

Agenda Item: 5.1

Site:	Land to the west of Uttoxeter, A50 Bypass, Uttoxeter, Staffordshire
Proposal:	Reserved Matters application relating to P/2013/00882 for the erection of 119 dwellings including 18 affordable units, together with drainage, landscaping and highways infrastructure and including details of appearance, landscaping, layout and scale (Phase 1c) - Amended Scheme

Report of Head of Service (Section 151 Officer)

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

[Hyperlink to Application Details](#)

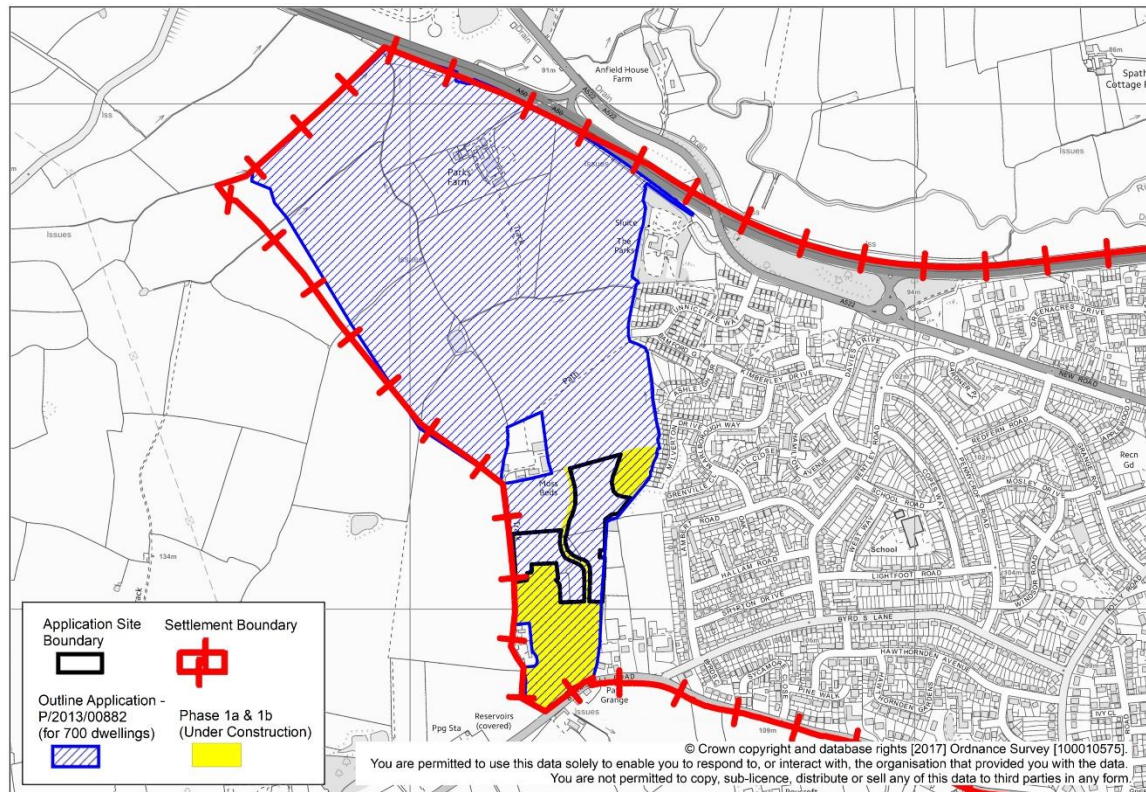
Application Number:	P/2017/00426	
Planning Officer:	Alan Harvey	
Type of Application:	Reserved Matters	
Applicant:	Bellway Homes Ltd	
Ward:	Abbey	
Ward Member (s):	Councillor C Whittaker Councillor G A Allen Councillor Ms L Shelton	
Date Registered:	24 April 2017	
Date Expires:	21 July 2017 – an extension of time has been agreed until 25 August 2017.	

1. Executive Summary

- 1.1 The application site consists of approximately 2.8 ha of land to the west of Uttoxeter which is part of an overall 50.7 ha site with outline approval (ref: P/2013/00882) for the development of up to 700 No. dwellings, 10 hectares of employment use (Classes B1, B2 and B8), a first school, a mixed use local centre incorporating retail, leisure, social, cultural community and health facilities, green infrastructure, associated engineering works and an access to New Road and Bramshall Road. The proposed development is accessed from the northern side of Bramshall Road.
- 1.2 The application is a reserved matters submission for the erection of 119 No. dwellings (including 18 No affordable units), together with drainage and highways

infrastructure, and including details of appearance, landscaping, layout and scale (and is hereafter referred to as Phase 1c). The scheme is part of the overall Phase 1 development of 250 No. dwellings and along with the previously approved Phases 1a and 1b would provide for a total of 206 No. of those dwellings.

- 1.3 Statutory consultees have raised no objections that cannot be overcome via planning conditions. Uttoxeter Town Council has objected due to the application not being compliant with Policy T4 of the newly adopted Uttoxeter Neighbourhood Plan which requires that all major applications should take account of the consequent traffic impact on the town centre and should mitigate lorry movements through the town.
- 1.4 Local residents have been notified of the application and a site notice posted. Three representations have been received raising objections/concerns in respect of the proposals.
- 1.5 It is considered that the scheme is in line with the criteria of the outline planning approval - and its associated Section 106 Agreement - and compliant with the provisions of the relevant development plan policies and the National Planning Policy Framework.
- 1.6 The proposal would not be likely to adversely affect the amenities of occupiers of existing and proposed nearby dwellings, and would provide an acceptable level of amenity for the occupiers of the new dwellings. The proposal will not have an unacceptably adverse impact on the wider existing highway network nor give rise to any environmental concerns. The scheme would also provide necessary mitigation and compensatory measures in relation to protected species and biodiversity.

Map of site**2. The site description**

- 2.1 The application site consists of some 2.8 ha of land to the west of Uttoxeter which is part of an overall 50.7 ha site with the benefit of outline approval for the development of up to 700 No. dwellings, 10 hectares of employment use (Classes B1, B2 and B8), a first school, a mixed use local centre incorporating retail, leisure, social, cultural community and health facilities, green infrastructure, associated engineering works and a access to New Road and Bramshall Road.
- 2.2 The proposed development (known as Phase 1c) is accessed from the spine road which comes off Bramshall Road and is a northern continuation of the ongoing Phase 1a/1b residential development of 87 No houses being undertaken by St Modwens. The application site is presently grassland with some areas of mature hedgerows. The land is gently undulating and rises northwards from Bramshall Road before falling towards a watercourse - recently largely culverted as per the Phase 1b approvals - which runs south-west to north-east through the site to its eastern boundary before turning northwards to the rear of Milverton Drive as an open ditch towards the A50.
- 2.3 The application site is adjoined to the east by paddock areas to the rear of residential properties fronting onto Bramshall Road. The northernmost paddock has a pond which is at a higher level than the application site. To the north-east are the rear gardens of dwellings at Nos. 30-44 Milverton Drive, which are at a higher level. To the north-west is Moss Beds Farm. To the north this land proposed to be developed through the original outline permission for the west of Uttoxeter strategic site. The development of this land will be considered by future reserved matters submissions including a current planning

application for the next phase of development (known as Phase 1D/2A) as set out in the Planning History section below.

3. Planning history

- 3.1 Application ref: **P/2014/00667** - Formation of new access road and other associated services off Bramshall Road to serve new residential development. Approved in July 2014.
- 3.2 Application ref: **P/2013/00882** - outline planning permission granted for the development of the 50.7 ha site for up to 700 No. dwellings, 10ha of employment use (Classes B1, B2 and B8), a first school, a mixed use local centre incorporating retail, leisure, social, cultural community and health facilities, green infrastructure, associated engineering works, access to New Road and Bramshall Road and associated internal access roads including demolition of Parks Farm and associated buildings, with all matters reserved.
- 3.3 The outline scheme was permitted by the Planning Committee in March 2014, although the final decision notice was not issued until November 2015 upon completion of the Section 106 Agreement. The Section 106 Agreement provides *inter alia* for the following:-
- The provision of 38 No. affordable dwellings during Phase 1 of the development (out of a total of 250 No. dwellings)
 - Landscaping as per the requirements of the Local Plan policies
 - A contribution of £300,000 towards indoor sports upon the occupation of the 300th dwelling.
 - 2 ha of sports pitches on site or a contribution of £50,000 per ha towards off-site sports provision.
 - The provision of a bus service upon the occupation of the 250th dwelling.
 - Traffic calming measures in Bramshall before the first occupation of any dwelling.
 - The setting up of a management scheme to maintain the open space.
 - A contribution of £45,000 towards refuse and recycling.
 - A commuted sum of £2,203,971 for middle school, high school and sixth form places.
- 3.4 The highway related conditions attached to the outline permission (application ref: P/2013/0882) provided that the spine road through the site was to function as a link road between the northern and southern accesses (New Road and Bramshall Road) and that:-
- No more than 501 dwellings shall be commenced until the spine road has been completed (as per condition 28).

- As part of a movement framework measures should be introduced to restrain the speeds of vehicles along the link road to 20 mph (as per condition 22).
- In terms of proposed off-site works that before 300 dwellings are occupied improvement works need to be undertaken to the Silver Street/Dove Bank/Church Street junction (as per condition 27).

- 3.5 Application ref: **P/2014/00883** - full planning permission granted for the erection of 58 No. dwellings along with new pumping stations, temporary service road and surface water retention basin (hereafter referred to in this report as Phase 1a). The scheme was also supported by the Planning Committee in March 2014, although again the final decision notice was not issued until November 2015 upon completion of the associated Section 106 Agreement. There have also been a number of discharge of condition submissions approved in relation to the Phase 1a development to enable the development to progress on the site.
- 3.6 Application ref: **P/2016/00164** - In February 2016, an application was submitted for the discharge of conditions 5, 21 and 22 of the outline planning permission ref: P/2013/0882. Condition 5 relates to the phasing of the scheme - including development composition and indicative timings - and conditions 21 and 22 relates to the route alignment of the link road and the movement framework/parking strategy respectively. As all the conditions were specified as being for highway safety purposes, the submissions were subject to consultation and agreement with the County Highway Authority. The application was approved under officer delegated powers in April 2016. The first phase of the development comprises of a total of 250 No. dwellings all accessed from Bramshall Road; as per the requirements of the Section 106 Agreement attached to outline planning permission.
- 3.7 **Application ref: P/2016/00216** - Application for reserved matters approval for the erection of 40 No. dwellings (including 13 No. affordable dwelling units), together with drainage and highways infrastructure, and including details of access, appearance, landscaping, layout and scale (hereafter referred to as Phase 1b). Approved in November 2016. There has also been a number of discharge of condition submissions approved in relation to the Phase 1b scheme to enable the development to progress on the site.
- 3.8 **Application ref: P/2016/01040** - Application for non-material amendment in relation to minor changes to the facades of the dwellings (on Plots 39-43, 46-48, 51, 54 and 56-58). Approved in August 2016.
- 3.9 **Application ref: P/2017/00025** - An application for a non-material amendment relating to proposed changes to the external elevations of the dwellings on Plots Nos. 68 and 69. Approved in January 2017.
- 3.10 **Application ref: P/2017/00303** - An application for a non-material amendment relating to proposed changes to the parking arrangements/residential curtilages of the dwellings on Plots Nos. 48, 49, 50, 51 and 52. Approved in April 2017.
- 3.11 **Application ref: P/2017/00306** - An application for a non-material

amendment relating to proposed changes to the external elevations of the dwellings on Plots 23, 24, 33, 61, 66 and 67. Approved in April 2017.

- 3.12 **Application ref: P/2017/00572** - An application for reserved matters relating to P/2013/00882 for the erection of 113 dwellings including 17 affordable units, together with drainage and highways infrastructure, and details of access, appearance, landscaping, layout and scale (Phases 1D/2A). Application presently subject to consultation and to be reported to Planning Committee in due course.

4. The proposal

- 4.1 The application is a reserved matters submission for the erection of 119 No. dwellings (including 18 No. affordable units), together with drainage and highways infrastructure, and including details of access, appearance, landscaping, layout and scale.
- 4.2 The residential accommodation comprises of:
- 4 No. one bedroom flats;
 - 18 No. two bedroom flats
 - 25 No. two bedroom dwellings;
 - 46 No three bedroom dwellings; and
 - 26 No. four bedroom dwellings.
- 4.3 The proposed dwellings are a mix of detached, semi-detached and terraced units, along with the 22 No. flat units (in three blocks). The buildings are a mix of two and three storeys. In terms of the proposed facing materials these comprise either red brickwork or ivory/chalk render. The roofs are of grey tiles.
- 4.4 The scheme utilises the spine road running northwards to the northern 'boundary' of Phase 1 the details of which were approved under Phase 1b. The Phase 1b approved details also provided for a temporary turning head at the northern end, along with an electricity sub-station building. This sub-station will serve the development as will the previously approved pumping station adjacent to the eastern boundary and the SuDs basin to the north-east (adjacent to Milverton Drive).
- 4.5 The landscaping being proposed as part of the scheme will include a new hedgerow to the eastern boundary (with plants that are not poisonous to horses) along with individual trees on dwelling plots. The scheme will result in the loss of some existing mature hedgerows and trees, although compensatory planting is proposed; including the infilling of gaps to the hedgerow running along the northern boundary of the site.
- 4.6 During the course of the application revisions and additional submissions have been secured from the applicants in the light of the initial consultation responses of the County Highway Authority, County Ecologist and ESBC Tree Officer and to address the concerns of planning officers in respect of the proposed construction materials and in relation to design issues; in particular the visual transition and relationship with the dwelling types on the approved Phase 1a/1b schemes.

List of supporting documentation

4.7 The following documents have been provided as part of the application:

- Location Plan
- Proposed Site Layout Plan
- Proposed Landscaping Plans
- Proposed Materials Plan
- Proposed Dwelling and Garage Type Drawings
- Streetscape Drawings (including transition drawings to the approved St Modwen scheme)
- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Arboricultural Submissions
- Ecological Submissions (including Protected Species submissions)
- Biological Enhancement and Habitat Management Plan.
- Transport Statement

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

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Uttoxeter Town Council	Objects due to the application not being compliant with the newly adopted Uttoxeter Neighbourhood Plan Policy T4 (a policy which requires that all major applications should take account of the consequent traffic impact on the town centre and mitigates lorry movements through the town).
5.3	SCC Highways	Sought revisions to the scheme during the application process to address concerns about retaining visibility splays. Raise no objections in principle to the most recent revised plans.
5.4	SCC Education	Request that the education contributions are brought forward in line with the extant outline approval/Section 106 agreement.
5.5	SCC Ecology	Have no objections further to receiving clarifications from the applicants on ecological matters.
5.6	SCC Archaeology	No comments on the submission but pointed out in relation to the Phase 1b application submissions that Archaeological evaluation and mitigation has been completed and signed off for this area of the project.
5.7	SCC Rights of Way	Points out that the application does not highlight the public footpath which runs to the west and seek that the developer is made aware of its existence and the need to keep it free of obstruction.

5.8	Environment Agency	No objections
5.9	Severn Trent Water	No objections.
5.10	Natural England	No objections but refers the Local Planning Authority to its guidance on protected species.
5.11	Ramblers Association	No observations on the scheme but wish to request that the safe use of the nearby public right of way is maintained.
5.12	Sport England	No comments.
5.13	Highways England	No objections.
5.14	Architectural Liaison Officer	Provided guidance on crime reduction.

Internal Consultees		Response
5.15	Environmental Health	No objections
5.16	Sports/Leisure	Open Space/Sports provision should be in line with the outline permission requirements.
5.17	Tree Officer	No objections in principle further to clarifications provided by the applicants.

6. Neighbour responses

6.1 Neighbours have been notified of the application, a press notice published and a site notice posted. Comments have been received from three No. interested parties raising the following objections/concerns summarised below:-

Neighbour responses	
Character/Design/Layout of the Development	<ul style="list-style-type: none"> • Uttoxeter is being used as a 'dumping ground' for the distant ESBC to solve much of its building target problems. • The town is changing too fast and losing all its identity.
Landscaping/Open space provision	<ul style="list-style-type: none"> • The proposals are notably at a higher density than that on the previously approved phases and should be reduced to be in keeping with the original outline plan. • The bricks suggested are out of keeping for the local area and Norfolk boarded houses do not fit the existing streetscape. • The development undertaken so far is unsightly and visually totally out of keeping with the rural surroundings; being more like a continental urban scheme • The three storey apartment blocks next to the eastern boundary are not in keeping with the original proposals envisaged for the site.

	<ul style="list-style-type: none"> • It suggested if three storey houses are to be proposed they should be located closer to the proposed local centre (in the northern area of the larger overall site). • The design put forward (at the outline stage) was a green and pleasant development with green corridors along with pedestrian priority access/cycle and walk ways/gardens for residents/discouragement of frontage car parking. There is little left of the design features originally heralded.
Wildlife/trees	<ul style="list-style-type: none"> • The eastern boundary adjoins paddocks and it should be ensured that plants poisonous to horses are not planted in the hedgerow to that boundary. • A condition should require that double fencing and hedgerow planting continues (northwards) along the length of the east boundary for safety and security reasons.
Biodiversity/Protected Species	<ul style="list-style-type: none"> • There are concerns over the water table dropping - with the pond on the adjoining paddock with Great Crested Newts extremely low already - with it being highlighted that the drainage works undertaken by the developers (on Phase 1b) are likely to be impacting negatively on natural habitats. • Recent surveys have shown a larger population of Great Crested Newts in the locality and therefore the importance of the site is raised. • It is questioned as to how water will reach the ditch to the eastern boundary and 'flowing' north east as at present a newly dug ditch (to be piped to the "attenuation pond") and associated works diverts water from the existing ditch that is now completely dry • Under the approved Phase 1b scheme and continuing into this application, the short-term and planned situation relating to protected species mitigation measures should be carefully reviewed.
Highways/Transport	<ul style="list-style-type: none"> • Uttoxeter has poor train and bus links to Stafford and Birmingham meaning that they do not provide an alternative to the private motor vehicle. • The plan proposes dead end roads and forces traffic into existing estates increasing the traffic problem issue for existing residents. • The spine road is designed to be impassable and therefore will not alleviate traffic and does not provide any bypass from the existing routes. • The spine road design means a bus route through the site will not be practicable due to the proposed road narrowing, its alignment and the likely on street parking.

	<ul style="list-style-type: none"> • The traffic to the industrial estates from the south and west will not be able to gain access via the spine road to the A50 and JCB. Suitable access should therefore be provided. • The proposals will increased significantly traffic levels through the town centre and Uttoxeter cannot cope with any more traffic through it.
Impacts on residential amenities	<ul style="list-style-type: none"> • The proposed three storey apartment blocks would spoil the amenity and enjoyment of existing properties fronting onto Bramshall Road by being overbearing and detrimental to amenity. • The scheme will exacerbate problems with dust to the detriment of surrounding residents and adequate dust management plans need to be put in place. • The building works may give rise to litter problems to surrounding properties with waste materials being blown into garden areas. • It is questioned as to whether there will there be specific lighting conditions reducing light pollution to the site.
Ward Member	No comments received on this application.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP9 Infrastructure Delivery and Implementation
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP32 Outdoor Sports and Open Space
- SP33 Indoor Sports
- SP35 Accessibility and Sustainable Transport

- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP7 Pollution and Contamination
- DP8 Tree Protection

Uttoxeter Neighbourhood Plan

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

Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Parking Standards
- Waste Storage and Collection Guidance for New Developments

Principle of Development

7.1 The principle of the development of the site has been established with the approval of the outline planning permission in 2015. Further, as the application is one for reserved matters the scheme is subject to the requirements of the conditions and the Section 106 Agreement attached to that outline planning permission (and these are referenced where relevant in the sections of the report below).

8. Design and Impact on the character and appearance of the area

8.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

8.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of

criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.

- 8.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide. Policy DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings
- 8.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.
- 8.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
 - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
 - (d) Repetitive house types should be avoided;
 - (e) The cramming together of large numbers of detached properties should be avoided.
 - (f) High proportions of frontage car parking will not be acceptable.
- 8.6 Detailed Policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible. The proposal is the northern continuation of the ongoing first phase of this residential development (of a total of 250 No. dwellings) off Bramshall Road. It is noted that objections/concerns are raised in representations to the scale, design and materials to be used in relation to the development
- 8.7 The layout of the development has been prepared based on three main character areas. Along much of the 'spine road' frontage is the 'Suburban Character' area which has the highest proportion of semi-detached dwellings, some with parking to the front and a continuous street frontage. These characteristics provide a rhythm to the street frontage and views are drawn forward along the curvature of the 'spine road' and the associated cul-de-sac areas.

- 8.8 A 'Rural Character' area is located in the north-eastern part of the site and this area is dominated by detached dwellings on a cul-de-sac arrangement. To the south-western corner is another - much smaller - 'Rural Character' area which again is dominated by detached dwellings. A 'Suburban Street' area in the southern part of the site (adjacent to Phase 1b) is of higher density which largely comprises terraced dwellings with parking predominantly to the front.
- 8.9 The proposed scale of the development is mostly of two storeys, although some three storey dwellings are proposed along with blocks of three storey flats. Whilst such three storey buildings are not typical of the wider neighbourhood, three storey dwellings were approved on the Phase 1b scheme and it is considered that the variation in heights of the proposed structures within this Phase 1c scheme again creates visual interest in the streetscape of this new development. In terms of the visual appearance of the streetscape there would be sufficient space provided between dwellings.
- 8.10 The Phase 1c scheme - as now proposed - reflects the palette of materials that have been used in Phases 1a and 1b; with the basis of the facades being either of red brickwork or ivory/chalk render. The roofs are of grey rooftiles. Visual interest is provided to the main facades with the use of panels of cladding or render.
- 8.11 In architectural terms, the current scheme does not replicate the contemporary design theme as per the Phase 1a and 1b developments but rather follows a simpler architectural style more typical of a volume housebuilder. However, with the revision of the design of the dwelling plots immediately adjacent to the Phase 1b scheme - to replicate the architectural themes of the earlier approvals - it is considered that the scheme will provide a sufficiently coherent streetscape in terms of the visual progression of the earlier phases of the wider scheme along the spine road.
- 8.12 Parking is provided in front or alongside properties and there is good surveillance of parking. The three storey houses have an integral garage and one additional space. Most of the detached properties are provided with a detached single garage.
- 8.13 The proposed common boundary treatment on individual plots is largely of traditional closely boarded fencing. There is also existing hedging retained to the northern boundary of the site.
- 8.14 In conclusion, therefore, it is considered that the scheme in terms of its design and materials will sufficiently respect the character of the Phase 1a and 1b development and having regard to the siting and scale of the proposed dwellings would be in line with the criteria of Policies DP1 and DP3.
- 8.15 The sustainability approach for this development is for the new housing to incorporate improved fabric energy efficiencies. This is achieved by utilising energy efficient construction methods and water efficiency measures. The proposed development is therefore in line with Policy DP2 of the Local Plan.

9. Residential Amenity

- 9.1 The National Planning Policy Framework and DP1 and DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 9.2 The scheme proposes the erection of properties that range from two to three stories in height. The new housing development is, however, not directly adjoined by any existing dwellings or their garden areas. There are two No. blocks of three storey flats adjacent to the eastern boundary of the site and these adjoin open paddock areas. Accordingly, having regard to the distances of separation from existing dwellings, it is considered that the proposed dwellings/flats on the application scheme would not have any significant overbearing, overshadowing or overlooking impacts that would be detrimental to the residential amenities of any existing dwellings.
- 9.3 The development scheme is also considered to have an acceptable relationship with the dwellings to be constructed as part of Phase 1b. Specifically, the scheme has been designed so that dwellings respect the siting of those on the approved scheme for Phase 1b and that the relevant side elevations have blank facades. These design features, along with appropriate proposed boundary treatment provision, ensure that there are no significant overbearing, overshadowing or overlooking impacts that would impact on future residential amenities.
- 9.4 Within the development the proposed separation distances between habitable windows to the rear elevations of properties where they face one another across rear garden areas are typically of between 19-21 metres which are considered to provide sufficient separation distances without giving rise to significant overlooking concerns.
- 9.5 The Borough Council's Design SPD sets out in paragraph 2.9 separation distances required. It concludes that there are no set standards specified in terms of separation distances between buildings. The performance of development will be considered in terms of its acceptability in design terms with regard to overlooking. It is considered that the proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them unacceptable loss of light or privacy. The scheme is therefore compliant with the provisions of Local Plan Policies DP1 and DP3.
- 9.6 Rear Garden sizes start at 9.5 metres in depth, although most properties have garden depths of at least 10 metres. However, given the separation distances between dwellings throughout the development it is not considered that the removal of permitted development rights for the erection of garden structures would be justified in this instance
- 9.7 In conclusion, therefore, whilst the scheme on Phase 1c is at a higher density than that on Phases 1a and 1b, the proposed layout shows that 119 No. dwellings can be accommodated on the site without compromising the reasonable amenities of their future occupiers, and allowing for sufficient outdoor private amenity space and integrates satisfactorily with the existing and proposed adjoining built form again complying with the provisions of Local Plan Policy DP1 and DP3.

- 9.8 In relation to activity, the scheme will necessarily generate traffic along the spine road, however, given this will not directly adjoin any existing properties it is considered that this vehicular activity would not unacceptably affect the amenities enjoyed by the occupiers of existing dwellings adjacent to the application site in terms of noise and disturbance. Similarly, the comings and goings to individual new dwellings/flats, either by way or individual driveways of the cul-de-sac/communal parking arrangements are unlikely to generate levels of noise and disturbance to the detriment of existing residential amenities. It is also considered that the separation distances from the proposed pumping station and electricity sub-station and the respective nearest proposed dwellings would mean that the operation of these facilities would not give rise to levels of noise or smells that would be detrimental to residential amenities.
- 9.9 The concerns raised by local residents in relation to dust relating to the proposed development is a matter that will be subject to controls under the Construction Management Plan to be agreed for before start of this phase for the development (as set out in the outline approval). Officers have already addressed such concerns with St Modwens where they have arisen under the terms of the Construction Management Plan submitted in respect of Phases 1a and 1b. This has similarly been the case in relation to breaches of start times by St Modwens for site operations on Phases 1a and 1b.

10. Highway Matters (including Public Rights of Way)

- 10.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 10.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 10.4 The proposed dwellings on Phase 1c are to be served off the approved spine road which includes the provision of traffic calming measures. The County Highway Authority has no objections to the layout proposed, although they request that surface water interceptors be provided where necessary. A condition of the outline approval provides for securing details of street lighting.

- 10.5 There is adequate parking servicing each plot, regardless of the size of the property. Many of the larger properties also have additional parking in the form of either stand alone garages or integral garages. The Highway Authority recommends that conditions be attached to any approval to secure parking/garaging before any dwelling is first occupied and that any dwelling without access to a garage be provided with a secure weatherproof cycle storage facility. It is also recommended that a condition be put in place removing permitted development rights for garage conversions retaining the future use of the garages for the parking of vehicles. Parking is situated close to properties to facilitate easy access for residents to the housing and the proposed integral garages to properties have a width of 3 metres (as per the requirements of outline permission conditions). The parking requirements therefore conform to the Borough Council parking standards.
- 10.6 It is not therefore considered that the proposal would prejudice the safe or efficient use of the highway network.
- 10.7 There are no public rights of way which cross the lands the subject of this submission and as such there will be no impacts on rights of way.

11. Historic Environment

- 11.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 11.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 11.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 11.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.

- 11.5 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 11.6 There are no designated above ground heritage assets - conservation areas or listed buildings - within 1km of the application site. The Uttoxeter Town Centre Conservation Area is some 1.65 km distant to the east and the nearest listed buildings of Grange Farm and a milepost (both Grade II) are some 1.1km away to the west on Stone Road in Bramshall. Given these separation distances, it is not considered that the proposal will have an adverse impact on views into, or those out of designated areas, or affect any listed building or its setting and that the statutory duties under Section 66 and under Section 72 are not therefore engaged.
- 11.7 With regard to archaeological value, the County Archaeologist comments that the archaeological evaluation and mitigation has been completed and signed off for Phase 1 of this project and therefore there are no further archaeological requirements in relation to this reserved matters application. This matter can therefore in turn be 'signed off' in the decision notice at this reserved matters stage.

12. Flood Risk and Drainage/Contaminated Land

- 12.1 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. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 12.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 12.3 The application site is situated in Flood Zone 1 and the Environment Agency has not raised any objections to the current scheme. Detailed foul and surface water details are required to be submitted in due course under the requirements of the conditions of the outline approval (and will need to be approved in conjunction with the Local Lead Flood Authority), although the scheme will utilise surface water drainage into the approved detention basin to the north-east of the site. Severn Trent Water has no objections.
- 12.4 At the outline stage no specific contaminated land concerns were raised in relation to the development of this area of the site that comprises former farmland and ESBC Environmental Protection confirm that this remains the case. A condition of the outline approval provides for mitigation measures to be agreed by the Council ahead of development commencing on Phase 1c.

13. Affordable Housing and Housing Mix

13.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.

13.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence.

13.3 The Housing Choice SPD expects the following housing mix:

	Uttoxeter
1-bedroom homes (flats, houses or bungalows)	3%
2-bedroom homes (flats, houses or bungalows)	20%
<i>Housing for Older People**</i>	10%
2-bedroom houses	8%
3-bedroom houses	30%
4-bedroom houses	20%
5-bedroom houses	9%

13.4 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(2) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications. The standard should be applied to a range of properties and not just those larger properties.

13.5 Strategic Policy 17 of the Local Plan states that housing-led residential development that will provide 4 or more dwellings or on a site of 0.14 hectares or more shall provide up to 33% of affordable housing (as a green field site at Uttoxeter), however, in the case of the outline permission for this site the Section 106 Agreement specifically requires that a total of 38 No. affordable units be secured during the first development phase of 250 dwellings. Policy SP17 of the Local Plan states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings and the Housing Choice SPD provides guidance on the expected affordable housing mix of sites.

13.6 The development on Phase 1c comprises of 4 No. one bedroom flats, 18 No. two bedroom flats, 25 No. two bedroom dwellings, 46 No three bedroom dwellings and 26 No. four bedroom dwellings and as such respects the aims of the housing mix required by the Housing Choice SPD, which was adopted subsequent to the approval in principle of the outline permission under application ref: P/2013/00882. The Phase 1c scheme will in particular deliver a

greater number (in percentage terms) of two bedroom units than the previous phases (1a and 1b).

- 13.7 With regard to the guidance providing that ground floor accommodation should meet Building Regulations 2010 Standard M4(2) on 10% of major applications, as this guidance post dates the outline approval this cannot be required of the developers at this reserved matters stage. The developers will, however, be encouraged to comply with such provision once development commences on site and a note to the applicant on any planning permission will deal with this matter.
- 13.8 Insofar as affordable housing provision is concerned, the scheme provides for 18 No. affordable housing units. This is pro rata in line with the requirements of the provisions of the Section 106 Agreement on the outline approval. The affordable housing provision is not in a cluster of more than 8 dwellings on any street frontage and affordable housing mix is in line with the aims of the Housing Choice SPD. The outstanding affordable housing provision (7 No. units) will remain to be provided in due course (on the proposed Phase 1d/2a scheme) as part of the overall first phase of 250 dwellings to ensure compliance with the terms of the Section 106 Agreement.

14. Green Infrastructure/Biodiversity/Impact on protected species

- 14.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.
- 14.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet.
- 14.3 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.
- 14.4 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 14.5 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.

- 14.6 The scheme will result of loss of existing mature hedgerows and trees as a consequence of the development proposals; albeit it is acknowledged that the trees in question are of little amenity value. These losses in the short term will change the habitat for wildlife and as per the ethos of the Phase 1b scheme the new planting proposed to the eastern boundary will be secured in the first available planting season following the approval of the scheme. The mix of hedgerow planting to this eastern boundary - which adjoins paddock areas - also ensures that there are no plants poisonous to horses. It is also proposed to secure the planting for the gap infilling of the hedgerow to be retained to the northern boundary in the first planting season after the commencement of the development. Protection measures for existing hedges/trees to be retained are subject of a condition of the outline approval. There are also conditions in place on the outline approval to ensure that the developers bring forward a maintenance schedule as each phase of the scheme progresses.
- 14.7 Concerns have been raised by local residents in relation to the impact on habitats and protected species of the (in progress) works to the watercourse - including culverting - that were approved as part of Phase 1b. These works and the land areas in question do, however, fall outside of the remit of this current application (for Phase 1c) and officers have been/are addressing the matters raised as part of the discharge of condition submissions in relation to Phase 1b (Natural England are also been directly involved in the project having granted a derogation licence to St Modwens to clear the Phase 1b site of Great Crested Newts). It is, however, suggested that a condition be put in place in respect of any approval of the Phase 1c scheme to ensure that works during the construction phase of the scheme do not impact negatively on the habitat protection areas being created under Phase 1b.
- 14.8 It is therefore concluded, in the light of the applicant's submissions along with the necessary mitigation conditions, that the issue of the impacts on protected species and biodiversity on the Phase 1c scheme have been appropriately addressed.

15. Open space

- 15.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. SP32 and SP33 set out the requirements of open space provision across the Borough and developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document.
- 15.2 The scheme does not result in dwellings being built on land previously allocated for children's play facilities. Further, the layout plan provides for pedestrian linkages from Phase 1c to the childrens' play area to be laid out under the approved scheme for Phase 1b (in line with overall open space provision envisaged by the outline approval). These pedestrian linkages will be secured by condition to be put in place prior to any dwelling being first occupied on Phase 1c.

16. Made Uttoxeter Neighbourhood Plan

- 16.1 This section sets out an assessment of the proposal against the relevant policies in the Made Uttoxeter Neighbourhood Plan (albeit there is some repetition given the overlapping requirements of the Local Plan policies).
- 16.2 Policy D1 – Residential Design sets out the following criteria for what schemes should seek to do:
- 1) Deliver a strong network of green and blue infrastructure, improving biodiversity and appropriate public and private spaces
 - 2) Reinforce character and identity through locally distinctive design and architecture
 - 3) Establish a gateway to the site and, where appropriate, to the town itself
 - 4) Establish a clear hierarchy of streets and spaces including pedestrian priority routes and integrated existing footpaths
 - 5) Deliver a scale, mass and density commensurate with the surrounding townscape (particularly for apartment proposals)
 - 6) Establish a sensitive transition with the wider landscape where a new settlement edge is created
 - 7) Use sustainable drainage systems and water management, through water catchments and green spaces to avoid increasing surface water run-off into watercourses to alleviate flooding and improve water quality.
- 16.3 Where appropriate developers should demonstrate how they have addressed their criteria through the use of masterplans, design coding and design briefs for specific sites. In appropriate circumstances planning conditions may be placed on planning applications to ensure that any design codes and planning briefs are respected as part of the development concerned.
- 16.4 Policy D3 aims to see quality public realm between developments. The relevant part of the policy is set out below:
- 16.5 Appropriate contributions will be sought from developments to establish a high quality environment within streets and public spaces. Applications which offer high standards of public realm design as part of residential, and town centre developments – specifically on the key sites identified in policy TC2 - will be strongly supported, subject to meeting the other policies of this Plan and the Local Plan. Schemes should ensure routes and spaces are well lit and subject to passive surveillance. Applications must provide a materials palette consistent with that found in the Uttoxeter vernacular.
- 16.6 The requirements of Policies D1 and D3 are broadly consistent with the Local Plan Design policy and overall it is considered that the house types and the layout of the scheme ensures that the criteria set out above are met. The materials as now proposed are considered appropriate to the locality. The scheme also utilises an already approved sustainable drainage system and provides for hedgerow enhancements (with gap infill) and compensatory planting.
- 16.7 Policy T1 – Sustainable Transport states that all applications, regardless of scale, should consider their wider impact on traffic and road safety. It also states that all new developments, excluding householder applications should

seek to encourage a modal shift (or transition) by integrating into existing walking/cycling links and bus routes and provision of bike storage.

- 16.8 Policy T2 states that new development, where appropriate, should contribute towards the provision and enhancement (including servicing and lighting) of pedestrian and cycle links to the wider town and to routes identified under Policy E3 (Green Links). The policy also seeks improvements to existing key walking and cycling routes, including from development sites to the town centre.
- 16.9 The proposal forms part of the larger development scheme on lands to the west of Uttoxeter (as per the outline approval of November 2015) which includes the provision of a bus service through the site and to the town centre (upon the occupation of the 250th dwelling as per the Section 106 Agreement attached to the outline approval) along with pedestrian and cycle links to the other areas of the town through the introduction of pavements and enhancement of safe linkages. The outline approval also set the parameters to ensure sufficient space within garages or within residential plots for the storage of cycles and the County Highway Authority are satisfied that in principle these have been met. Having taken all relevant matters raised by the proposal into account, it is considered that the proposal meets the policy requirements.
- 16.10 The Uttoxeter Neighbourhood Plan includes a specific policy (T3) on parking standards and the level of provision within the site is appropriate for the development being proposed and meets the standard set out in the District Council's Parking SPD.
- 16.11 Policy T4, Traffic and the Town Centre requires the following:
- “All major applications should take account of the consequent traffic impact on the town centre. Where appropriate major planning applications should be designed to reduce and manage journeys and reduce environmental and road safety impacts.*
- Applications that are likely to generate heavy commercial vehicle movements will only be supported if they commit to a routing strategy that avoids the town centre. Applications that through their location or design are able to help reduce the number of heavy commercial vehicles through the town centre will also be supported.”*
- 16.12 Uttoxeter Town Council considers that the scheme does not meet this Policy. It is nevertheless pointed out that the determination of outline planning permission did take into account the impact on the wider transport network and has set out a series of requirements (by way of 'triggers') to mitigate impacts on the surrounding highway network; namely :
- the provision of the spine road to connect Bramshall Road and the A50 which needs to be provided before development is commenced on more than 501 dwellings
 - to provide features on the spine road to restrain the speeds of vehicles along the link road to 20 mph
 - for improvement works to be undertaken to the Silver Street/Dove Bank/Church Street junction before 300 dwellings are occupied
- 16.13 As also set out in this report the County Highway Authority has no objections to this reserved matters scheme.

- 16.14 Policy L3 requires the provision of new public open space as part of large residential developments. The public open spaces should be new allotments, parks and play spaces and playing pitches. Other recreational facilities such as trim trails and other forms of social space will also be supported. For developments over 11 dwellings, public open space should be provided on site in line with the Open Space SPD.
- 16.15 The proposals for open space are set out elsewhere in this report and the proposal largely addresses this neighbourhood plan policy (albeit that allotments did not form an integral part of the provisions set for the scheme at the outline stage).
- 16.16 Policy E1 seeks to establish a network of green infrastructure, including existing trees, hedgerows, historic field patterns, the Strategic Green Gap and other such assets across the town linking the landscape setting with the urban area. Applications which retain and enhance such features and take the opportunity to re-introduce them into key sites, will be supported. Schemes which seek to establish lines of trees or hedgerows to contribute to this network within the urban street scene will also be supported.
- 16.17 The proposals for green infrastructure are set out elsewhere in this report and include a variety of different types of space and features. The proposal meets this neighbourhood plan policy.
- 16.18 Policy E2 states that new development should protect and where appropriate enhance the landscape setting of the town, and with a particular emphasis on the Picknal, Tean and Dove valleys. Planning applications that would result in the loss or fragmentation of this setting will not be supported. Planning applications that sensitively manage flood risk issues will be supported. All planning applications should demonstrate the extent to which they have respected and reinforced historic landscapes in general, and field patterns in particular.
- 16.19 Flooding and landscape considerations are set out elsewhere in this report, however it is considered that any flood risks will be sensitively managed through the use of (previously approved) SuDS provisions and the layout of the scheme has been designed to provide for appropriate levels of landscaping.
- 16.20 Policy H2 states that in order to secure a sustainable and mixed community, outside the town centre, each development site of greater than ten houses should provide a mix of dwelling types, including bungalows, executive housing and starter homes, and a range of tenures, including affordable housing provision in line with the East Staffordshire Local Plan. Affordable housing should be in accordance with the East Staffordshire Local Plan policy. All new residential development should demonstrate how it will be suitable, flexible and accessible for all users and Occupants.
- 16.21 The housing mix assessment is set out elsewhere in the report and it is considered having regard to the outline approval that a suitable mix is provided and includes properties that are suitable for a range of users and occupants. The affordable housing provision is in line with the requirements of the Section 106 Agreement attached to the outline approval.

- 16.22 Policy C2 relates to health provision and states that where appropriate, contributions for primary healthcare infrastructure will be sought to meet housing and employment growth. The Neighbourhood Plan will support applications for development which demonstrably seek to improve health through play and sports space, high quality and attractive walking and cycle links suitable for all users, subject to compliance with other Plan policies.
- 16.23 The application proposal is an integral part of the larger development site which will deliver (as required by conditions) the quantity and type of open space and green infrastructure that will offer opportunities for health and wellbeing. The scheme itself ensures pedestrian linkages are provided to the already approved children play space/open spaces (on Phase 1a and 1b) and the wider footpath network. The outline approval does not in the Section 106 agreement provide for a contribution towards primary healthcare infrastructure and a reserved matters application can not in legislative terms impose such a requirement retrospectively.
- 16.24 Policy C3 relates to Education and Childcare Provision and seeks to ensure the provision of education and childcare facilities in sustainable urban extensions. The existing Section 106 has in place requirements for the provision of a first school (primary level with some nursery provision) on the larger site along with a committed sum of £2,203,971 for middle school, high school and sixth form places.
- 16.25 Taking the above context into account and the fact that the outline approval pre-dates the Neighbourhood Plan, it is considered that the proposal complies with the overall aims of the relevant policies in the Neighbourhood Plan.

17. Section 106 Matters/Other Matters

- 17.1 As set out in this report insofar as the matters are relevant to this (first) phase of the development of the land to the West of Uttoxeter the proposals are in line with the requirements of the Section 106 attached to the outline approval.

18. Conclusions

- 18.1 This proposal (for Phase 1c) will result in the continuing development of the green-field site to the west of Uttoxeter upon which the principle of development has previously been established by the granting of outline planning permission in 2015; and which in part has already been approved in a detailed form with the approval of the full application in respect of Phase 1a (also in 2015) and the reserved matters in relation to Phase 1b (in November 2016).
- 18.2 The submitted details for Phase 1c demonstrate that the development will fit acceptably into the context of adjoining existing and proposed built form by way of its siting, scale, massing and design. The proposed layout shows that separation distances between existing and proposed dwellings are such that the site can be developed without having a significant detrimental impact on the reasonable amenities of any existing or proposed neighbouring properties. The Highway Authority has confirmed that there are no issues in relation to highway safety and it is considered that the mitigation of all ecological and biodiversity issues have in principle been successfully addressed.
- 18.3 The change in the character and appearance of the area, the benefits of the

proposal including the provision of housing, including affordable, alongside the economic benefits associated with new development mean that on balance the benefits of the scheme outweigh any specific concerns that are raised in relation to the proposal. The proposal is therefore considered to be in line with the outline approval and with the aims of the policies of the adopted Local Plan and the National Planning Policy Framework.

- 18.4 The proposed development is not within a conservation area and given the separation distances and the form of existing built development, it is not considered that the proposal would have an impact on views into, or those out of, the nearest conservation area nor is any Listed Building or its setting affected. The statutory duties under Section 66 and 72 are therefore not engaged.

19. RECOMMENDATION

APPROVE RESERVED MATTERS, subject to the following conditions:-

1. Compliance with the approved plans (Standard Condition No. 0002).
2. Details of Surface Water drainage interceptors to be provided. (Bespoke)
3. Parking and turning facilities to be provided before each dwelling is first occupied (Standard Condition No. 00004a).
4. Garages to be retained as being available for parking at all times. (Standard Condition No. 00004d).
5. Provision of waterproof cycle shelters to those dwellings without garaging. (Bespoke)
6. Any soakaways to be sited a minimum distance of 5.0 metres back from the edge of the highway. (Bespoke)
7. Tree planting on the main route through the site (the 'link road') shall be heavy standard or semi-mature specimens as shown on the approved plans. (Bespoke)
8. The planting mix to the new hedgerow to the eastern boundary to have non poisonous species to horses as shown on the approved plans. (Bespoke)
9. The new hedgerow to the eastern boundary/infilling to the hedgerow on the northern boundary to be planted in the first available planting season unless otherwise agreed. All other landscaping works to be undertaken in first season post completion (as per Standard Condition No. 00003b).
10. Precise details of mitigation works in relation to the construction works adjacent to the open ditch adjacent to the eastern boundary the new receptor area. (Bespoke)
11. Security fencing to be provided to pumping station compound before pumping station first brought into use. (Bespoke)
12. The pedestrian linkages to the Children's Play Area shall be provided in accordance with a phasing scheme to be agreed in writing with the LPA before the occupation of any dwelling. (Bespoke)
13. Precise details of bin stores/bin collection points which are required to be provided before the dwelling(s) they serve are first occupied (Bespoke)

Informatives

1. Standard Engagement informative.

2. Notification of outline permission conditions addressed by the reserved matters submission and which remain outstanding.
3. Standard Pre-commencement conditions informative
4. It is recommended that 'Newt friendly' kerbs be provided to highways within vicinity of pond (on adjacent paddock).
5. Contact ESBC Waste Management in relation to provision of bins/communal bins.
6. Recommendation that 10% of the dwellings shall have ground floor accommodation that meets Building Regulations 2010 Standard M4(2).

20. Background papers

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

- The Local and National Planning policies outlined in the report above
- Papers on the Reserved Matters Application file reference P/2017/00426
- Papers on the Reserved Matters file reference P/2016/00216
- Papers on the Outline Planning Application file reference: P/2013/00882 and associated Section 106 Agreement
- Papers on the Planning Application file reference: P/2014/00883 and associated Section 106 Agreement
- Papers on the Discharge of Condition application reference: P/2016/00164.
- Papers on the Discharge of Condition application reference: P/2015/01641.
- Papers on the Discharge of Condition application reference: P/2015/01648.
- Papers on the Reserved Matters Application file reference: P/2017/00572

21. Human Rights Act 1998

21.1 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.

22. Crime and Disorder Implications

22.1 It is considered that the proposal does not raise any crime and disorder implications. It is pointed out that the applicants have addressed the comments of the Police Architectural Liaison Officer in their most recent site layout.

23. Equalities Act 2010

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

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