
Agenda Item:	6.2
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Site:	Upper Outwoods Farm, Beamhill Road, Burton upon Trent, DE13 9QW
Proposal:	Outline application for up to 90 dwellings with all matters reserved

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Penelope James

[Hyperlink to Application Details](#)

Application Number:	P/2022/01138	
Planning Officer:	Lisa Bird	
Type of Application:	Outline Planning Application	
Applicant:	Persimmon Home North Midlands	
Ward:	Tutbury and Outwoods	
Ward Member (s):	Councillor S P Gaskin	
	Councillor R Lock	
Date Registered:	19/10/2022	
Date Expires:	10/01/2023, Extension of Time agreed until 30/10/2024	
Reason for being on Agenda	Original applications for the development of the site as a whole have been determined by Planning Committee	
Officer Recommendation:	Approval of outline planning permission subject to a S106 agreement and conditions	

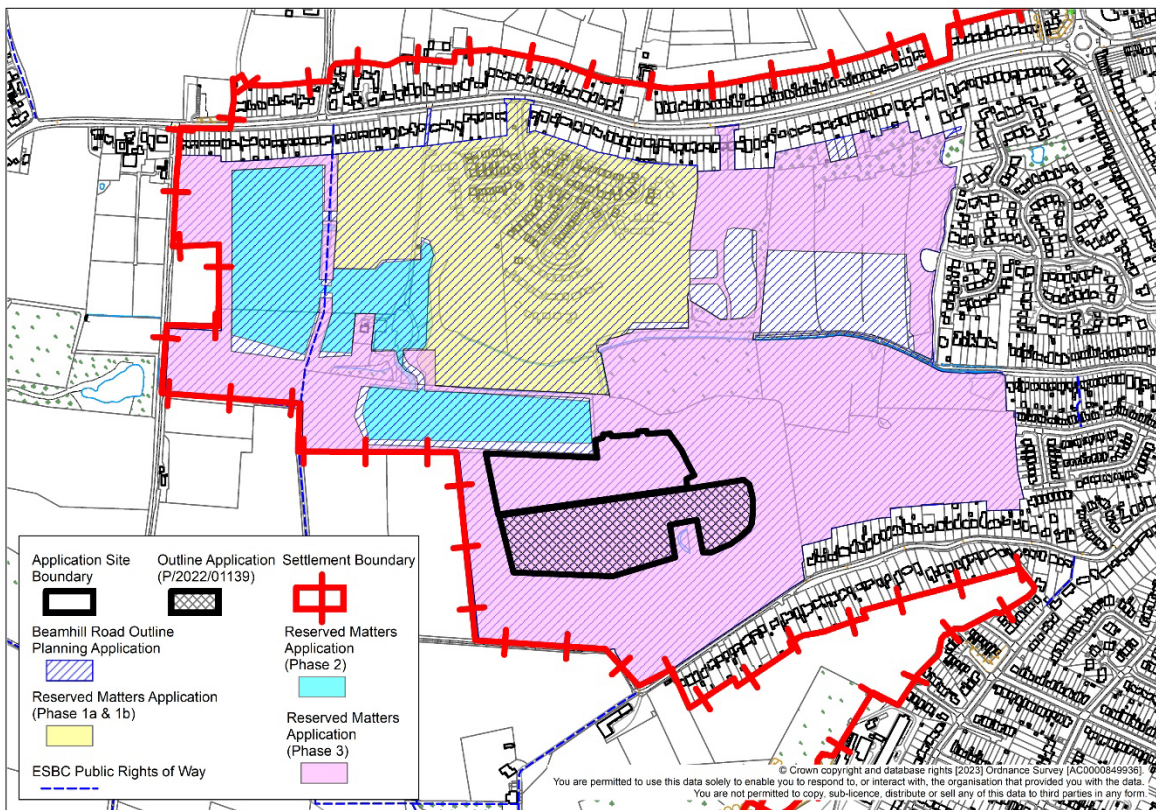
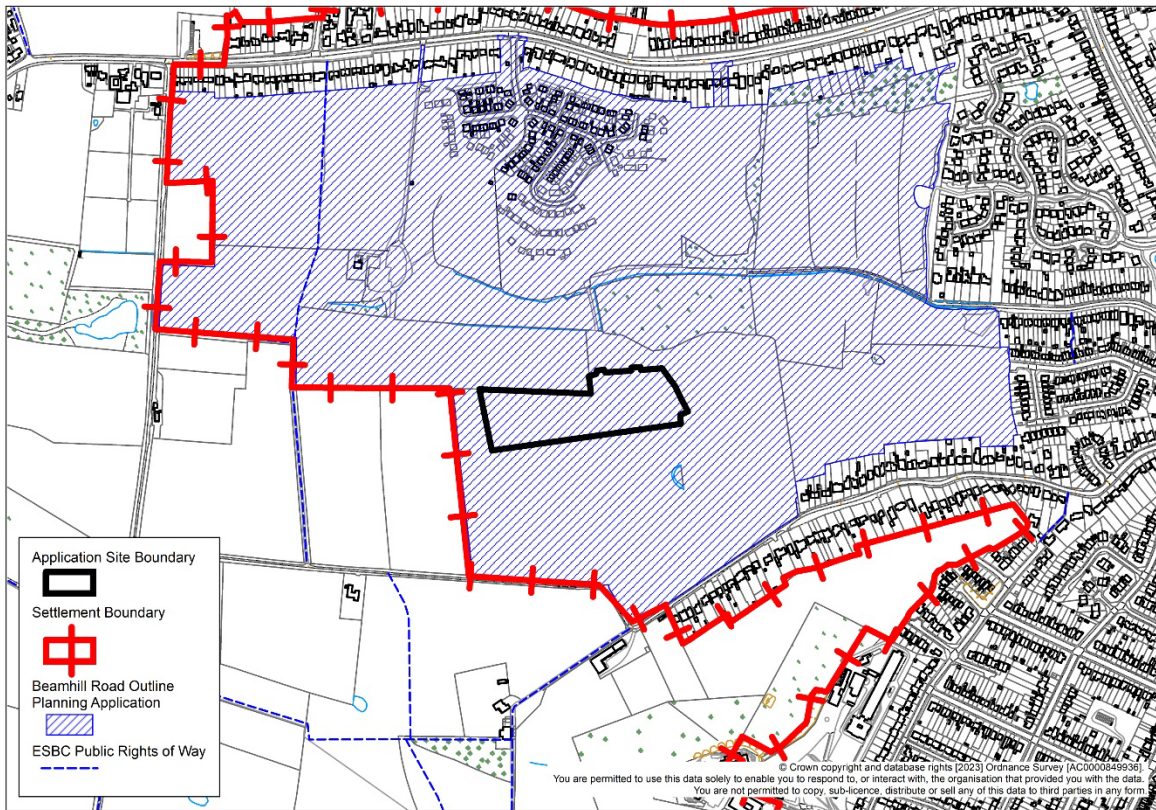
1. Executive Summary

- 1.1 The site comprises 2.34 hectares of agricultural land, located to the south of Beamhill Road in the Parish of Outwoods.
- 1.2 The site is located within the southern element of the Beamhill Sustainable Urban Extension (SUE), identified under Policy SP7 of the Local Plan.
- 1.3 This outline application intends to provide up to an additional 90 dwellings, beyond the original 950 dwellings approved by the granting of outline planning permission ref: P/2013/00429 and reserved matters approvals.

- 1.4 The scheme proposes up to 60 open market dwellings and 30 on-site affordable dwellings. A further application to the south of this application site, for up to 100 dwellings is also being considered by Member at this Planning Committee ref: P/2022/01139.
- 1.5 Statutory consultees have raised no technical objections that cannot be overcome by way of planning conditions.
- 1.6 There have been 2 no. representations received from local residents with the main grounds of objection being the additional increase in houses (together with the other 100 dwelling application), as well as visual, ecological and highway impacts.
- 1.7 In sustainability terms given the site is wholly within an approved Sustainable Urban Extension it is considered that the provision of additional dwellings constitutes appropriate development in principle in line with National and Local planning policies for the delivery of new housing.
- 1.8 There are no objections from the County Highway Authority in relation to the illustrative access points, shown at this outline stage, nor have they raised objection in relation to highway impacts in terms of additional dwellings in this location.
- 1.9 The archaeological impacts of the scheme have been appropriately addressed by the original approval and the scheme would not adversely affect biodiversity or ecology interests. There are also no drainage, flood risk or contamination concerns or highway safety issues raised by statutory consultees that cannot be addressed by the imposition of planning conditions, a clause of a Section 106 Agreement or that have not already been or will be addressed as part of the wider already approved development.
- 1.10 The scheme seeks to provide the full 33% policy compliant, on-site affordable housing provision, as well as contributions towards education, health care provision, refuse storage and Travel Plan monitoring.
- 1.11 Accordingly, it is considered that the scheme complies with the aims and criteria of the relevant policies from the Local Plan, the policies of the 'Made' Outwoods Neighbourhood Plan, the Borough Council's Supplementary Planning Documents (SPDs) and the National Planning Policy Framework.
- 1.12 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to the necessary Section 106 and conditions.

Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

Maps of the site



2. The Site and Surroundings

- 2.1 The site comprises 2.34 hectares of agricultural land, located to the south of Beamhill Road, north of Field Lane, in the Parish of Outwoods.
- 2.2 The site is located within the southern element of the Beamhill Sustainable Urban Extension (SUE), identified under Policy SP7 of the Local Plan, and which is known as ‘Beamhill Heights’.
- 2.3 To the north of the site are dwellings being constructed as part of the original outline planning permission for the SUE (ref: P/2013/00429) and subsequent reserved matters consents.
- 2.4 To the south, a further application site, for up to 100 dwellings is also being considered by Members at this Planning Committee ref: P/2022/01139.
- 2.5 The site comprises open fields and slopes down in a northerly direction, where it raises again towards Beamhill Road. There is also a gentle west to east slope across the land.
- 2.6 The site is located within the settlement boundary of Burton upon Trent and the boundary of the Outwoods Neighbourhood Plan.
- 2.7 The site is located within the National Forest and within Flood Zone 1 which is at the lowest risk of flooding.

3. Planning history

- 3.1 The planning history relating to the development of the wider site is as follows:

P/2013/00429 – Outline application for the erection of 950 dwellings, Primary School and Children’s Day Nursery, 5,000 square metres of retail, health centre and community facilities, associated open space, landscape, drainage, play areas, including the demolition of 92, 94, 142 and 144 Beamhill Road, and agricultural buildings at Green Acres and Upper Outwoods Farm – Approved 06/08/2013 & Subject to a S106 Agreement

P/2016/00232 – Reserved Matters application relating to P/2013/00429 for Phase 1 to includes details of means of access and landscaping – Approved 23/02/2017

P/2020/00184 – Reserved Matters application relating to P/2013/00429 for Phase 1 for the erection of 322 dwellings, associated car parking, secondary roads, 2 substations and 1 gas governor, including details of access, appearance, layout and scale – Approved 28/08/2020

P/2020/00591 – Reserved Matters application relation to P/2013/00429 for Phase 1b to include the erection of 70 dwellings, associated car parking and secondary roads – Approved 24/11/2020

P/2021/00433 – Reserved Matters application relating to P/2013/00429 for the erection of 288 dwellings including details of access, appearance, landscaping, layout and scale – Approved 09/03/2022

P/2021/01053 – Reserved Matters application relation to P/2013/00429 for the erection of 288 dwellings including details of access, appearance, landscaping, layout and scale – Approved 09/03/2022

P/2022/01139 – Outline application for up to 100 dwellings with all matters reserved – Not yet determined, running concurrently with this application.

The above are the main outline and reserved matters applications for the wider site, there have also been a number of Section 73 applications for the substitution of house types and there are three current applications for the removal of an emergency access track to the rear of properties on Beamhill Road.

4. The Proposal

- 4.1 Outline planning permission is sought, with all matters reserved, for up to 90 no. dwellings.
- 4.2 The scheme comprises 60 no. open market dwellings and 30 no. affordable dwellings, equating to 33% affordable housing provision.
- 4.3 The application is accompanied by an indicative layout indicating two access points from the existing estate road to the north (which is part of the outline application ref: P/2013/00429).
- 4.4 The scheme intends to connect to and utilise the existing drainage systems, green infrastructure and informal and formal green spaces and play areas as part of the wider SUE site.

List of supporting documentation

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

- Outline Planning Application Form
- Site Location Plan
- Illustrative Masterplan
- Draft Public Open space Provision Plan
- Indicative Landscape Strategy Plan
- Proposed Drainage Layout
- Agricultural Land Quality Plan
- Air Quality Assessment
- Arboricultural Assessment
- Design and Access Statement
- Ecological Appraisal
- Flood Risk Assessment
- Planning Statement
- Transport Assessment

- Travel Plan
- Biodiversity Net Gain Assessment (Technical Note and Metric)
- Chapters of an Environmental Statement in relation to Agricultural Use and Quality and Soil Resources, Archaeological Desk Based Assessment and Geo Environmental Appraisal
- Surface Water Drainage Addendum Report

4.6 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	Outwoods Parish Council	No response received
5.3	SCC Highways	No objection subject to conditions relating to details of the estate roads and footways serving the site, the submission of a Travel Plan and the hardsurfacing of the highway and parking areas, and subject to to a financial contribution in respect of a Travel Plan monitoring fee to be included within a S106 Agreement
5.4	SCC Education	No objection subject to financial contribution in respect of primary, secondary and sixth form provision to be included within a S106 Agreement
5.5	SCC Archaeology	No objection
5.6	SCC Flood Risk Team	No objection subject to conditions relating to the completion of the drainage infrastructure to the wider site, the submission of a surface water drainage scheme and compliance with the overall site strategy for drainage.
5.7	SCC Ecology	No objection subject to conditions relating to the provision of bat and bird boxes, the submission of a lighting scheme and compliance with the submitted Ecological Appraisal.
5.8	Environment Agency	No comments to make
5.9	Severn Trent Water	No objection subject to a condition relating to the submission of a scheme for the disposal of foul water.
5.10	The National Forest	No objection. No request for additional tree planting
5.11	Architectural Liaison Officer	Recommendations and guidance on the layout

5.12	Newt Officer (Nature Space)	No objection subject to an informative
5.13	NHS	No objection subject to a financial contribution to be included in the S106 Agreement

Internal Consultees		Response
5.14	Environmental Health	No objection subject to conditions relating to the submission of a scheme of dust mitigation, a scheme of noise mitigation and a contaminated land report.
5.15	Housing Strategy	No objection subject to conditions relating to Affordable Housing and obligations to be included in the S106 Agreement.
5.16	Open Spaces	No objection
5.17	Waste Team	No objection subject to a financial contribution to be included in the S106 Agreement
5.18	Leisure Services	No objection subject to a financial contribution for sports provision to be included in the S106 Agreement

6. Neighbour responses

6.1 Two letters of objection have been received:-

Neighbour responses	
Principle	<ul style="list-style-type: none"> Together with application ref: P/2022/01139 the additional 190 dwellings represents a 20% increase
Visual impacts	<ul style="list-style-type: none"> The extensive housing and scale/outlook of this development is not in keeping with the local area
Impacts on Amenity	<ul style="list-style-type: none"> Detrimental impact on the residents of Field Lane and Beamhill Road.
Highways Impacts	<ul style="list-style-type: none"> The transport impact upon the Calais Road/Tutbury Road junction for a scheme for 300 dwellings North of Beamhill was refused. This application only makes reference to the impact on the Beamhill/Tutbury Road/Harehedge Lane junction.

	<ul style="list-style-type: none"> Existing roads already under tremendous strain and are considered dangerous at peak times, particularly Field Lane. A further 190 dwellings will exacerbate the existing problems. Hypothetical software projections mean little in the face of common sense. Application ref: P/2013/00429 refers to the wider impact of the development on local roads with suggested traffic calming schemes. Insufficient consideration of the wider impact on the local roads.
Ecology	<ul style="list-style-type: none"> Detrimental impact on the surrounding wildlife
Other	<ul style="list-style-type: none"> Already an increasing trend of drug-use and anti-social behaviour which is very likely to increase further as more residential properties are built in this area. Present security risks for local residents.
Ward Member	No response received.

7. Policy Framework

National Policy

National Planning Policy Framework

National Planning Policy Guidance

Local Plan

Principle 1: Presumption in Favour of Sustainable Development

SP1: East Staffordshire Approach to Sustainable Development

SP2 Settlement Hierarchy

NP1: Role of Neighbourhood Plans

SP3: Provision of Homes and Jobs 2012-2031

SP4 Distribution of Housing Growth 2012 – 2031

SP6 Managing the Release of Housing and Employment Growth 2012 – 2031

SP7 Sustainable Urban Extensions

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

SP26 National Forest
 SP27 Climate Change, Water Body Management and Flooding
 SP28 Renewable and Low Carbon Energy Generation
 SP29 Biodiversity and Geodiversity
 SP32 Outdoor Sports and Open Space
 SP34 Health and Wellbeing
 SP35 Accessibility and Sustainable Transport
 DP1 Design of New Development
 DP2 Designing in Sustainable Construction
 DP3 Design of New Residential Development, Extensions and Curtilage Buildings
 DP5 Protecting the Historic Environment – All Assets, Listed Buildings, Conservation Areas and archaeology
 DP7 Pollution and Contamination
 DP8 Tree Protection

'Made' Outwoods Neighbourhood Plan

TA1 – Public Realm
 TA2 – Roads and Streets
 TA3 – Parking
 TA4 – Footpaths and Cycle Routes
 TA5 – Public Transport
 CF1 – Schools and Education
 CF2 – Health Hubs
 CF3 – Community Facilities
 CF4 – Local Shops
 CF5 – Places to Meet
 RD1 – Design
 RD2 – Public and Private Space
 RD3 – Type and Tenure
 RD4 – Working from Home
 LR1 – Sports Pitches
 LR2 – Play for All
 LR3 – Green Space Strategy
 LR4 – Landscape and Drainage

Supplementary Planning Documents

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

8. Principle of Development

- 8.1 Policy SP4 of the Local Plan lists the Greenfield “Beamhill/Outwoods” strategic allocation as providing 950 homes to the housing supply over the plan period.
- 8.2 The site falls within the Beamhill Sustainable Urban Extension (SUE) as identified within Policy SP7 of the Local Plan and the Outwoods Neighbourhood Plan (2015). The wider site has the benefit of outline planning permission ref: P/2013/00429 which approved 950 dwellings and associated infrastructure.
- 8.3 This scheme for up to 90 dwellings (and a total of 190 dwellings when considered together with application ref: P/2022/01139 – either individually or cumulatively) would exceed the 950 dwellings, as part of the Strategic Allocation set out in Policy SP7 of the Local Plan. Policy SP4 of the Local Plan is reinforced by the Housing Trajectory in Appendix 3 of the Plan which identifies 950 as an “expected capacity” and it is considered that the proposals, being located within the settlement boundary of Burton upon Trent and the Beamhill SUE, which will provide a range of education and community facilities, would constitute sustainable development. The principle of housing on the site would be in compliance with Policy SP7 and is considered appropriate within the SUE.
- 8.4 In summary, the site is wholly within an approved SUE and it is considered that the provision of additional dwellings constitutes appropriate development in principle, in line with National and Local planning policies for the delivery of new housing.

9. 5 Year land Supply

- 9.1 The most recent calculation uses figures as at March 2024 and concludes there is 7.44 years of supply. Therefore the policies in the plan can be considered up to date.

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

- 10.1 The application seeks consent for outline planning permission with all matters reserved. As such, layout, design and appearance are not for consideration within this application. It is considered, having regard to the indicative details submitted that the site could physically accommodate up to 90 no. dwellings in a form that would complement the established pattern of development in the wider Beamhill SUE. The provision of associated domestic infrastructure such as space for bin and cycle storage would be addressed in any future reserved matters submissions.
- 10.2 Accordingly, a suitably designed scheme could be submitted at the relevant reserved matters stage(s) and at this outline stage it is considered that the scheme could be designed to ensure compliance with Policies SP24, DP1 and DP3 of the Local Plan, Policy RD1 of the Outwoods Neighbourhood Plan, the Separation Distances and Amenity SPD, the East Staffordshire Design Guide SPD and the NPPF.

11. Residential Amenity

- 11.1 The indicative layout shows that 90 no. dwellings can be constructed on the site without compromising the reasonable amenities of the future occupiers of the dwellings, whilst dwellings can also be provided with sufficient private amenity space commensurate with their size. Given the distances from existing residential properties on Beamhill Road and Field Lane it is also considered that the dwellings can be constructed on the site without any significant adverse impact on the amenities of existing occupiers.
- 11.2 The precise layout, scale and design of the dwellings therefore will follow at any reserved matters stage, which will need to have regard to the guidance set out in the Separation Distances and Amenity SPD. It is, however, possible to conclude at this stage that the site is of sufficient size to accommodate up to 90 no. dwellings without giving rise to negative impacts upon adjoining future residential amenities. At this outline stage it is considered that the scheme could be designed to ensure compliance with Policies SP24, DP1 and DP3 of the Local Plan, Policy RD1 of the Outwoods Neighbourhood Plan, the Separation Distances and Amenity SPD and the East Staffordshire Design Guide.
- 11.3 In respect of noise, the Council's Environmental Health Team recommend that a condition be imposed requiring a scheme of noise mitigation from construction activities, to protect new and existing properties from noise during the construction phase. The proposals are therefore considered to comply with Policy DP7 of the Local Plan.

12. Pollution and Contamination

- 12.1 In relation to land contamination, the Council's Environmental Health Team recommend the imposition of a condition in relation to a phase 1 contamination report and any remediation measures, if necessary.
- 12.2 During the course of the application, an Air Quality Impact Assessment has been submitted and reviewed by the Council's Environmental Health Team who confirm that the impacts are negligible and no mitigation is required. During the construction phase of the proposed development it is, however, considered that there will be a high risk of dust soiling impacts in the vicinity. As such the Council's Environmental Health Team request that a condition for a scheme of dust mitigation during construction/earthworks be imposed. The proposals are therefore considered to comply with Policy DP7 of the Local Plan.

13. Highways Matters

- 13.1 The application is accompanied by a Transport Assessment and a Travel Plan. The Transport Assessment notes that the access arrangements onto Beamhill Road were agreed as part of the outline consent for the wider Beamhill Heights development and comprise two new priority-controlled T-junctions off Beamhill Road. The proposed development would therefore take access from Beamhill Road via the consented access points, which would provide a route to the wider Beamhill Heights development.

- 13.2 The application is also accompanied by an indicative layout indicating two access points from the existing estate road to the north (which is part of the outline application ref: P/2013/00429).
- 13.3 The scheme has been assessed by the County Highway Authority (CHA) who confirm that the site comprises a small part of a larger development and the overall impact of the development on the wider highway network has been previously approved. Accordingly, with the principle already established and as all matters are reserved for subsequent future approval, the CHA recommend that the application be approved, subject to the imposition of conditions relating to details of the estate roads and footways serving the site, the submission of a Travel Plan and the hardsurfacing of the highway and parking areas; a note to the applicant and a monitoring fee for the Travel Plan be contained within the S106 Agreement.
- 13.4 As the application is in outline only no details of parking provision have been provided at this stage, this would form part of future reserved matters submissions. It is, however, considered that the submitted indicative layout plan indicates that there is sufficient space within the plots to provide parking in accordance with the standards set out in the Parking Standards SPD and Policy TA3 of the Outwoods Neighbourhood Plan. The applicants have been advised of the necessity to ensure compliance with the Parking Standards SPD within any reserved matters submission.
- 13.5 Subject to the aforementioned conditions and obligations advised by the CHA, it is considered that the proposal is acceptable in relation to highway safety and is therefore in compliance with Policies SP1 and SP35 of the Local Plan, Policy TA2 of the Outwoods Neighbourhood Plan and the NPPF.

14. Historic Environment (Archaeology)

- 14.1 There are no listed buildings on or adjacent to the application site and the site is not within a Conservation Area. The County Archaeological Team, have however commented on the application, confirming that whilst the Staffordshire Historic Environment Record (HER) identifies a degree of historic interest within the area, the site has already been subject to a geophysical survey and evaluation trenching, during which no features or finds of archaeological interest were identified. As such, no archaeological concerns are raised regarding the proposals. The proposals therefore comply with Policies SP25 and DP5 of the Local Plan.

15. Flood Risk and Drainage

- 15.1 The sit lies within Flood Zone 1 (which has the lowest risk of flooding) as defined on the Environment Agency's Surface Water Flood Maps.
- 15.2 The application is accompanied by a Flood Risk Assessment and Proposed Drainage Layout. Attenuation is proposed via the use of an offline detention

basin, known as the “lower basin” that will be sited in the wider SUE development, to the northeast of the application site.

15.3 The Environment Agency have no comments to make on the application, the Flood Authority raise no objections subject to conditions and Severn Trent Water raise no objection, subject to the imposition of a drainage condition.

15.4 It is considered that the proposal is in compliance with Policy SP27 of the Local Plan, Policy LR4 of the Outwoods Neighbourhood Plan and the NPPF.

16. Ecology and Biodiversity

16.1 The site falls within the green impact risk zone for Great Crested Newts (GCN) where there is moderate habitat and a low likelihood of GCN presence. The application has been accompanied by an Ecological Report which has been assessed by Nature Space who confirm that should the development be approved, it is unlikely to cause an impact on GCN and/or their habitats and recommends the imposition of a note to applicant/informative.

16.2 Hedgerows will be retained where possible and provide further opportunities for wildlife enhancement. The application is accompanied by an Indicative Landscape Strategy Plan. As the application is in outline with all matters reserved, on-site landscaping will be considered at the relevant reserved matters stage.

16.3 During the course of the application the County Ecologist requested details of how Biodiversity Net Gain (BNG) would be achieved on site (although it is noted that due to the submission date of the application this is not a requirement). The applicant has submitted a Biodiversity Net Gain Assessment (Technical Note and Metric) which have provided biodiversity calculations based on an assumed developed situation (the original consent) which indicates that an overall gain on that scenario will be achieved. The County Ecologist has been re-consulted and is satisfied with the outcome and raises no objection, subject to the imposition of conditions.

16.4 Subject to the aforementioned conditions, it is therefore considered that the proposal complies with the requirements of Policy SP29 of the Local Plan, Policy LR4 of the Outwoods Neighbourhood Plan and the NPPF.

17. National Forest Planting and Open Space

17.1 In accordance with Strategic Policy 26 of the East Staffordshire Local Plan, 20% of the site area should be provided as dedicated National Forest planting and landscaping.

17.2 The National Forest Company confirm that the site falls within the boundary of a previous permission which has addressed the National Forest planting requirement, and therefore confirm there is no requirement for additional National Forest planting to be accommodated.

17.3 For the avoidance of doubt, no additional open space provision is being proposed as part of this application. This scheme, together with the 100

dwellings sought under application ref: P/2022/01139 and the 950 dwellings granted under outline planning permission ref: P/2013/00429 would be required to provide 10.28ha of open space and the Beamhill SUE as currently proposed is already providing 25.70ha of open space (the site area of the original site is approx. 66.5ha in total), constituting an over provision of 15.42 ha, so no further open space contribution is considered necessary under this application.

17.4 The proposals fit into the wider SUE joining and locating close by to significant areas of green infrastructure and useable open space including a children's play area and green corridors across the site.

18. Trees

18.1 The accompanying Arboricultural Assessment concludes that there are no constraints preventing the development of the site in terms of arboriculture as no tree cover lies within or immediately adjacent to the application boundary, therefore no trees are proposed to be removed within the application site. A single tree is situated to the north of the site (T21) outside of the application boundary, however, this has consent to be removed under Reserved Matters application ref: P/2021/01053. A landscaping condition is recommended to ensure the streets are tree lines as per the NPPF. Therefore the scheme is considered to accord with Policy DP8 of the Local Plan and the NPPF.

19. Section 106 Matters and Contributions

19.1 The original outline planning permission for the site was subject to a S106 Agreement which included the following obligations:

- General Obligations
- Education Sum
- Affordable Housing
- Travel Plan Framework and Provision of a Bus Service
- National Forest Provisions
- Open Space, LEAPs and Landscaping
- Common Amenity Area
- Community Liaison Group
- Medical Facilities
- Highway Provision
- Sports Provision

19.2 The original S106 agreement did secure a primary school within the wider development site, which is discussed further in the Education Contributions section below. However, no obligation was included to secure the required local centre. The developer has provided a statement in respect of the local centre confirming that they are actively pursuing it's delivery.

19.3 Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

In this case the issue of the provisions/contributions are salient in relation to the following matters:

- Affordable Housing (including housing mix)
- Education
- Healthcare Provision
- Refuse Containers
- Travel Plan
- Sports Provision

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

Affordable Housing (including housing mix)

19.4 The scheme proposed to provide up to 33 no. affordable units, on-site representing a 33% affordable housing percentage, in accordance with Policy SP17 of the Local Plan. The ESBC Housing Officer states that the development would need to be provided on site, unless off-site provision or financial contributions can be robustly justified. The minimum percentage of affordable homes required to be delivered on site would be 13% (12 units) and a commuted sum would be calculated at £40,000 per dwelling.

19.5 The Housing Choice SPD (March 2023) expects the following housing mix as shown in the table below:

Unit Size	Housing Choice SPD (March 2023) Requirements for Burton (Outwoods)
Housing for the Elderly	12%
1 Bedroom dwellings	3%
2 Bedroom dwellings	16%
3 Bedroom dwellings	32%
4 Bedroom dwellings	26%
5 Bedroom dwellings	11%

19.6 It is considered that this mix on a future reserved matters application could be secured by a condition of any outline approval at this stage.

- 19.7 The specific issue of the provision of any affordable housing provision not being in a cluster of more than 8 dwellings on any street to meet with the aims of the Housing Choice SPD would also be a matter for any reserved matters stage.
- 19.8 In this case, subject to the imposition of an obligation within the S106 Agreement to secure the 33% of on-site affordable provision and a condition in relation to the bedroom mix, the ESBC Housing Officer is content with the proposed housing tenure mix and affordable housing provision. The specific siting of the affordable units would be given consideration at reserved matters stage.
- 19.9 With regard to the guidance with Policy SP16 which states that ground floor accommodation should meet Building Regulations 2010 Standard M4(2) on 10% of major applications, it is considered that this provision on a future reserved matters application could be secured by a condition of any outline approval at this stage.

Education

- 19.10 The Staffordshire County Council Senior School Organisation Officer confirms that the new 1 Form Entry (FE) planned for the site is not sufficient to mitigate the impact of this proposal (and the other application being considered for up to 100 dwellings). As such, and as per the School Organisation Officers recommendations the S106 Agreement will need to include 2 options:

Option A – whereby the developer elects to building a new primary school under outline planning permission P/2013/00429 then the mitigation for this application would be additional infrastructure delivered at that new school to mitigate the impact on the primary school provision. In addition a contribution of £408,442 is sought for secondary and post 16 provision; or

Option B – if the developer elects to pay the primary school education contribution under outline planning permission P/2013/00429 and not construct the primary school, then this application would attract a contribution of £517,738.88 to mitigate the impact on the primary school provision. The contribution of £408.442 for secondary and post 16 provision would remain the same as in Option A.

Negotiations are ongoing in respect of the primary school to be delivered within the wider site, which was secured under the original Section 106 Agreement. The agent has confirmed in a statement that *“advanced discussions have been held with the County Council and Education Authority to ensure that the serviced school site is to be transferred in time for the Council to deliver the school on site by September 2026 in line with their requirements”*. Members are advised that as the time limit for the submission of a reserved matters application in relation to this has expired the developer will need to submit a full planning application to the County Council for determination in relation to the primary school.

Healthcare Provision

19.11 NHS Staffordshire and Stoke-on-Trent request a total financial contribution of £58,499 for inclusion in the Section 106 Agreement to be allocated towards Carlton Street Surgery and Dove River Practice to support their adaptations and expansions to accommodate the additional pressures, resultant of additional patients as a result of this development.

Refuse Containers

19.12 In line with the Waste Storage and Collection Guidance SPD the developer will be required to pay for the provision of refuse storage bins for each dwelling at a cost of £90 per dwelling. As such the total for inclusion in any Section 106 Agreement would be £8,100 (if the full 90 dwellings are progressed).

Travel Plan Monitoring Fee

19.13 The County Highway Authority seeks a Travel Plan Monitoring fee to be secured as part of the Section 106 Agreement. The £10,000 fee would be used to oversee – and where necessary modify – the Travel Plan for the development of the site.

Sports Provision

19.14 The ESBC Leisure Services Team seek a contribution in respect of Sports Provision to be secured as part of the S106 Agreement. The £27,275 fee plus £4,895 annual maintenance fee would be used to enhance existing provision at one or more of the following: Shobnall Leisure Complex, Tatenhill Hub, Holland Sports Club and De Ferrers Dove Campus.

Section 106 Contributions

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

Item	Planning Obligation	Cost (where applicable)
Affordable Housing	33% provision to be provided on-site – unless off-site provision or financial contributions can be robustly justified	Commutated sum per dwelling £40,000 if applicable.
Education	Primary, secondary and sixth form provision	<i>Primary</i> – Construction Additional Infrastructure or provide a financial contribution of £514,738.88 <i>Secondary</i> – £336,364

		<i>Post 16 –</i> £72,078
Healthcare (NHS)	Contribution towards the adaptation / refurbishment / expansion / replacement of Carlton Street Surgery and Dove River Practice	£58,499
Refuse Containers	Contribution to provide refuse storage containers at £90 per dwelling	£8,100
Highways Travel Plan monitoring	Travel Plan Monitoring Fee	£10,000
Sports Provision	Contribution towards sports provision and maintenance at Shobnall Leisure Complex / Tatenhill Hub / Holland Sports Club / De Ferrers Dove Campus	£27,275 + maintenance cost of £4,895

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

Other Matters

19.17 The original outline permission, and subsequent reserved matters applications, included the provision of a local centre which was indicated on the approved phasing plan and was included in the description of the outline permission as “5,000 square metres retail” provision and “community facilities”. The developer have confirmed that the local centre will be brought forward in accordance with the approved plans and legal agreements, although it is noted that there is no trigger point for this in the original Section 106 Agreement.

19.18 The agent has provided a statement in relation to the local centre which confirms the following:

“As part of P/2013/00429, Persimmon Homes own the parcel of land associated with the local centre and are actively pursuing it’s delivery.

Persimmon Homes can confirm that an interested party has made a formal offer for the local centre land and are progressing the details of the transfer with the interested party.

A supplementary note from the interested party seeking the local centre will follow in due course to support this note.

It is programmed that a separate detailed planning application will be made for the Local Centre with a view for construction to be started in 2026 along with the associated infrastructure for the school site.

The additional dwellings that are being proposed as part of the two outline planning applications (P/2022/01138 and P/2022/01139) have been viewed favourably in the negotiation on the Local Centre land as the proposals are more viable as a result of the proposed increase in population.”

20. Conclusions

20.1 Having due regard to the planning merits of the case set out in detail in this report, and as summarised in the Executive Summary – the application is recommended for **approval** subject to the necessary Section 106 Agreement and conditions.

20.2 RECOMMENDATION

20.3 It is therefore recommended that outline planning permission be approved subject to the following conditions and informatives, and subject to a Section 106 Agreement:

Conditions

1 – Time Limit for Reserved Matters to be Submitted

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

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

2 – Reserved Matters Details

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

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

3 – Time Limit for Commencement of Development

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

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

4 – Approved Plans/Documents

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

P21-1812-B_001 Sheet No. 1 Rev A, 1:1000 Site Location Plan dated as received on 28th September 2022

P21-1812-023 Sheet No. 1 Rev B, 1:500 Illustrative Masterplan dated as received on 28th September 2022

3457-L-09, 1:2000 Draft Public Open Space Provision Plan dated as received on 28th September 2022

03457-FPCR-XX-XX-DR-L-0200 Rev P3, 1:500 Indicative Landscape Strategy Plan dated as received on 28th September 2022

ADC2894/DR/052 Rev P1, 1:500 Proposed Drainage Layout dated as received on 28th September 2022

Figure 10.1, 1:6500 Agricultural Land Quality Plan dated as received on 28th September 2022

Air Quality Impact Assessment by Omnia Ref: C10845b dated as received on 15th February 2023

Arboricultural Assessment by FPCR Environment and Design Ltd dated as received on 28th September 2022

Design and Access Statement by Pegasus Group ref: P21-1812_GOO1A_DE dated as received on 28th September 2022

Ecological Appraisal by FPCR Environment and Design Ltd dated as received on 28th September 2022

Flood Risk Assessment and Drainage Strategy Ref: ADC2894-RP-F by ADC Infrastructure dated as received on 17th July 2024

Planning Statement by Pegasus Group ref: P21-1812 dated as received on 28th September 2022

Transport Assessment Ref: ADC2894-RP-C by ADC Infrastructure dated as received on 28th September 2022

Travel Plan Ref: ADC2894-RP-D by ADC Infrastructure dated as received on 28th September 2022

Outline Planning Application form dated as received on 28th September 2022

Chapters of an Environmental Statement in relation to Agricultural Use and Quality and Soil Resources, Archaeological Desk Based Assessment and Geo Environmental Appraisal dated as received on 28th September 2022

Biodiversity Net Gain Assessment (Technical Note and Metric) dated as received on 26th January 2024

Surface Water Drainage Addendum Report by ADC Infrastructure dated as received on 17th July 2024

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway, flood risk, ecology or trees in accordance with East Staffordshire Local Plan Policies SP1, SP2, NP1, SP3, SP4, SP6, SP7, SP9, SP10, Sp16, SP17, SP23, SP24, SP25, SP26, SP27, SP28, SP29, SP32, SP34, SP35, DP1, DP2, DP3, DP5, DP7 and DP8, Outwoods Neighbourhood Plan Policies TA1, TA2, TA3, TA4, TA5, CF1, CF2, CF3, CF4, CF5, RD1, RD2, RD3, RD4, LR1, LR2, LR3 and LR4, the Parking Standards Supplementary Planning Document, Housing Choice Supplementary Planning Document, Climate Change Supplementary Planning Document, East Staffordshire Design Guide, Separation Distances and Amenity Supplementary Planning Document, Open Spaces and Playing Pitch Supplementary Planning Document, Planning Obligations Supplementary Planning Document, Waste Storage and Collection Guidance Supplementary Planning Document and the National Planning Policy Framework.

5 – Materials

No development shall take place until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the dwellings and their surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, Outwoods Neighbourhood Plan Policy RD1, the East Staffordshire Design Guide and the National Planning Policy Framework.

6 – Number of Units

A total of no more than 90 dwellings shall be erected.

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

7 – Housing Mix

No development shall take place until details of the housing mix to be provided has been submitted to an agreed in writing by the Local Planning Authority.

Reason: In accordance with East Staffordshire Local Plan Policy SP16, Outwoods Neighbourhood Plan Policy RD3, East Staffordshire Housing Choice

Supplementary Planning Document and the National Planning Policy Framework.

8 – M4(2) Compliance

The reserved matters submissions shall include a scheme to provide for at least 10% of the dwellings to be constructed in accordance with Building Regulation 2010 Standard M4(2) standards. The development shall be completed to the Building Regulation 2010 Standard M4(2) before the first occupation of the relevant dwelling unit(s) concerned.

Reason: In the interests of residential amenities and in accordance with East Staffordshire Local Plan Policy SP16, the East Staffordshire Housing Choice Supplementary Planning Document and the National Planning Policy Framework.

9 – Levels

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

Reason: In the interests of the visual amenities of the area and to ensure the development takes the form envisaged by the Local Planning Authority in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

10 – Boundary Treatments

The reserved matters application(s) shall include details of all proposed boundary treatments. Boundary fence details for gardens shall include gaps of minimum 130mm square at ground level at least every 10m running length or that do not seal to the ground at all between posts with a 120mm gap from fence base to ground. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of residential amenity and to safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP24, SP29, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

11 – Details of Landscaping

The details required under condition 2 above shall include details of soft and hard landscaping, which shall be fully implemented prior to the first occupation of the dwellings hereby approved.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policies SP1, SP24

and DP1, Outwoods Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

12 – Implementation of Landscaping

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and occupiers of adjacent buildings, and in accordance with Local Plan Policies SP1, SP24, DP1 and DP3, Outwoods Neighbourhood Plan and the National Planning Policy Framework.

13 – Implementation of Walling and Fencing

Any scheme of walling and fencing approved under condition 10 above shall be completed prior to the development first being brought into use.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, Outwoods Neighbourhood Plan Policy RD1, and the National Planning Policy Framework.

14 – Dust Mitigation

No development shall commence until a scheme of dust mitigation is first submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken in line with the Institute of Air Quality Management's (IAQM) *Guidance on the assessment of dust from demolition and construction*, version 1.1 (or latest version). The agreed scheme shall be implemented for the earthworks/construction phase of the development.

Reason: To ensure the management of air quality impacts of the proposal in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

15 – Noise Mitigation

No development shall commence until a scheme of noise mitigation from construction activities is first submitted to and approved in writing by the Local Planning Authority. The scheme shall be in line with British Standard BS 5228-1:2009+A1:2014 Code of practice for noise control on construction and open sites, Part 1:Noise. The agreed scheme shall be implemented prior to the first construction activity on site.

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

16 – Contaminated Land

Contaminated Land:

- a. No development shall commence until a desktop study/Phase 1 Contamination Report has first been submitted to and approved in writing by the Local Planning Authority. This should document the previous history of the site and surroundings, identifying the potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. A Conceptual Site Model should be produced for the site which should identify all plausible pollutant linkages.
- b. Where the Phase 1 identifies potential contamination no development, including any construction works, remediation or site demolition, shall commence until details of an intrusive site investigation including all technical data, as a Phase 2 Report has been submitted to and approved in writing by the Local Planning Authority. The intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Chemical analysis, identified as being appropriate by the desktop study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods.
- c. In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to the Local Planning Authority (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The statement should also include details of validation testing that will be carried out once works have been completed.
- d. If during remediation works any contamination is identified that has not been previously considered within the Remediation Method Statement, then additional remediation proposals for this materials shall be submitted to the Local Planning Authority for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.
- e. The development shall not be occupied until a validation report has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

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

17 – Ecology: Bat and Bird Boxes

No development shall commence on site until such time as:-

a) details of type and location of biodiversity enhancement measures including 5 groups of 3 no. swift boxes and 5 no. house sparrow terraces on or integrated into north- or east-facing brickwork of the dwellings; and

b) details of biodiversity enhancement measures including 10 no. integrated bat tubes or bat boxes within the new building(s), located on southern or western elevations of the dwellings

shall first be submitted to and approved in writing by the Local Planning Authority.

The approved measure shall be incorporated into the scheme and be fully constructed prior to the first occupation of the specific dwellings and retained as such thereafter.

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

18 – Lighting Scheme

No development shall commence until an external lighting scheme, designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as biodiversity enhancements and neighbouring habitats / open space. The scheme shall be implemented prior to the occupation of the approved dwellings and retained as such thereafter.

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

19 – Highways

Prior to the commencement of any work on the site details of the estate roads and footways serving the site including but not exclusively road widths, alignments, visibility splays, and turning areas shall first be submitted to and approved in writing by the Local Planning Authority. The roads shall be laid out and constructed in accordance with those approved plans prior to the occupation of any dwelling served by that section of road.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35, Outwoods Neighbourhood Plan Policy TA2 and the National Planning Policy Framework.

20 – Surface Water Drainage – Completion of Drainage Infrastructure to wider site

No development shall take place until such time as:

- The hydrobrake in the upper basin shall be replaced to allow adhere to the discharge rates set out in the Overall Site Strategy (April 2024, Drainage Design Statement, Preece Consultants).
- Phase 4A (Bloor Homes) drainage infrastructure shall be completed.
- Persimmon South drainage infrastructure shall be completed (the remainder of the hatched blue area above the white land shown on 01.04.2024, 1701-505 Rev D, Site Wide Drainage Statistics and Drainage Constraints, Preece Consultants).
- The lower basin shall be installed and operational with discharge restricted to the rates set out in the Overall Site Strategy (April 2024, Drainage Design Statement, Preece Consultants).

Reason: As recommended by the SCC Lead Local Flood Authority in compliance with Strategic Objective SO10 and Policy SP27 of the East Staffordshire Local Plan and the National Planning Policy Framework.

21 Surface Water Drainage Scheme

No development shall take place until such time as a satisfactory scheme to manage surface water in accordance with: Staffordshire SuDS Handbook and in line with the key principles of the approved outline Drainage Strategy (16.07.2024, ADC2894-RP-G Rev 6, Surface Water Drainage Addendum Report, ADC Infrastructure) has been submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall contain the following mitigation measures:

- A detailed design for the lower basin in strict accordance with the principles of the Overall Site Strategy (April 2024, Drainage Design Statement, Preece Consultants) and any subsequent amendments.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return period and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change return periods.
- Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- The first 5mm of rainfall shall be retained on site to minimise watercourse pollution. The design shall encompass two swales (one serving each of the eastern and western areas) before water is routed in the the upper/lower basins.

- All surface water shall be contained within the surface water network in all events up to and including the 100 yr + 40% climate change event plus a 10% allowance for urban creep.
- Provision of permeable paving for all driveways.
- Provision of conveyance swales.
- Provision of bioretention areas.
- Provision of supporting information to demonstrate that sufficient water quality measures have been incorporated into the design. This should be in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system demonstrating:
 - An earthworks strategy shall be developed that will remove the localised troughs and valleys in the topography to rationalise the existing surface water flow paths through the site.
 - Finished floor levels shall be a minimum of 300mm above surrounding ground level.
 - All ground levels shall be profiled away from building entrances.
 - External site levels shall be designed to route any excess runoff away from buildings, and into landscaped areas or drainage outlets.
 - Any raising of levels onsite shall be designed to ensure that there is no increase in surface water runoff onto neighbouring third-party land.
- Provision of a finalised management and maintenance plan to ensure continued performance of the system for the lifetime of the development. Details of the maintenance arrangements should be provided, to include a schedule of activities with frequencies, together with the name and contact details of the party or parties responsible for ongoing maintenance.
- Provision of a Surface Water Management Plan for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased to either the site or to third party land, and water quality is managed prior to the completion of the approved drainage strategy.

The approved drainage scheme and all mitigation measures set out above shall be installed prior to the first occupation of the dwellings hereby approved, and shall be subsequently maintained in accordance with the timing/phasing arrangements embodied within the drainage scheme for the lifetime of the

development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: As recommended by the SCC Lead Local Flood Authority in compliance with Strategic Objective SO10 and Policy SP27 of the East Staffordshire Local Plan, the Climate Change Supplementary Planning Document and the National Planning Policy Framework.

22 – Disposal of Foul Water Flows (Bespoke)

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

Reason: To ensure adequate foul water drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7, Outwoods Neighbourhood Plan Policy LR4 and the National Planning Policy Framework.

23 – Travel Plan

No part of the development permitted by this consent shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35, Outwoods Neighbourhood Plan Policy TA5 and the National Planning Policy Framework.

24 – Hardsurfacing

Prior to the first occupation of each dwelling, it shall be provided with:

a) a hard surfaces access to a highway maintainable at public expense constructed to at least base course level and positively drained; and

b) hard surfaced and drained parking areas

c) car parking spaces in compliance with the Parking Standards SPD

which will be retained as such thereafter.

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

25 – Compliance with Ecological Appraisal

All site clearance and construction works must comply with sections 5.13 to 5.25 of the Ecological Appraisal (FPCR, August 2022) listed under condition 4 above.

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

26 – Compliance with Overall Site Strategy for Drainage

The development hereby permitted shall be in strict accordance with the Overall Site Strategy (April 2024, Drainage Design Statement, Preece Consultants) and any subsequent amendments.

- The site's impermeable area shall be split into east and west as defined by the green and hatched blue areas shown on plan: 01.04.2024, 1701-505 Rev D, Site Wide Drainage Statistics and Drainage Constraints, Preece Consultants
 - The eastern portion of the site will discharge north via the Persimmon Homes Southern Parcel through a swale and into the Lower Basin.
 - The western portion of the site will discharge via a swale constructed on Persimmon owned land to the north of the site through the Bloor Homes Parcel (Phase 4A) and into the Upper Basin.
- The site's impermeable area (including a 10% allowance for urban creep) shall not exceed the values on plan: 01.04.2024, 1701-505 Rev D, Site Wide Drainage Statistics and Drainage Constraints, Preece Consultants to allow a free discharge into the upper/lower basins.

Reason: As recommended by the SCC Lead Local Flood Authority in compliance with Strategic Objective SO10 and Policy SP27 of the East Staffordshire Local Plan and the National Planning Policy Framework.

27 – Restrict Permitted Development Rights

Notwithstanding the provisions of Classes A, AA, B, C, D, E and F of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development)

(England) Order 2015, or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings and structures or hard surfacing shall be erected/installed within the curtilage of the new dwellings unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the dwellings and their surroundings and the amenities of occupiers of the adjoining dwellings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, Outwoods Neighbourhood Plan Policy RD1 and the East Staffordshire Design Guide.

Informatives

1: Pre-Commencement/During Development Conditions

The conditions identified below required details to be approved before commencement of the development:

Condition Nos.: 2, 5, 7, 14, 15, 16, 17, 18, 19, 20, 21 and 22

The conditions identified below required details to be approved during the development:

Condition Nos.: 23 and 24

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

The fee chargeable by the authority is £145 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made online.

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

2 – Ecology

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

3 – Highways Works Agreement

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

<https://www.staffordshire.gov.uk/highways/highwayscontrol/HighwaysWorksAgreements.aspx>

4 – Parking Sizes

At the relevant reserved matters stage, all car parking spaces on the site will be a minimum of 2.5m x 4.8m and all garages shall have minimum internal dimensions of 3.0 x 6.0m.

5 – Drainage

The applicant is advised that any works within the Kitling Greaves Brook require Land Drainage Consent through Staffordshire County Council prior to any work being commenced.

6 – Engagement (Proactive)

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

Biodiversity Net Gain Wording for Decision Notice

Biodiversity Net Gain

Unless an exception or a transitional arrangement applies, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be East Staffordshire Borough Council.

This development has been considered as an exempt development in accordance with the submissions and the requirements set out in the following link: [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments)

21. Background papers

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

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

22. Human Rights Act 1998

22.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

23. Crime and Disorder Implications

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

24. Equalities Act 2010

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

For further information contact: Lisa Bird
Telephone Number: 01283 508746
Email: lisa.bird@eaststaffsbc.gov.uk