by a Transport Assessment which states that development can be assimilated into the existing transport network, and this view is backed up by the comments of SCC Highways who raise no objections to the proposal from a highway safety perspective. The assessment of the highway authority will have taken into account the wider developments that are to access onto Forest Road / Shobnall Road, including the Red House Farm, Branston Locks and Forest Road schemes previously permitted.

10.4.4 The comments of neighbours are noted in relation to the removal of on street parking and the likely increase in vehicle speeds are noted. However the contribution sought by the highway authority will add into the existing contributions sought from nearby developments and will be used on a traffic calming and pedestrian safety scheme, which in the longer term will reduce traffic speeds and ensure that highway safety is not compromised by the development.

10.4.5 The site is proposed to provide 83 dwellings and a total of 211 car parking spaces. 6 spaces are to be provided for 50 – 55 Forest Road, with the rest of the spaces to provide the development. The majority of properties are provided with 2 off street parking spaces with larger properties having a minimum of 3 spaces. Given that the site is relatively sustainable and in close walking distances of local amenities with a local convenience store and bus stops adjoining the site on Shoball Road. It is therefore considered that this level of car parking provision is acceptable in this location.

10.4.6 The requested conditions of the highway authority will be attached to any approval granted, apart from the requirement for driveways to be 5.5m long. This requirement is secured via the approved plans condition which fixes the position of garages and length of driveways.

10.4.7 In addition to these conditions the response of the Highway Authority requires the developer to enter into a Section 106 agreement to secure £6,300 towards the monitoring of the residential green travel plan, alongside a contribution of £35,000 towards the East Staffordshire Integrated Transport Strategy (ESITS). This contribution will be used alongside other contributions that have been secured against strategic development in the locality to improve highway safety in the vicinity of the site. The contribution towards ESITS has been calculated taking into account the highway safety benefits associated with the provision of the rear access drive for properties on Forest Road.

10.4.8 Subject to compliance with the above conditions and the entering into of the section 106 agreement, the proposed access arrangements are considered acceptable, whilst the traffic generated by the proposal can be acceptably assimilated into the existing highway network without exceeding its capacity. It is not therefore considered that the proposal would prejudice the safe or efficient use of the existing highway network.
10.5 **Impact on the Amenities of Nearby Residents**

10.5.1 The NPPF and Saved Policy H6 of the Local Plan seek to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing. Policy DP2 of the Pre-Submission Local Plan reiterates these objectives.

10.5.2 The application is submitted in full and the proposed layout shows a distance of approximately 43m from the rear of existing properties on Forest Road and those on the proposed development, with 15m proposed from the rear of new properties and the boundaries of existing units. These distances are considered sufficient to avoid any unacceptable loss of daylight or privacy, and will also ensure that the new development will not appear as overbearing on existing properties. The slope of the land is noted and proposed properties will in some cases be set at a higher level than adjoining dwellings, however given the separation distances involved this is not considered sufficiently damaging to amenity to warrant refusal. The position of the new access road will undoubtedly change the outlook from 48-55 Forest Road and will lead to more traffic passing the front of these properties, however this change is typical of existing relationships across the borough and the refusal of the application could not be substantiated on this ground.

10.5.3 The relationships between properties on the site have also been considered and it is officer’s view that these properties can be constructed without damaging the amenity of future occupiers of the development.

10.5.4 With regards to residential amenity during the construction process, the applicant will be required to enter into a construction management plan that will require the routing of construction traffic into the site to be agreed, alongside restrictions and controls on vibration, dust and hours of construction. This will seek to ensure that the impact on existing residents is kept to a minimum, and for as short a duration as possible.

10.5.5 It is therefore considered that the site can be adequately developed for the purposes applied for without being detrimental to the amenities of neighbouring residents, whilst providing acceptable living conditions for future residents.

10.6 **Section 106 Matters**

10.6.1 In accordance with policy IMR2 the scheme is required to provide contributions towards a number of necessary infrastructure requirements.

10.6.2 The Housing Choice SPD requires developments such as this to provide 15% affordable housing and a contribution towards the remaining 15% affordable housing; however this document sets a £3k / dwelling threshold for reasonable developer contributions from ‘qualifying’ contributions. In this
instance the required contributions are significantly over the £3k per dwelling threshold.

10.6.3 The applicants have advised that taking into account the above policy position the 'pot' available for section 106 contributions is £876,000 and following the removal of other necessary 'qualifying' contributions towards education, open space/national forest, refuse containers, sports provision and highways leaves a balance of £56k towards affordable housing. This is clearly significantly less than the £627,314 requested by the Housing Strategy Manager.

10.6.4 In light of £3k / dwelling threshold the Council are not in a position to refuse the application. The applicant has advised that with the exception of the education contribution they are happy for the Council to point the contributions at where we believe they are necessary, and in light of this it is proposed that the requested contribution towards sports provision of £87,657 is incorporated as part of the Affordable Housing contribution to give a total figure of £143,657. With regards to the sports provision it is considered reasonable to remove this requirement as the site is located very close to Shobnall Leisure Complex and the associated indoor and outdoor facilities, and contributions to both this complex and the new sports hub at Tatenhill Lane have been secured through other developments in the locality including the Land South of Branston and Branston Locks schemes.

10.6.5 The planning gain achieved from the proposal in light of the current policy context is considered to be reasonable, whilst also ensuring that the development remains viable, and therefore deliverable in line with national planning policy.

<table>
<thead>
<tr>
<th>Item</th>
<th>Planning Obligation</th>
<th>Cost (where applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>Contribution towards the provision of primary and secondary school places</td>
<td>£604,000</td>
</tr>
<tr>
<td>Affordable Housing</td>
<td>15% on site</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A commuted sum towards the remaining 15%</td>
<td>£143,657</td>
</tr>
<tr>
<td>Open Space and National Forest</td>
<td>Provision of Public Open Space, and National Forest Planting on site</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15 year contribution towards ongoing maintenance if provision on site and adopted by the Council</td>
<td>£80,815</td>
</tr>
<tr>
<td>Refuse Containers</td>
<td>Contribution to provide refuse storage containers</td>
<td>£6,225</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Footpath Link</td>
<td>Provision of a footpath link to the Red House Farm development</td>
<td>N/A</td>
</tr>
<tr>
<td>Highways</td>
<td>Contribution towards the East Staffordshire Integrated Transport Strategy</td>
<td>£35,000</td>
</tr>
<tr>
<td></td>
<td>Residential Travel Plan monitoring sum</td>
<td>£6,300</td>
</tr>
</tbody>
</table>

10.7 Other Matters including Heritage Assets and Archaeology, Flooding, Ecology, Affordable Housing and Ground Conditions and Soil Resources

10.7.1 Paragraph 118 within Section 11 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.

10.7.2 The application is accompanied by an Ecological Survey which concludes that there is no evidence that protected species, including badgers, bats, water voles, otters, amphibians or reptiles would be adversely affected by the proposal. The report does however advise that the scheme could have some impact on Great Crested Newts (GCN). The report identifies that there is a small population of GCN in a pond 60m from the site, and whilst there is no evidence on site it is possible the field could be used for foraging. In light of this a scheme of mitigation is proposed including the erection of newt fencing which will stop GCN entering the site during construction. Compliance with this mitigation strategy can be secured via a suitably worded condition, as the scheme does not result in the direct loss of habitat it is not necessary at this stage for the applicant to seek a European protected species licence. The report also identifies that badgers use the site for foraging and commuting, however there is no impact on existing setts from the proposal.

10.7.3 The site also provides an opportunity for biodiversity enhancements within the development, and these can again be secured via suitably worded condition, and can be linked to existing hedgerows and trees which are to be retained as part of this scheme. The development proposes the retention of the vast majority of the existing trees and hedgerows on the site, and these will be enhanced by the proposed National Forest planting to be provided on the site, and full details of this will be secured via condition, as will the ongoing management of these areas.
10.7.4 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. Strategic Policy 27 of the submission local plan advises that permission will only be granted in flood risk areas where they would not cause unacceptable harm to the following interests; the protection and storage capacity of the flood plain, access to watercourses for maintenance, the characteristics of surface water run-off, the integrity of fluvial defences, the drainage function of the natural watercourse system, and the necessity for additional public finances for flood defence works.

10.7.5 The site lies entirely within Flood Zone 1 and as such is at a low risk from fluvial flooding. The application has been considered by all relevant consultees in relation to flood risk and drainage, and the Environment Agency, Severn Trent Water Limited and Staffordshire County Council’s Flood Risk Officer have all raised no objections to the proposal, and have confirmed that all issues in relation to foul and surface water drainage can be adequately covered by a suitably worded planning conditions as outlined in Section 4 above.

10.7.6 Paragraph 128 of the NPPF requires Local Planning Authorities in determining applications to consider the potential of sites to include heritage assets with archaeological interest, and developers are required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This part of the town has areas of archaeological interest, and it is considered that an archaeological watching brief should be required. In light of this a suitably worded condition is proposed to ensure that a scheme of archaeological investigation is secured as part of any scheme. It is therefore not considered that the proposal would unacceptably affect archaeological interests.

10.7.7 The Council’s Open Space Supplementary Planning Document suggests that a development of this scale in this location should provide 0.99ha of open space excluding the SUDS area which should be across the following typologies: -

- Play Pitches – 0.23ha
- Equipped Play – 0.006ha
- Parks and Gardens – 0.35ha
- Semi Natural Green Space – 0.29ha
- Amenity Green Space – 0.09ha
- Allotments – 0.03ha

The sites topography does not lend itself to formal playing pitches and the scheme secures a contribution towards indoor and outdoor sports provision in line with Sport England’s Sports Facility Calculator of £87,657. In relation to the other areas of POS the scheme provides 0.06ha of equipped play, and over 1ha of semi natural and amenity green space. Whilst the site is deficient in parks and gardens again the topography does not suit formal spaces, and the land is better suited as semi natural space, and it is considered that the over provision of this land, and subject to the approval
of details of pathways and trails through these areas, which can be secured via condition, makes up for deficiencies in other areas.

10.7.8 In relation to affordable housing the development meets the requirements of the Housing Choice SPD in terms of the level of provision proposed, in this case a 15% provision on site (12 units) and a commuted sum of £143,657 towards the remaining 15%. The further comments of the Housing Strategy Manager are noted and the mix of house types to be supplied has been agreed. The affordable housing units are considered to be acceptably dispersed across the site and meet the criteria as set out within the Housing Choice SPD.

10.7.9 With regards to market housing the Council have no policies to require developers to provide certain types of properties within a development site. Therefore we would be unable to substantiate refusal of the application on this ground. The Housing Choice SPD supports the provision of Lifetime Homes on the site and an appropriate provision can be secured via a suitably worded condition.

10.7.10 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 DP6 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.

10.7.11 The Phase 1 Desk Study Report identifies a strategy for investigation. Therefore a condition to ensure that this strategy is implemented as recommended by the Environmental Health Manager is considered reasonable.

10.7.12 Paragraph 112 of the National Planning Policy Framework states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

10.7.13 The majority of the application site is used for grazing and given the topography of the land it would be difficult for it to be used for any other purpose.

10.7.14 The Ministry of Agriculture, Fisheries and Food (MAFF) developed a method of classifying agricultural land quality in the 1960s which was revised in 1988. The system classifies land into five grades numbered 1 to 5, with grade 3 subdivided into sub-grades 3a and 3b. Grade 1 is the highest quality land and grade 5 the lowest.
10.7.15 The site comprises grade 3. The proposal will not therefore result in the loss of any excellent or very good agricultural land, which falls into grades 1 and 2.

10.7.16 In terms of the final arm of the sustainability criteria which covers the environmental impacts of development, it is considered that the scheme on balance and whilst having obvious negative impacts in relation to the loss of countryside, will for the reasons set out in the relevant sections above meet the environmental arm of the sustainability criteria as defined by the NPPF.

11 Conclusions

11.1 The development would contribute positively towards meeting the Borough’s requirement to provide additional housing to meet the needs of present and future generations. The site is reasonably well located relative to local services and facilities, which are accessible by a range of modes of sustainable travel. It is considered that in the current context of a shortfall in deliverable housing sites the benefits associated with providing additional housing to meet the needs of present and future generations weigh heavily in support of the proposal.

11.2 The proposed layout takes into account the sites topography and provides and appropriate response to site context. The proposed designs of the dwellings are of a high quality and will sit acceptably in the context of adjoining built form. The development is therefore considered to accord with the provisions of the East Staffordshire Design Guide. The site is sufficiently spacious to allow development without unacceptably affecting the amenities enjoyed by the occupiers of existing dwellings.

11.3 The highway impact of the scheme has been assessed by the Highways Agency and Staffordshire County Council (Highways) and it is concluded that the access is safe, and that traffic generated by the proposal can be accommodated by the existing highway network.

11.4 The scheme raises no issues in relation to flood risk or drainage. The scheme does not result in any concerns in relation to protected species.

11.5 The impacts of the proposal on existing social infrastructure including education and recreational facilities can be mitigated through contributions which will be secured via Section 106 obligations.

11.6 Whilst there will be clearly be some negative impacts from the scheme especially in relation to the loss of countryside the scheme will also provide substantial benefits. These include the provision of market and affordable housing, contributions towards social infrastructure in terms of education and recreation, and the economic benefits of development in general. These factors weigh heavily in support of the application, and on balance
the benefits of the scheme outweigh any specific concerns that are raised in relation to the proposal.

11.7 Overall the scheme is considered to be sustainable development, and therefore there is a presumption in favour of granting permission.

12 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 Recommendation

13.1 For the reasons set out in the above report then **PERMIT** subject to the following conditions, and the completion of the Section 106 agreement:

1. Standard time limit
2. Approved plans condition
3. Submission and approval of details of materials
4. Submission and approval of details of landscaping, fencing and walling, and protection of trees during construction
5. Submission and approval of details of foul and surface water drainage to include a detailed layout of the surface water drainage strategy including attenuation pond and control features
6. Submission and approval of details of surface water run-off exceedance flows and details of mitigation measures
7. Submission and approval of details of a maintenance regime and liability for the SUDS features
8. Submission and approval of details of ecological enhancement measures to include bat and bird boxes
9. Submission and approval of details of slab levels and any re-grading
10. Submission and approval of a scheme of archaeological investigation
11. Submission and approval of a Construction Management Plan to include details of methods to reduce dust, noise and vibration to neighbouring properties
12. Submission and approval of details of National Forest Planting and associated trails and pathways, and a scheme for the ongoing management of the National Forest Areas
13. Completion of the development in accordance with the submitted ecological appraisal report, including the Great Crested Newt mitigation strategy
14. Completion of the development in accordance with the Flood Risk Assessment
15. Implementation of details of landscaping ✓
16. Implementation of details of fencing and walling ✓
17. Implementation of details of tree protection measures ✓
18. All new windows set back 50mm from the face of the wall
19. Hours of construction
20. Submission and approval of scheme to ensure the provision of % of the development to be constructed to Lifetime Homes standard, or other standard as agreed with the LPA ✓
21. Provision of the access road to base level prior to commencement of construction on site ✓
22. Provision of parking court access and parking area for existing residents to be provided before the commencement of construction on site ✓
23. Submission and approval of revised details of the gate to the rear access road
24. Where private accesses fall towards the public highway they shall be provided with a surface water interceptor ✓
25. Provision of parking and turning areas
26. All garages shall be set back 5.5m from the highway edge
27. Integral garages shall remain available for the parking of motor vehicles and cycles
28. Provision of visibility splays in accordance with approved plans, and not obstructions above 600mm ✓
29. Submission of a Construction Management Plan to include routing and phasing of construction traffic, parking facilities for site operative, arrangements for loading and unloading of plant and materials, areas for storage of plant and materials and measures to prevent the deposition of deleterious material on the highway
30. Compliance with the Investigation strategy with this Phase 1 Site Appraisal ✓

14.0 Informatives

1. Applicant to note and act upon as necessary the comments of Police Architectural Liaison Officer and the Environment Agency
2. Statement of positive engagement with the applicant
3. Applicant to seek consent of the relevant authority in relation to candidate 28

Background Papers

4. In book

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/2014/01264
The planning history outlined in Section 3

For further information contact: Jim Malkin
Telephone No: 01283 508641
Email Address: james.malkin@eaststaffsbc.gov.uk
3 December 2014
By Email

Mr M Brown
Planning Delivery
ESBC, The Maltsters
Wetmore Road
Burton on Trent
Staffordshire DE14 1LS

Dear Sir

Planning application P/2014/01304
Up to 83 Dwellings at Forest Road, Outwoods, Burton on Trent.

Outwoods Parish Council wish to register their objection to the above application and consider that this proposal should be refused for the following reasons:-

This application conflicts on several counts with important development plan policies and material planning considerations including the NPPF. It occupies a Greenfield site which is outside the development boundary of the East Staffordshire Local Plan Saved Policy NE1 which clearly states that outside of development boundaries, new development will not be permitted unless it is essential to the efficient working of the rural economy. The proposed development clearly does not meet this or any other exception criteria as it is a purely speculative development which does not provide a facility for the general public or community, nor does it constitute development otherwise appropriate in this location and would promote an unnecessary encroachment into the countryside where alternative development sites can be found within the Town to the detriment of the character and appearance of this rural locality contrary to Saved Policy NE1 of the East Staffs Local Plan and the NPPF (specifically, but not limited to, Sections 9,10, & 11)

Paragraph 14.

Since the proposed development provides few benefits, we believe that they are significantly outweighed by the adverse impacts. There is therefore, no obligation to approve on the grounds of a lack of an up to date Local Plan.

This adverse impact would be inflicted on the local community through loss of views and total loss of privacy due to being overlooked by an elevated development to the rear of existing properties. A number of additional negative effects are highlighted in the following paragraphs.
Paragraph 47.

Para 47 of the NPPF states local planning authorities should ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements’. In order for a site to be considered deliverable, it must be in a suitable location. This development will form a block of houses which is outside of the development boundary and will not relate to the form of existing buildings. It is not therefore in a suitable location. Whilst it is understandable that East Staffordshire Borough Council at present can only demonstrate approx 4.1 years of housing land supply, it should also be noted that any supply deficit should be accounted for by bringing forward land from later in a plan period. This site has not been specifically identified as a source of housing as part of a housing trajectory in any plan, and should not therefore be considered for approval in order to address the shortfall in the supply of housing land supply.

Paragraph 58.

Para 58 of The NPPF sets out that ‘local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area’. In combination with this planning decisions should aim to ensure that developments ‘will function well...establish a strong sense of place...optimise the potential of the site to accommodate development’.

This site falls within the Neighbourhood Development Plan (NDP) boundary of Outwoods for which a draft NDP has been submitted. The proposed development therefore does not conform to the NPPF as the consultancy team have failed to consider the Outwoods NDP, a statutory material consideration. Consequently, they have failed to appropriately consider the NDP’s recommendations for those elements discussed within Para 58 of the NPPF.

1. Failure to comply with the following East Staffordshire Local Plan Saved Policies.

Policy H6 Housing Design and Dwelling Extensions (pg 73)

‘On infill sites within existing settlements with development boundaries, permission will not be granted for development which harms the setting of buildings or the overall street scene, or which has an adverse effect on adjacent properties by virtue of size of dwelling...bulk noise, loss of amenity space...and intensification of traffic.’

‘Where infilling is proposed...development will be permitted provided;’
a) 'it would be sensitively integrated into the townscape or landscape...and'

b) 'it would not be visually intrusive'.

The proposed development does not conform to Policy H6 as a result of its drastic variation from the local vernacular, lack of screening so as not to be visually intrusive and loss of privacy for existing residents. There is also an issue with the intensification of traffic on Forest Rd, which has a well documented history of speeding and unnecessary use by HGV's. The introduction of an access road without any form of traffic calming or weight restriction will significantly increase danger to road users and pedestrians. In addition to this, there will be a further loss of amenity for existing residents through the introduction of traffic to the rear of their properties, causing a substantial increase in noise.

**Policy BE1 Design (pg 42)**

The Borough Council will approve applications for development which respond positively to the context of the area surrounding the site. The Borough Council will have regard to:-

a) The layout of the development...and arrangement of buildings and how they relate to such factors in the surrounding area.

b) How elements of any open spaces...in the proposed development relate to each other...the characteristics of the site and the surrounding landscape character and appearance.

c) The density and mix of the development in relation to its context.

d) The massing of the development in terms of the shape, volume and arrangement of building.

e) How the height of the proposed development relates to...any vistas, views or skylines.

The design of the development does not respect the local vernacular. The proposed scheme is clearly of a different mass, layout and building arrangement and one which does not sit comfortably with the strong building lines along Forest Road. Other criteria contained within Policy BE1 relate to the development’s effect on amenity value for existing residents of neighbouring properties. The height and general proximity to neighbouring properties will result in a near total loss of highly valued views, vistas and skyline, not only during the day, but also at night due to street lighting and car headlights.

**Policy T1 Transport: General Principles for New Development (pg 93)**
The Borough Council will not permit development where it would unacceptably harm the safety and efficient use of the highways network.

The introduction of an access road to the new development will cause significant safety issues. This will develop into an even more serious problem if on street 4 3rd December 2014
Mr M Brown
parking is removed along Forest Rd, leading to higher vehicle speeds and increased use by HGV’s.

2. Failure to account for the following policies of East Staffordshire’s emerging Local Plan. (This document, currently under examination, constitutes an important material consideration and should not be dismissed).

   Policy SP1 Approach to Sustainable Development.
   Policy DP1 Design of New Developments.

3. Failure to account for the following policies of Outwoods Neighbourhood Development Plan. (This document has been subject to public consultation, been submitted for inspection, and as such, constitutes an important material consideration which should not be ignored).

   Policy RD1. Design.
   Policy RD3. Type and Tenure.

Policy LR5. Protected Open Spaces and Views.

Further issues raised by this proposal include:

1. Loss of amenity, ie views to the rear of properties, a benefit compared to the closeness of the front of the properties to the busy road (7500+ vehicle movements a day).

2. Loss of privacy. A previous application nearby was refused on privacy grounds. This proposal has even greater privacy concerns as the development would be on elevated ground overlooking existing properties on Forest Road.

3. Will add additional traffic to the BS017 along with the other developments already given planning approval along this road. There are safety concerns for
pedestrians and children attending Shobnall Primary School.

4. Shobnall Primary School is already full to capacity.

5. Removal of on-street parking will result in increasing speeds of vehicles along the straight stretch of Forest Road. At present, on-street parking acts as a traffic calming measure. It will also make the road more attractive to HGVs to use this route.

5 3rd December 2014
Mr M Brown

6. The developers seem to choose the saved policies from the local plan to justify their application (policies on National Forest, Design, General Transport principles etc), but dismiss those that they do not agree with - (housing supply, development boundary).

7. The site is in an area prone to flooding after prolonged periods of heavy rain. This will be exacerbated by the development being on a sloping site and not enough consideration has been given to surface water disposal.

Outwoods Parish Council feel on these grounds the application should be refused. If you could please confirm receipt of this letter via email, I would be grateful please.

Many thanks

Yours sincerely

Kay Lear
Parish Clerk
On behalf of Outwoods Parish Council
PROPOSED HEADS OF TERMS AND TITLE

FOR

FULL APPLICATION FOR 83 DWELLINGS, ACCESS AND ASSOCIATED INFRASTRUCTURE INCLUDING ATTENUATION POND AND DEMOLITION OF EXISTING GARAGES ON LAND AT FOREST ROAD, SHOBNALL, BURTON ON TRENT, STAFFORDSHIRE

SIGNET PLANNING
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Signet Ref: PS/HG0529
Date: October 2014

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**Proposed Heads of Terms**

The proposed Heads of Terms for the Application are as follows:

1) Affordable Housing
2) Education
3) Maintenance of Public Open Space
4) Refuse Containers
4) Any other reasonable contributions which arise out of the consultation process.

**Title**

The Title for the application site is attached at the end of this document along with an email from our Clients Solicitor.

We can confirm that the details contained in the attached Title has not changed.
To Whom it May Concern,

We are instructed to act on behalf of Peveril Homes Limited who have option agreements dated 22 December 2008 over all of the land contained within title numbers SF379488 and SF429236 and over the land contained within a conveyance dated 6th May 1955 made between (1) John Linnaeus Middleton and (2) William Thomas Hollis and over the land contained within a conveyance dated 31st October 1963 made between (1) Thomas William Docksey and (2) William Thomas Hollis and John Hollis.

Our Client’s interest is protected on the title registers of both title numbers by a restriction and by two class C (IV) Land Charges in respect of that part of the land which is unregistered.

A copy of the title registers for both title numbers and their respective filed plans is attached for information along with the conveyances referred to above and the land charges certificates.

Yours faithfully

Flint Bishop LLP

From: Alex Parkes <alex.parkes@flintbishop.co.uk>
Sent: 09 June 2014 17:13
To: j.smith@peverilhomes.co.uk
Subject: FW: Shobnall Proof of Title
Attachments: Official Copy (Register) - SF379488.pdf; Official Copy (Title Plan) - SF429236.pdf; Official Copy (Register) - SF429236.pdf; Conveyance 31.10.1963.pdf; Conveyance 06.05.1955.pdf; Land Charges Certificates.pdf; Official Copy (Title Plan) - SF379488.pdf

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Legal Awards 2013
Winner

Legal Recovery Firm of the Year

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This conveyance is made the sixth of May thousand nine hundred and fifty-five and is an unincumbered fee simple estate in possession and has agreed with the Purchaser for the sale thereof to him for the like estate at the price of Five thousand five hundred pounds.

NOW THE DISDE WITNESSETH as follows:-

1. IN pursuance of the said agreement and in consideration of the sum of FIVE THOUSAND FIVE HUNDRED POUNDS now paid by the Purchaser to the Vendor (the receipt whereof the Vendor hereby acknowledges) the Vendor as Beneficial Owner hereby conveys unto the Purchaser ALL THAT messuage or farmhouse with the farmbuildings several closes, pieces or parcels of land and the appurtenances thereto belonging known as Henhurst Farm situate in the Parishes of Catweeds and Horninglow in the County of Stafford and containing an area of eighty and decimal nine hundred and seventeen acres or thereabouts, all which property is more particularly specified in the first Schedule hereto and for the purpose of identification only delineated on the Plan annexed hereto, and thereon edging pink TO HOLD the same UNTIL the Purchaser in fee simple SUBJECT to the exception and reservation unto the Marquess of Anglesey and his successors in title of all such rights and subject to but with the benefit of all Agreement under seal dated the sixteenth day of September One thousand nine hundred and thirty-six and made between George Oakden of the one part and Base Ratcliffe and Gretton Limited of the other part, more particularly referred to in a Conveyance of (inter alia) the said property dated the twenty-third day of April One thousand nine hundred and forty-one and made between Charles Ernest Arnold of the one part and Hilda Mary Saunders Joyce Constance Crane and Evelyn Dorothy Arnold of the other part and subject also to the covenant as to fencing contained in a Conveyance dated the Twenty-ninth day of September One thousand nine hundred and forty-seven and made between the said Hilda Mary Saunders Joyce Constance Crane and Evelyn Dorothy Arnold of the one part and Henry Middleton Olive Mary Middleton and the Vendor of the other part.

2. WITH the object and intent of affording to the Vendor a full and
sufficient indemnity in respect of any future breach of the said covenant as to fencing but not further or otherwise the Purchaser hereby covenants with the Vendor to observe and perform the said covenant henceforth and to indemnify the Vendor and his estate and effects from and against all actions, proceedings, costs, claims and demands whatsoever in respect thereof.

IN WITNESS whereof the said parties to these presents have hereunto set their hands and seals the day and year first before written.

THE FIRST SCHEDULE before referred to

<table>
<thead>
<tr>
<th>Number on Ordnance</th>
<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>222</td>
<td>Dwellinghouse, Farm buildings etc.</td>
<td>0.974</td>
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<tr>
<td>Part 211</td>
<td>Grass</td>
<td>1.953</td>
</tr>
<tr>
<td>Part 200</td>
<td>do.</td>
<td>15.811</td>
</tr>
<tr>
<td>Part 201</td>
<td>do.</td>
<td>7.090</td>
</tr>
<tr>
<td>Part 202</td>
<td>do.</td>
<td>6.181</td>
</tr>
<tr>
<td>Part 203</td>
<td>do.</td>
<td>12.245</td>
</tr>
<tr>
<td>Part 204</td>
<td>do.</td>
<td>9.475</td>
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<tr>
<td>Part 209</td>
<td>do.</td>
<td>3.648</td>
</tr>
<tr>
<td>Part 210</td>
<td>do.</td>
<td>5.245</td>
</tr>
<tr>
<td>Part 215</td>
<td>Grass and Arable</td>
<td>8.214</td>
</tr>
<tr>
<td>Part 221</td>
<td>Part of Shobnall Dingle</td>
<td>758</td>
</tr>
<tr>
<td>Part 222</td>
<td>Two Street Openings</td>
<td>2.438</td>
</tr>
<tr>
<td>Part 223</td>
<td>Grass</td>
<td>6.02</td>
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</tbody>
</table>

Total: 80.917

SIGNED, SEALED AND DELIVERED by the said

JOHN LINNACEY MIDDLETON in the presence of:

Chas. Clement

CLERK TO THOMAS HOLLIS & SON

SIGNED, SEALED AND DELIVERED by the said

WILLIAM THOMAS HOLLIS in the presence of:

Chas. Clement
indicated on the said plan annexed hereto between the points marked "A" and "B" in common with all other persons entitled to use the said roadways subject to their paying a proportionate part of the costs of keeping the said roadways in repair.

(d) a right of way granted to Norah Rebecca Docksey and the persons deriving title under her by a Conveyance made the thirty first day of July one thousand nine hundred and sixty one between the Vendor of the one part and the said Norah Rebecca Docksey of the other part at all times and for all purposes over the said roadways coloured brown on the said plan annexed hereto between the points marked "C" and "D" thereon.

2. WITH the object and intent of affording to the Vendor a full and sufficient indemnity but not further or otherwise the Purchasers hereby jointly and severally covenant with the Vendor that they the Purchasers and their successors in title will at all times hereafter observe the said covenant as to fencing contained in the said Conveyance of the twenty first day of June one thousand nine hundred and forty six so far as it is still subsisting and capable of being enforced and relates to and affects the property hereby conveyed and will indemnify the Vendor and his estate and effects from and against all actions costs claims demands and liability in respect of any breach thereof so far as aforesaid.

3. THE Purchasers hereby declare as follows:-

(a) The net proceeds of sale of and other moneys applicable as capital arising from the said property and the net income therefrom until sale shall be held upon trust for the Purchasers as tenants in common in equal shares.

(b) Until the expiration of twenty one years from the death of the last survivor of the Purchasers the trustees for the time being of this deed shall have power to mortgage charge lease or otherwise dispose of all or any part of the said property with all the powers in that behalf of an absolute owner.

4. IT is hereby certified that the transaction hereby affected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Four thousand Five Hundred Pounds.

IN WITNESS whereof the said parties to these presents have hereunto set their hands and seals the day and year first before written.

SIGNING SIGNED AND DELIVERED
by the said THOMAS WILLIAM Docksey } J. W. Docksey
in the presence of:-

[Signature]

[Signature]

SIGNING SIGNED AND DELIVERED
by the said THOMAS WILLIAM Holms
and JOHN Holms in the presence of:-

[Signature]

[Signature]
This Conveyance is made on the
day of 

is made the
One thousand nine
hundred and sixty-three between THOMAS WILLIAM HOLLIUS
of
Swannington Street, Burton upon Trent in the County of Stafford
formerly of Henhurst Wood Farm, Henhurst Hill Burton upon Trent
aforesaid retired farmer (hereinafter called the Vendor) of the
one part and WILLIAM THOMAS HOLLIUS (Farmer) and his son JOHN HOLLIUS
(Farmer) both of Henhurst Farm, Henhurst Hill Burton upon Trent
aforesaid carrying on business in common under the name of W. T.
Hollius & Son (hereinafter called the Purchasers) of the other part.

WHEREAS:

(1) The Vendor is seised of the property hereinafter described and
intended to be hereby conveyed for an estate in fee simple in
the premises mentioned but otherwise free from
incumbrances.

(2) The Vendor has agreed with the Purchasers for the sale to them
of the said property for a life estate at the price of One thousand
eight hundred and fifty pounds and it has been agreed that the same
shall be vested in them as joint tenants in the manner and upon the
trust hereinafter appearing, the Purchasers having provided the said
purchase price in equal shares.

NOW THIS DEED WITNESSETH as follows:-

IN pursuance of the said agreement and in consideration of the
sum of ONE THOUSAND EIGHT HUNDRED AND FIFTY POUNDS paid by
the Purchasers to the Vendor (the receipt whereof the Vendor hereby
acknowledges) the Vendor as Beneficial Owner hereby conveys unto
the Purchasers all that place or parcel of ground situate off
Henhurst Hill (Formerly Forest Road) at Ashlow (near Burton upon Trent
in the County of Stafford) All which place or parcel of land contains
an area of eleven decimal point six eight eight acres or thereabouts
and is for the purpose of identification only and not for further or
otherwise more particularly delineated on the plan annexed hereto
and thereon edged pink TOGETHER WITH the benefit of the covenant as to
fencing and agreement and declaration contained in a Conveyance
dated the twenty-fourth day of May One thousand nine hundred
and sixty and made between the Vendor of the one part and Samuel Owen
Smith and Dorothy Smith of the other part to hold the same unto
the said Purchasers in fee simple as joint tenants upon trust to sell the
same with power to postpone the sale thereof SUBJECT TO the covenant of
as to fencing contained in a Conveyance dated the twenty-first day of
June One thousand nine hundred and forty-six and made between Bernard
Samuel Harper of the one part and the Vendor of the other part so
far as the same is still subsisting and capable of being enforced
and relates to and affects the property hereby conveyed AND SUBJECT TO
the following rights of way over the land coloured brown on the said
plan annexed hereto, that is to say:

(a) a full and uninterrupted right of way reserved out of the said
Conveyance of the twenty-first day of June One thousand nine hundred
and forty-six unto the said Bernard Samuel Harper and the persons
deriving title under him or their servants and others at all times thereafter and for all purposes with or without horses
carts animals and vehicles in common with all other persons to whom
a like right has been or may hereafter be granted over and along the
roadways coloured brown on the said plan annexed hereto.

(b) a right of way hereby excepted and reserved unto the Vendor
in fee simple at all times and for all purposes with or without
vehicles and animals over and along the said roadways coloured brown
on the said plan annexed hereto to and from the adjoining land of the
Vendor or any part thereof being a piece of land containing one
decimal point three five acres or thereabouts situate on the westerly
side of the roadway coloured brown on the said plan annexed hereto
running in a northerly direction from Henhurst Hill aforesaid the
south easterly corner of such piece of land being at a distance of
three hundred and ninety feet or thereabouts from Henhurst Hill
aforesaid.

(c) a right of way granted by the said Conveyance of the twenty
fourth day of May One thousand nine hundred and sixty to the said
Samuel Owen Smith and Dorothy Smith at all times thereafter and for
all purposes of way with or without horses carts animals and vehicles
over and along the said roadways coloured brown on the said plan
annexed to and from Henhurst Hill aforesaid from the three gates
**LAND CHARGES ACT, 1972.**
**ACKNOWLEDGEMENT OF APPLICATION**

The Chief Land Registrar acknowledges receipt of the undermentioned application to which effect has been given on the date and under the official reference number shown below.

<table>
<thead>
<tr>
<th>TYPE OF APPLICATION</th>
<th>OFFICIAL REFERENCE NUMBER</th>
<th>DATE OF REGISTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW REGISTRATION</td>
<td>LC/28731/09</td>
<td>18 FEB 2009</td>
</tr>
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**NAME OF THE ESTATE OWNER/CHARGOR**

<table>
<thead>
<tr>
<th>Particulars of the entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>JOHN * HOLLIS *</td>
</tr>
</tbody>
</table>

(1) C(IV) NO. 28731 REGISTERED ON 18 FEB 2009  
(2) LAND AT SHOBNALL BURTON UPON TRENT COMPRISSES 86 ACRES OR THERABOUTS  
(3) EAST STAFFORDSHIRE  
(4) STAFFORDSHIRE

**APPLICANT'S REFERENCE**

| LJW. PEVERIL. 5810.937 |

**KEY NUMBER**  

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<th>1659573</th>
<th>AMOUNT DEBITED £</th>
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<td>1.00</td>
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</table>

Please address any enquiries to:

HM LAND REGISTRY  
Land Charges Department,  
Planter House, Tailor's Road,  
Crownhill, Plymouth PL6 5HY.  
DX No. 8249 Plymouth (3)  
TEL: 01752 636666  
FAX: 01752 636699

P/14/01304

RECEIVED  
- 9 OCT 2014

FLINT BISHOP  
DX 729320  
DERBY 24
LAND CHARGES ACT, 1972.
ACKNOWLEDGEMENT OF APPLICATION

The Chief Land Registrar acknowledges receipt of the aforementioned application to which effect has been given on the date and under the official reference number shown below.

<table>
<thead>
<tr>
<th>TYPE OF APPLICATION</th>
<th>OFFICIAL REFERENCE NUMBER</th>
<th>DATE OF REGISTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW REGISTRATION</td>
<td>LC/31671/09</td>
<td>23 FEB 2009</td>
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</tbody>
</table>

NAME OF THE ESTATE OWNER/CHARGOR
Particulars of the entry

FREDERICK CHARLES * HOLLIS *

(1) C(IV) NO. 31671 REGISTERED ON 23 FEB 2009
(2) LAND AT SHOBNALL BURTON UPON TRENT COMPRISING 86 ACRES OR
(2) THERABOUTS
(3) EAST STAFFORDSHIRE
(4) STAFFORDSHIRE

APPLICANT'S REFERENCE
LJW FEVERILL 5810 937

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<tbody>
<tr>
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<td>£ 1.00</td>
</tr>
</tbody>
</table>

Please address any enquiries to:

HM LAND REGISTRY
Land Charges Department,
Pheaner House, Tiffeyour Road,
Crownhill Plymouth PL6 5HY.
DX No. 5249 Plymouth (3)
Tel.: 01732 636656
Fax: 01732 636699
The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.
A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE : EAST STAFFORDSHIRE

1 (02.05.1997) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Shobnall Methodist Church, Forest Road, Burton upon Trent.

2 (02.05.1997) The land has the benefit of the following rights granted by but is subject to the following rights reserved by a Conveyance of the land in this title dated 4 December 1980 made between (1) Charles Farrell M.C. and others (2) William Thomas Hughes and others and (3) The Trustees for Methodist Church Purposes (Purchaser):-

"EXCEPT AND RESERVING NEVERTHELESS to and for the Trustees and their successors in title and assigns all rights of way water drainage light air support and such other easements or quasi easements rights and privileges if any affecting the property hereby conveyed as may have been granted to or actually enjoyed by the Trustees or their predecessors in title or their lessees or tenants (owners or occupiers for the time being of any adjoining or neighbouring property) as if such last mentioned property had belonged to a different owner and had acquired such easements or quasi easements rights or privileges respectively by prescription but with the benefit of all such rights of way water light air or drainage and such other rights or easements or quasi easements (if any) as the Trustees or the occupier of the property hereby conveyed may have or exercise over any adjoining or neighbouring property."

3 (02.03.1998) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.
Title absolute

1 (02.05.1997) PROPRIETOR: EAGLERIDGE LIMITED of 44 Leopold Street, Derby, DE1 2HF.

2 (18.02.2009) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction is to be registered without a certificate signed by Peveril Homes Limited (Co. Regn. No. 01888444) of High Edge Court, Church Street, Belper, Derbyshire that the provisions of clause 4 of an Option Agreement dated 22 December 2008 made between (1) Eagleridge Limited (2) Peveril Homes Limited and (3) Radleigh Homes Limited have been complied with.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 (02.05.1997) A Conveyance of the land in this title dated 24 March 1997 made between (1) The Trustees for Methodist Church Purposes (2) Keith Burchell and others and (3) Eagleridge Limited (Purchaser) contains the following covenants:-

"The Purchaser for himself and his successors in title hereby covenants with the Managing Trustees and as a separate covenant with the Board that the Purchaser shall not without the express consent of the Connexional Property Committee of the Methodist Church use any buildings or other property hereby conveyed for religious purposes."

End of register
The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.
A: Property Register
This register describes the land and estate comprised in the title.

STAFFORDSHIRE: EAST STAFFORDSHIRE

1. (09.08.2000) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being 48 Forest Road, Burton-On-Trent (DE13 9TW).

2. (09.08.2000) The land has the benefit of the rights granted by a Deed dated 16 September 1936 made between (1) George Oakden (Grantor) and (2) Bass Ratcliff & Gretton Limited.

NOTE: Original filed.

B: Proprietorship Register
This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1. (16.05.2006) PROPRIETOR: EAGLERIDGE LIMITED (Co. Regn. No. 00925790) of 17-19 Cattle Market, Chequers Road, Derby DE21 6EP.

2. (16.05.2006) The price stated to have been paid on 27 January 2006 was £119,950.

3. (18.02.2009) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction is to be registered without a certificate signed by Peveril Homes Limited (Co. Regn. No. 01888444) of High Edge Court, Church Street, Heage, Belper, Derbyshire that the provisions of clause 4 of an Option Agreement dated 22 December 2008 made between (1) Eagleridge Limited (2) Peveril Homes Limited and (3) Radleigh Homes Limited have been complied with.
C: Charges Register

This register contains any charges and other matters that affect the land.

1 (09.08.2000) The land is subject to the rights reserved by a Conveyance of the land in this title dated 26 September 1921 made between (1) The Most Honourable Charles Henry Alexander (Sixth) Marquess Of Anglesey (2) Reginald Earl Of Pembroke, Montgomery Reginald Olliver Warren and Romer Williams and (3) Bass Ratcliff & Gretton Limited.

NOTE: Original filed.

End of register
These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

This official copy is issued on 09 June 2014 shows the state of this title plan on 09 June 2014 at 17:11:29. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.

This title is dealt with by the Land Registry, Birkenhead Office.

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The boundaries shown by dotted lines have been plotted from the plans on the deeds. The title plan may be updated from later survey information.
These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

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This title is dealt with by the Land Registry, Birkenhead Office.

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Dear Madam,

S106 Agreement
Land at Forest Road, Shobnall, Burton-upon-Trent

We undertake to pay East Staffordshire Borough Council’s reasonable charges in connection with this matter within 7 days of demand in writing, whether or not the agreement is completed, provided that we shall not be required to pay more than £1,000.00 under this undertaking.

We acknowledge that this does not limit the charges which you may seek from our client and that you may ask us to give further undertakings in future if your charges are likely to exceed that sum (without being obliged to do so).

Yours faithfully,

[Signature]

WALKER MORRIS LLP
From: John Kirkham [mailto:John.Kirkham@eaststaffsbc.gov.uk]
Sent: 16 October 2014 08:08
To: Chris Slater
Subject: RE: PROPOSED S.106 - LAND AT FOREST ROAD, SHOBNALL, BURTON-ON-TRENT

Chris,

Thank you for the undertaking for an initial £1,000. Although we normally require an initial undertaking for £1,500, as you had been told otherwise we will accept it, in the circumstances.

This will therefore be sufficient for us in Legal Services in connection with the registration of the application.

Kind regards,

John

John Kirkham
Locum Planning Solicitor
East Staffordshire Borough Council
PO Box 8045
Burton on Trent
Staffordshire
DE14 9JG

Tel: 01283 508763
www.eaststaffsbc.gov.uk

From: Chris Slater [mailto:chris.slater@walkermorris.co.uk]
Sent: 15 October 2014 16:27
To: John Kirkham
Cc: Diane Passam; Clare Cook; James Smith
Subject: RE: PROPOSED S.106 - LAND AT FOREST ROAD, SHOBNALL, BURTON-ON-TRENT

****This email is subject to the notice set out below****

John,

Please find attached a letter of undertaking, which is in the sum of £1,000.00 in the first instance, subject to any uplift that may be required before completion of the matter.

The hard copy is in the post to Diane.

Could you / Diane please now confirm that you have all you require so that the planning application can be registered?

In the meantime, I will start drafting a s106 agreement for your comments.

Many thanks.

Kind regards,
This email is sent on behalf of Walker Morris LLP. Walker Morris LLP is a limited liability partnership registered in England and Wales. Registered number: OC338981. Registered office: Kings Court, 12 King Street, Leeds, LS1 2HL. Registered VAT number: GB481 8022 50. Walker Morris LLP is authorised and regulated by the Solicitors Regulation Authority and governed by the SRA Code of Conduct (available at www.sra.org.uk/handbook). Any reference to "a partner" or "partners" of Walker Morris LLP means a member of Walker Morris LLP.

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From: John Kirkham [mailto:john.Kirkham@eaststaffsbc.gov.uk]
Sent: 15 October 2014 09:57
To: Chris Slater
Subject: PROPOSED S.106 - LAND AT FOREST ROAD, SHOBNALL, BURTON-ON-TRENT

Dear Chris,

Further to your email of 14th October:

1. With regard to the undertaking for costs, I am required to obtain a letter on the firm's headed notepaper and signed by a solicitor, for an initial sum of £1,500 in the form of that attached. Could you arrange for such a letter to be sent please? A scanned version sent by email would suffice;
2. Thank you for your offer to prepare the initial draft. I am happy for you to do that. Could I ask please that you use the Council’s standard draft and associated schedules, which are available from the Council’s website. Here’s a link:

http://www.eaststaffsbc.gov.uk/planning/apply-for-permission/section-106-planning-obligations

Thanks.

Kind regards,

John

John Kirkham
Locum Planning Solicitor
East Staffordshire Borough Council
PO Box 8045
Burton on Trent
Staffordshire
DE14 9JG

Tel: 01283 508763
www.eaststaffsbc.gov.uk

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--
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