

<b>Agenda Item:</b>	5.1
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<b>Site:</b>	Bamford Works Pinfold Street Uttoxeter
<b>Proposal:</b>	Outline application (including details of access with other matters reserved) for the erection of up to 108 No. dwellings, formation of town park and re-naturalisation of Picknall Brook and alteration of existing vehicular access off Hockley Road and Pinfold Street

### Report of Head of Service (Section 151 Officer)

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

### [Hyperlink to Application Details](#)

<b>Application Number:</b>	P/2017/01307	
<b>Planning Officer:</b>	Alan Harvey	
<b>Type of Application:</b>	Outline	
<b>Applicant:</b>	JCB	
<b>Ward:</b>	Town	
	Councillor G Allen	
	Councillor SJ McGarry	
<b>Date Registered:</b>	07 November 2017	
<b>Date Expires:</b>	<b>5 February 2018 - series of ongoing extensions of time agreed until 23 December 2022</b>	
<b>Reason</b>	Development of an important brownfield site in the centre of Uttoxeter	
<b>Recommendation</b>	<b>Approve</b> , subject to Section 106 Agreement and conditions	

## 1. Executive Summary

- 1.1 This outline scheme proposes the development of up to 108 No. dwellings on some 5.31 ha of brownfield land to the south of the Uttoxeter Town Centre that was largely formerly occupied by a JCB factory (the Bamford Works). The site is in overall terms bounded by Hockley Road, Balance Street, Pinfold Street, Bridge Street and the Derby to Crewe railway. Pinfold Street splits the application site into western (Zone 1) and eastern (Zone 3) areas. Picknall Brook runs through the application site.
- 1.2 The application in its original form - for up to 148 No. dwellings - on a larger site (of 6.5 ha) was considered by the Planning Committee on 24 April 2019 whereupon it was resolved to approve the scheme subject to a Section 106

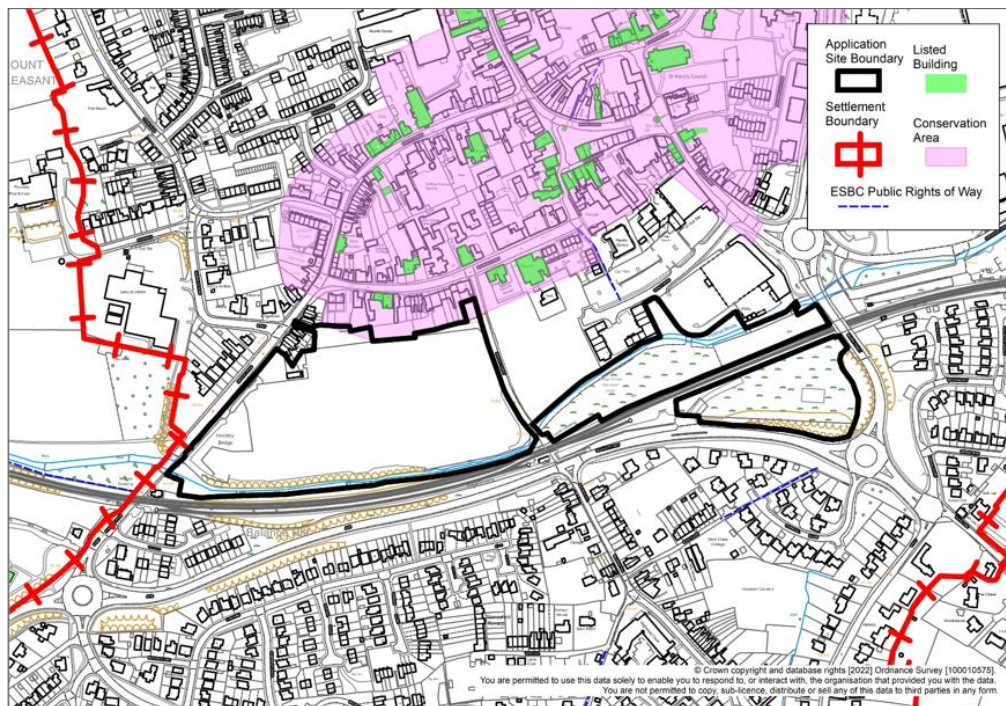
Agreement. Subsequently part of the lands - being the parcel (Zone 2) to the south of the Derby to Crewe railway line - has been developed with an new Aldi store with access off Old Knotty Way.

- 1.3 The application site is allocated for housing development in the adopted Local Plan and part of the site lies within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC). The town conservation area boundary runs to the rear of properties on Balance Street, extending across to Bridge Street, and incorporates small parcels of the northern and north-eastern parts of the application site (within Zone 1).
- 1.4 In addition to the erection of up to 108 No. dwellings (all on Zone 1), scheme proposes the formation of town park and re-naturalisation of Picknall Brook and alteration of existing vehicular access off Hockley Road and Pinfold Street. The details of the pedestrian and vehicular access arrangements are provided at this stage with all other matters reserved.
- 1.5 The County Highway Authority have raised no objections in principle to the scheme and other statutory consultees have raised no issues that cannot be reasonably addressed via planning conditions/Section 106 Agreement. Uttoxeter Town Council stated that they welcomed the development as originally submitted scheme and have raised no objections in principle to the revised application subject to flooding and wildlife mitigation on site, along with wider highway safety measures and community provisions.
- 1.6 Three No. local residents/interested parties have made representations on the revised scheme. These submissions - as per the 7 No. local residents/interested parties comments on the original scheme - primarily raise objections/concerns on the impact of the proposals in relation to the scale of the buildings, the traffic and parking implications and security risks.
- 1.7 The proposal would not be likely to adversely affect the amenities of occupiers of existing nearby dwellings whilst also providing for an acceptable level of amenity for the occupiers of the future new dwellings. The proposals would not give rise to any environmental concerns. The scheme would also provide necessary mitigation in relation to ecological and biodiversity impacts.
- 1.8 A screening opinion in relation to the proposals concluded that an Environmental Impact Assessment was not required to accompany the scheme. A Habitat Regulations Assessment concludes that the scheme will not have an adverse impact on the Cannock Chase Special Area of Conservation (SAC) subject to mitigation measures (in the form of a commuted sum).
- 1.9 The proposed scheme would also offer the opportunity to enhance the character and appearance and setting of the town's conservation area and the setting of the adjoining and nearby listed buildings. Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are therefore engaged by this scheme and have been satisfied accordingly. The scheme would also enhance the visual amenities of the locality and provide significant areas of new amenity space in an urban environment
- 1.10 It is therefore considered that the submitted scheme would be compliant with the provisions of the relevant development plan policies and the National

Planning Policy Framework. The application is therefore recommended for conditional approval subject to the necessary Section 106 Agreement.

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

### Map of site



## 2. The site description

- 2.1 The application site, which has an overall area of some 5.31 ha, is situated to the south of Uttoxeter town centre and was largely formerly occupied by a JCB factory (the Bamford Works). The site, is split into western (Zone 1) and eastern (Zone 3) areas by Pinfold Street; with the original site containing a third parcel of land (Zone 2) to the south of the railway line which now no longer forms part of the site as it has been developed as an Aldi store. Picknall Brook runs through the application site to the north of the railway line.
- 2.2 The application site is a linear in form and lies to the south of Balance Street and Trinity Road. It is bounded to the north predominantly by residential properties, although there are some commercial uses and parking areas. The Derby to Stoke railway line forms the southern boundary, with Hockley Road and Bridge Street forming the western and eastern boundaries respectively.
- 2.3 In terms of the overall site environs there is established residential development to the south of Old Knotty Way (beyond the railway line), to the west fronting Hockley Road, and to the east of the site on the opposite side of Bridge Street. The Bridge Street Industrial Units are located on the southern side of Trinity Street and Waitrose and its car parking area lies to the east of them.
- 2.4 Uttoxeter railway station lies further to the east of the site (beyond Bridge Street), whilst an entrance to Bramshall Park is located to the west of the site on the opposite side of Hockley Road. Existing commercial uses including industrial and retail premises are located to the north-east of the site off Brookside Road and Town Meadows Way.
- 2.5 The site is now vacant following the clearance of the former JCB factory buildings. There are existing accesses to the site off Hockley Road, Pinfold Street and Trinity Road. A pedestrian right of way crosses the site from north to south along Pinfold Street. This pedestrian route crosses the railway line towards Old Knotty Way where a pedestrian crossing point provides a link with Balance Hill. The pedestrian link is identified as a 'proposed green link' (Uttoxeter Town 14) in the 'made' Uttoxeter Neighbourhood Plan (2017). A newly created footway also runs along Old Knotty Way to link the new Aldi store to the pedestrian access into Pinfold Street; and then onwards to the town centre.
- 2.6 The site is wholly within the settlement boundary and is within the Town Centre boundary as defined in the adopted Local Plan. The town conservation area boundary runs to the rear of properties on Balance Street, extending across to Bridge Street, and incorporates small parcels of the northern and north-eastern parts of the application site (of Zone 1). A number of listed buildings are located adjacent to the site on Balance Street, including the Grade II listed Nos. 23, 25, 53 and 55 Balance Street and the Roman Catholic Church of St Mary. There are also views to and from the Grade II listed former police station on Pinfold Street.

- 2.7 The application site being bisected by the Picknall Brook means that is partly within flood zone 2 and partly within flood zone 3. A 'proposed green link' ('Uttoxeter Town 3') is identified as running through the site on the northern side of the watercourse in the 'made' Uttoxeter Neighbourhood Plan (2017).
- 2.8 The application site is allocated for housing development in the adopted Local Plan and part of the site lies within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC).

### 3. Planning history

- 3.1 The current application site previously formed part of a larger proposed development site of 8.5 ha which had the benefit of an outline permission of August 2013 under application **ref: OU/05254/018** for a mixed use comprising the erection of up to 257 No. dwellings, a single food retail store on Bridge Street, an office scheme (Class B1) off Old Knotty Way, a Class D1 use (possible health centre), formation of a 'town park' and re-alignment of Picknall Brook, creation of a new vehicular access off Hockley Road, and the alteration of existing vehicular accesses off Trinity Road and Old Knotty Way. The scheme provided for 5% per cent affordable housing on the site.
- 3.2 The scheme could not however be progressed as envisaged by the 2013 approval as the associated Section 106 Agreement was not signed off by all the relevant landowners. The applicants were then therefore essentially unable to assemble all the necessary land parcels that comprised the 8.5 ha site.
- 3.3 Since the August 2013 approval, building demolition works/site clearance and de-contamination operations have nevertheless progressed on the remaining areas of the site in JCB ownership as facilitated by the conditions of the approvals.
- 3.4 A subsequent approval in October 2014 of a Section 73 application (**ref: P/2014/00969**); and in turn a reserved matters consent; also enabled the development and opening of the Waitrose store with its associated car parking area on Bridge Street/Trinity Road - as the 'single food retail store element' - on the easternmost area of the (originally envisaged) larger site.

#### 4. The proposal

- 4.1 This application for outline planning permission proposes the erection of up to No. 108 dwellings, the formation of a 'town park' and the re-naturalisation of Picknall Brook and alteration of existing vehicular access off Hockley Road and Pinfold Street. The scheme at this stage provides detail of proposed means of access - vehicular and pedestrian - with all other matters reserved for subsequent approval (at a reserved matters stage).
- 4.2 The submissions show that the scheme will comprise predominantly residential development within the parcel of land (Zone 1) lying between Hockley Road and Pinfold Street and for the laying out of the 'Town Park' on the lands to the east of Pinfold Street (Zone 3).
- 4.3 The proposed residential development is to have vehicular and pedestrian access off both Pinfold Street and Hockley Road. The southern area of the residential zone - with pedestrian access from Hockley Road - comprises open space where it adjoins Picknall Brook and this will link into the 'town park' area to be laid out to the east of Pinfold Street. The town park will have pedestrian access from Trinity Road (alongside the Industrial Units) and Bridge Street (alongside Waitrose).
- 4.4 The submitted access details also show that in relation to rear access arrangements to existing properties fronting onto Balance Street that an existing driveway off Pinfold Street will be retained for vehicular access and that a 'minor access lane' off Hockley Road will be retained as being *"intended for use by pedestrians and cyclists."*
- 4.5 Illustrative plans show how dwellings could be potentially accommodated within the site. Visual illustrations also show how the site could be developed in contemporary architectural style with buildings of two and three storey height. As the scheme is an outline application, however, these submissions are for illustrative purposes only (and thus not for determination at this stage).
- 4.6 Adjacent to the Bridge Street Industrial Units to the eastern side of Pinfold Street is a cleared area of former JCB factory land which (as 'blue land') remains in the applicant's ownership but does not form part of this development proposal.

#### List of supporting documentation

- 4.7 The following documents were provided as part of the original application:
- Application Form\*
  - Site Location Plan\*
  - A plan showing the zonal composition of the site (Zones 1, 2 and 3).\*
  - Illustrative housing layouts for the residential zones (Zones 1 and 2).\*
  - Detailed access arrangement points.\*
  - Site levels
  - Design and Access Statement
  - Planning and Sustainability Statement

- Building Archaeology record
  - Archaeological Assessment
  - Ecological assessments and surveys (including protected species survey work).
  - Tree Survey Report
  - Transport Assessment/Highway Assessment (including technical notes).\*
  - Travel Plan
  - Sustainable drainage reports and layouts (including additional technical notes and an objector rebuttal report)
  - Flood Risk Assessment
  - Ground Contamination Report
  - Health Impact Assessment
  - Noise Assessment
  - Land Contamination/Remediation Strategy
  - Utilities Assessment
  - Section 106 Heads of Terms\*
  - Affordable Housing Statement
  - Affordable Housing Viability Statement (Original and Revised) along with supplementary submissions
- 4.8 With the submission of the revised scheme amended plans and revised/updated documents have been provided as follows :-
- Amended application form
  - Revised Site Location Plan
  - Revised plan showing the zonal composition of the site (these being Zones 1 and 3).
  - Revised Masterplan including details of pedestrian and vehicular access arrangements.
  - Supporting Statement
  - Amended Transport Assessment
  - Flood Risk Clarification Note
  - Ecological Report Supplementary update
  - Revised Section Heads of Terms
- (NB - Where the original documents have been wholly superseded by those provided with the revised submission those are marked with an asterix \* above).
- 4.9 The relevant findings of the various documents are dealt with in section 8 onwards below.
- 4.10 During the course of the original (up to 148 No. dwellings) application process revisions and additional submissions were secured from the applicants in the light of the initial consultation responses of the County Highway Authority, the Lead Local Flood Authority and Network Rail. The application has been subject to a screening opinion which concluded that an Environmental Impact Assessment was not required to accompany the scheme. A Habitat Regulations Assessment forms part of this report (see Section 18 below) given the site is within the 15km zone of influence of the Cannock Chase SaC.

4.11 During the original application process the applicants were requested by officers to provide affordable housing viability submissions in line with the requirements of Local Plan policies and the Housing Choice SPD.

4.12 The viability submissions – of which there were various supplementary details - were the subject to detailed assessment by external consultants (CPV) appointed by the Local Planning Authority who concluded that the site ought potentially to be capable of delivering affordable; albeit that a definitive final calculation can not be made at the outline stage in this instance in the absence of a detailed scheme - where final density, housing types and construction details would be available - and as such viability ought to be recalculated and finalised at the reserved matters stage. The background and conclusions on the matter of affordable housing provision are dealt with in detail from section 8 onwards below; in particularly in Sections 22 and 23.

## 5. Consultation responses and representations

5.1 A summary of the updated consultation responses as they relate to the amended scheme is set out below:

Statutory and non statutory consultee		Response
5.2	Uttoxeter Town Council	<p>Commented on the original scheme that they welcomed the development of the site. In respect of the revised scheme the Town Council requests that if the Planning Authority grants permission for this application, that they:</p> <p>(a) Request the use of semi-permeable materials for hard standing areas where possible within the development.</p> <p>(b) Request that bat boxes, swift and bee bricks be installed and the provision of hedgehog access points along boundaries are incorporated in the build.</p> <p>(c) A Section 106 Condition be applied by ESBC under the criteria of Town Centre Public Realm Improvements and Community Priorities and the level of funding to be agreed between ESBC and UTC for the purposes of:-</p> <ul style="list-style-type: none"> <li>• Providing and installing, or providing the funding for, additional road safety/community enhancement measures for traffic calming into and out of Uttoxeter;</li> <li>• Providing and installing, or providing the funding for benches to facilitate enhancement of the Town's green corridors and to provide safe walkways to assist with the promotion of benefits to health for all ages and abilities;</li> <li>• Contributing to the additional costs of the Council-owned Cemetery.</li> </ul>



5.3	SCC Highways	<p>No objection subject to conditions/Section 106 provisions, including requirement for the following off-site works :-.</p> <ul style="list-style-type: none"> <li>• traffic calming on Pinfold Street;</li> <li>• a Toucan crossing on Hockley Road;</li> <li>• a Yellow box junction on Hockley Road;</li> <li>• the pedestrianisation of the southern section of Pinfold Street</li> </ul> <p>(with the works to be completed before the completion of the 50<sup>th</sup> dwelling).</p> <p>SCC Highways also require a monitoring fee of £15,000 for the (to be agreed by condition) Residential Travel Plan.</p>
5.4	SCC Education	<p>Request a commuted sum of £688,394 in respect of first and middle school places (in relation to 108 No. dwellings). The sum is based on new school places in first school education (£418,800) and middle school education (£269,594).</p>
5.5	SCC as Lead Flood Risk Authority	<p>No objection subject to conditions</p>
5.6	SCC Archaeology	<p>Comments that no archaeological recording condition would be relevant given the site conditions.</p>
5.7	Environment Agency	<p>No objection subject to conditions</p>
5.8	Severn Trent Water	<p>No objection subject to conditions</p>
5.9	Natural England	<p>No objection provided that scheme provides for mitigation in relation to impacts on the Cannock Chase Special Area of Conservation (SaC)</p>
5.10	Network Rail	<p>Advises that the scheme in its construction and occupation phases needs to ensure the safe use of the crossings on Pinfold Street (pedestrian only) and Hockley Road.</p> <p>Network Rail also consider that appropriate noise mitigation needs to be installed to dwellings and they have also set out detailed guidance outlining the safety measures that need to be addressed and observed by</p>

		the developers during the construction phase (which have been forwarded to the applicants).
5.11	Office of Road and Rail	No objection
5.12	Historic England	No objection
5.13	Architectural Liaison Officer	No objection but provides advice on security issues.
5.14	Primary Health	Request a commuted sum of £70,199 towards health facilities in the town (in relation to 108 No. dwellings)

Internal Consultees	Response
Environmental Health	No objection subject to conditions in relation to land contamination and noise mitigation.
Housing Strategy	Requires the provision of Affordable Housing in accordance with Policy SP17 of the Local Plan.
Open Spaces	Advises that for a scheme of 108 dwellings an overall total of 0.66ha of informal and formal open space provision is required; comprising 0.02 ha of equipped play; 0.22 ha of parks and gardens, 0.15 ha of semi/natural green space, 0.21 ha of amenity greenspace and 0.06 ha of allotments.
Waste	Requires a contribution to provide refuse storage containers at £90 per dwelling (if 108 No. dwellings would be £9,720).
Conservation Officer(s)	<p>Conclude that :-</p> <ul style="list-style-type: none"> <li>having regard to the planning history and the relationship to heritage assets that the existing site, particularly 'Zone 1', does not make a positive contribution to the character of the Conservation Area or the setting of the listed buildings being cleared industrial land which has changed in character and function over time.</li> <li>there is an opportunity to enhance the Conservation Area and the approach into the Conservation Area by reinforcing building lines and providing a more coherent street scape.</li> <li>the success of this scheme depends on any reserved matters and how these details respect and respond to the existing character and built form within the Conservation Area and the setting.</li> </ul>

	<ul style="list-style-type: none"> <li>considering the limited contribution that the existing site makes to the setting of heritage assets there is considered to be scope for development which will preserve/enhance the Conservation Area and the setting of the nearby listed buildings.</li> </ul>
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## 6. Neighbour responses

6.1 The original application (for 148 No. dwellings) was advertised on the site and in the press and adjoining residents/properties consulted. 7 No. letters were received which raised the following concerns/objections to the scheme summarised below :-

<b>Neighbour responses</b>	
<b>Character/Design/ Layout of the Development</b>	<ul style="list-style-type: none"> <li>The proposed buildings as shown on the illustrations would appear soulless and austere; being reminiscent of 1960s Milton Keynes</li> <li>More tasteful period designs should be used on Hockley Road so as to be in keeping with the design of the existing properties opposite.</li> <li>The proposed three storey houses are imposing and not in keeping with this historic market town</li> </ul>
<b>Drainage/Flooding</b>	<ul style="list-style-type: none"> <li>Any work carried out on the Picknall Brook should ensure that the industrial estate is not put at greater risk of flooding as a result of any work carried out.</li> </ul>
<b>Highways/Transport</b>	<ul style="list-style-type: none"> <li>There is concern that rear vehicular access to properties on Hockley Road/Balance Street will be congested by other vehicles seeking to park. Measures need to be put in place to secure this vehicular access</li> <li>Balance Street is already highly congested and further traffic will only add to this problem and give rise to pedestrian safety concerns on a route used by schoolchildren.</li> <li>Pinfold Street should remain with a pedestrian access.</li> <li>There is lack of car parking facilities with cars likely to be clogging up pavements.</li> <li>The Council should consider implementing a 'residents only' parking scheme for the layby on Hockley Road as the development is likely to reduce its availability to existing residents.</li> <li>The scheme is likely to cause access issues along Hockley Road due to the majority of traffic using this as the only clear route out of town</li> </ul>
<b>Impacts on</b>	<ul style="list-style-type: none"> <li>The new dwellings would overlook existing properties.</li> </ul>

<b>residential amenities</b>	<ul style="list-style-type: none"> <li>The three storey properties will block a significant portion of natural light into the existing houses to the detriment of existing residents.</li> </ul>
<b>Other Matters</b>	<ul style="list-style-type: none"> <li>There appears to be no street lighting proposed</li> <li>It is questioned whether storage and positioning of waste and recycling bins been considered</li> <li>It is questioned where are jobs for the new residents are coming from</li> <li>The High Street is full of the empty premises</li> <li>If the applicant wishes to leave a legacy then the views of current residents about the impact of the proposals need to be taken account of.</li> <li>The sheer number of houses shows greed rather than concern over the town.</li> </ul>
<b>Ward Members</b>	No representations received.

6.2 In relation to the original submission County Cllr David Brookes expressed concern ahead of the Planning Committee meeting (of April 2019) about the lack of progress on the re-development of the site and requested that a pragmatic view is taken by the Local Planning in determining the application as *“adding further restrictions by way of affordable housing contributions making the whole scheme unviable and uneconomic to deliver, (is) frustrating residents further and tradespeople’s desires to seek real improvements to this site within the Town”*

6.3 The adjoining residents/properties were consulted on the revised scheme. 3 No. letters were received which raise the following concerns/objections to the revised scheme summarised below :-

<b>Neighbour responses</b>	
<b>Highways/Transport</b>	<ul style="list-style-type: none"> <li>With the new development and due to the excess speed of traffic down Hockley Road, it would be proper and certainly safer to impose some form of traffic calming to reduce speed.</li> </ul>
<b>Impacts on residential amenities</b>	<ul style="list-style-type: none"> <li>There are no details about the type of properties that are going to be facing the existing dwellings in Hockley Road and 3 No. storey dwellings would be opposed.</li> <li>There is no provision for an intermediary space or boundary/security fencing between housing on the development site and existing properties on Balance Street. Given the ground levels involved there will be overlooking of existing properties.</li> <li>There appears to be no security for the spaces between the new dwellings and existing houses fronting Balance Street.</li> </ul>
<b>Ward Members</b>	No representations received

- 6.4 One of the representations comments that “the park area looks great and it is good to see so many access points. Hopefully a lot of trees will be planted too.”

## 7. Policy Framework

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

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
- SP4 Distribution of Housing Growth 2012 – 2031
- SP9 Infrastructure Delivery and Implementation
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP32 Outdoor Sports and Open Space
- SP34 Health and Wellbeing
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development.
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP6 Protecting the Historic Environment: Other Heritage Assets
- DP7 Pollution and Contamination
- DP8 Tree Protection
- DP11 Cannock Chase SaC

### ‘Made’ Uttoxeter Neighbourhood Plan

- Policy D1 - Residential Design
- Policy D3 - Space between buildings
- Policy T1 - Sustainable Transport
- Policy T2 - Links to the Town Centre

- Policy T3 - Parking Standards
- Policy T4 - Traffic and Town Centre
- Policy T5 - Railway Station
- Policy L3 - Public Open Space
- Policy E1 - Uttoxeter's Network of Green Infrastructure
- Policy E3 - Green Links
- Policy E4 - Heritage
- Policy H2 - Housing Mix and Standards
- Policy C2 - Health Provision
- Policy C3 - Education and Childcare Provision

### Supplementary Planning Documents/Guidance

- Revised Housing Choice Supplementary Planning Document (2019)
- East Staffordshire Design Guide
- Separation Distances and Amenity Supplementary Planning Document
- Parking Standards Supplementary Planning Document
- Waste Storage and Collection Guidance for New Developments
- Open Spaces and Playing Pitch SPD
- Climate Change SPD
- Planning Obligations SPD

## 8. Principle of Development

### Relevant Policies

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

8.2 Paragraph 11 of the NPPF (in sections (c) and (d)) states that for decision-taking this means:

*“Approving development proposals that accord with an up-to-date development plan without delay; or*

*Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

8.3 Annex 1 of the NPPF (at paragraph 219) states that *‘existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be*

*given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to policies in the framework, the greater the weight that may be given).*

## 9. 5 Year land Supply

9.1 The most recent calculation uses figures as at 30<sup>th</sup> September 2022 and concludes that there is an 8.64 years of supply.

## 10. Local Plan

10.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. As set out in Principle 1: Presumption in Favour of Sustainable Development the policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

10.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;

- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:

- Focus the majority of development at Burton Upon Trent
- Allocate a significant level of development at Uttoxeter
- Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
- Control new development in all other villages and hamlets

### **Assessment**

10.4 The development of this site, which is allocated for residential use in the adopted Local Plan, is wholly in line with national and local policies for the sustainable location of new residential development.

## **11. Design and Impact on the character and appearance of the area**

### **Relevant Policies**

11.1 The NPPF expects the creation of high quality buildings and places, which are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities. 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.

11.2 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.

11.3 Policy DP1 of the Local Plan re-iterates the design principles set by Policy 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.

11.4 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 complement its surroundings.

11.5 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.

11.6 The Separation Distances and Amenity Supplementary Planning Document sets out detailed guidance for developments in terms of layouts (being relevant to design and residential amenity issues).

11.7 Policy D1 (Residential Design) of the Neighbourhood Plan 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.*

*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.”*

- 11.8 Policy D3 of the Neighbourhood Plan aims to see quality public realm between developments and the relevant part of Policy D3 to this application indicates that 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.
- 11.9 Policy T5 (Railway Station) of the Neighbourhood Plan advises inter alia that proposals for enhancements to Uttoxeter railway station will be supported.
- 11.10 Detailed Policy 2 of the Local Plan aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible. This policy is supplemented by the recently adopted Climate Change SPD.

### **Assessment**

- 11.11 This submission is in an outline form with all matters reserved except access arrangements, however, having regard to the illustrative plans it is concluded that the site could physically accommodate up to 108 No. dwellings in a form that would complement the established urban pattern and built fabric of the town centre and enhance the area around the railway station. Further, the landscaping of the footpath routes/green links that pass through the site would contribute towards the establishment of a high quality environment within the streets affected by the development as well as enhancing public spaces.
- 11.12 Energy efficiency techniques would be necessarily secured in a detailed scheme proposed at any reserved matters stage. Similarly, the provision of associated domestic infrastructure such as space for bin and cycle storage would be addressed in any reserved matters submissions.

## **12. Residential Amenity**

### **Relevant Policies**

- 12.1 The NPPF (particularly at paragraph 130) and Policies DP1 and DP3 of the Local Plan seek to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 12.2 The NPPF seek to ensure that 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 impact.
- 12.3 The Councils adopted Separation Distances and Amenity SPD sets out overall spacing standards for new residential development to ensure that existing and future occupiers have a good level of amenity and privacy to enjoy the place where they live.
- 12.4 Policy DP7 of the Local Plan states that planning permission will only be granted for development that will not give rise to, or be likely to suffer from contamination of the ground, nor light and noise pollution.

### **Assessment**

- 12.5 Concerns have been raised in representations that the scale of the proposals could impact negatively on residential amenities, however, the submissions provided with the application are for illustrative purposes only as the scheme is an outline submission with the exception of the detailed access arrangements. The precise layout, scale and design of the dwellings therefore will necessarily 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 108 No. dwellings without giving rise to negative impacts on existing and future residential amenities.
- 12.6 In terms of noise and disturbance it is considered that the activities generated by the occupation of the proposed development, including traffic movements, would not be sufficiently detrimental to surrounding existing residents in this town centre environment. Conditions of any approval could provide for noise and dust mitigation and controls on hours of operation during the construction phase(s).
- 12.7 With regard to the future occupants of the dwellings on the application site, Network Rail point out that given the proximity to the operational railway there could potentially be trains running all hours of the day and there is associated noise from the operation of the nearby crossings such as alarms.
- 12.8 The Borough Councils Environmental Protection section are satisfied that the development of the scheme would not give rise to any significant concerns provided necessary noise mitigation measures are put in place in terms of acoustic glazing installation. These provisions will - as they were proposed in relation to the previous scheme - be secured by way of condition to any outline approval. These would similarly mitigate any impact of existing background noise generated by vehicular traffic on surrounding roads. The degree of physical separation from the industrial units on the Bridge Street Industrial Estate and the Waitrose store - with

its associated car parking area - is such that these uses are unlikely to generate noise and activity that would be to the significant detriment of future residents of dwellings on the application site.

12.9 The Borough Councils Environmental Protection section are also satisfied that subject to mitigation there are no concerns in relation to land contamination impacting on future residential amenities. Necessary waste provision for future residents in terms of bins will be secured by way of a Section 106 Agreement (see Section 22 below).

### **13. Highway Matters (including Railway Crossing Safety implications)**

#### **Relevant Policies**

- 13.1 The NPPF sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 13.2 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.
- 13.3 Policy T1 (Sustainable Transport) of the Neighbourhood Plan 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.
- 13.4 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). Policy T2 and Policy E3 seek improvements and enhancements to existing key walking and cycling routes, including from development sites to the town centre and passing through the town centres. Policy E3 specifically identifies three links relevant to the present application for protection and enhancement, through developer contributions; these being Uttoxeter Town Routes 18 and 17 - linking Stone Road to Hockley Bridge; - Uttoxeter Town Routes 14 and 15 - linking Balance Hill to Knightsfield Farm; and Uttoxeter Town

Route 32 - linking Uttoxeter Town 14 through Pinfold Street north to Uttoxeter Quarry.

- 13.5 Policy T4 (Traffic and the Town Centre) of the Neighbourhood Plan 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.”*

- 13.6 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 and Neighbourhood Plan Policy T3 requires that these standards are met.

### **Assessment**

- 13.7 The concerns raised by local residents have been recognised and scheme has been subject to revision during the application process in order to address the requirements of the County Council as the Highway Authority. The Highway Authority are now satisfied that the access arrangements to serve the development are acceptable in highway safety terms and that adequate car parking provision can be accommodated to serve dwellings within the site. Within the site itself a condition of any approval will require a ‘Master Plan’ submission to include a street layout and character details including measures to restrain vehicle speeds to 20mph; a parking strategy including the provision of secure cycle parking facilities for each dwelling unit along with pedestrian connectivity (especially to public transport). As per the previous approval provision could be made by condition to secure continued access to the rear of existing dwellings on Balance Street during the construction and occupation stages.
- 13.8 The application scheme will also necessarily provide for a number of off-site measures to be secured by Section 106 Agreement (see Section 22 below); including traffic calming on Pinfold Street; a Toucan crossing on Hockley Road; a Yellow box junction on Hockley Road; and the pedestrianisation of the southern section of Pinfold Street (with all these works to be completed ahead of the completion of the 50th dwelling). A financial contribution of £15,000 is also required in respect of a monitoring fee for an agreed Residential Travel Plan; which again will be secured by Section 106 Agreement (see again Section 22 below).
- 13.9 Network Rail in their submissions – which remain as per those 2019 - indicated that the continued safe use of the railway crossing was of paramount importance, in particular in relation to reducing the likelihood of traffic ‘blocking back’ over the Hockley Road level crossing during both

the construction and occupation phases. In relation to this issue, Network Rail considered that whilst traffic turning left out of the site (on 'Zone 1') onto Hockley Road would not raise any safety issues, their "optimum solution" in relation to the issue of traffic approaching the site from the Old Knotty Way over the crossing would be to have a right turn ban on Hockley Road. Consequently, and as Network Rail themselves acknowledged (in 2019), traffic would therefore need to be directed through the town centre.

- 13.10 The County Highway Authority in turn (in 2019) gave consideration to these comments of Network Rail and advised that in relation to construction traffic to the site along Hockley Road that this could be controlled (within reason) by the Construction Vehicle Management Plan (CVMP). This provision continues to be requested by the Highway Authority as a condition of any approval. An informative on any approval decision notice could specifically draw the attention of the applicants to this issue to inform their preparation of the details of the Construction Vehicle Management Plan.
- 13.11 On the issue of the any right turn ban on Hockley Road, the County Highway Authority Officer commented in 2019 that it was their understanding *"that the previous 2013 outline consent for the larger site identified a similar access point from Hockley Road for residential development with all movements permitted."* The Highway Officer also (in 2019) commented that *"the current application was supported by a Transport Assessment, carried out by SCP (on behalf of the applicants), which compared the proposed development to the same area of development from the 2013 outline permission. It was accepted that the current application would not have any greater impact on Hockley Road than the previously approved development."* In relation to revised scheme, with its updated Transport Assessment, the County Highway Authority have not changed their position.
- 13.12 Separately from Network Rail, (in 2019) the County Highway Authority confirmed that in their interrogation of the application submissions that they had due regard to the proximity of the level crossing and the applicants were requested to provide a yellow box junction at the point of access onto Hockley Road to prohibit vehicles travelling south- west from blocking the access to the site and thus allowing right turns. This yellow box junction provision would be a requirement of condition and a Section 106 Agreement clause in respect of any grant of planning permission. The requirement was therefore an integral factor in the Highway Authority raising no objections to the development as a whole. This remains the case.
- 13.13 The proposal incorporates a number of footway links that will both serve residents of the proposed residential units as well benefiting wider pedestrian linkages between the town centre and residential areas to the south of Old Knotty Way as well towards the railway station. In retaining and enhancing within the site the 'proposed green links' of the 'made' Neighbourhood Plan along Pinfold Street and into Balance Hill and alongside the northern bank of the Picknall Brook respectively the scheme would meet the specific objectives of Policy E3 of the Neighbourhood

Plan. These would be further enhanced by the off-site highway safety works.

13.14 An informative to this outline approval will point out to the developers the need to ensure sufficient space is provided within garages or within residential plots for the storage of cycles.

13.15 Accordingly, the scheme is considered to be acceptable in relation to highway safety and associated railway crossing safety.

## **14. Historic Environment**

### **Relevant Policies**

14.1 The NPPF indicates that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

14.2 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.

14.3 Section 66(1) 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.

14.4 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.

14.5 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.

- 14.6 Policy D4 (Heritage Assets) of the Neighbourhood Plan requires that all new development must take account of its impact on heritage assets across the Neighbourhood Plan Area - both designated and non-designated - seeking to protect and enhance them.

### **Assessment**

- 14.7 The northern side of the application site (at Zone 1) adjoins and is partly within the conservation area; albeit only in terms of small parcels of land. The site is also within the setting of Grade II listed buildings on Balance Street notably Nos. 23, 25, 53 and 55 Balance Street and the Roman Catholic Church of St Mary. There are views towards the site from the former police station on Pinfold Street; which is also Grade II listed building. Therefore, Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged by this scheme.
- 14.8 The application site was previously developed as part of a JCB factory complex with large scale industrial buildings. This has since been cleared as a result of demolition work and the land now forms a vacant brownfield site. As such the application site does not make a positive contribution to the setting of the Conservation Area nor the nearby listed buildings which greatly derive their significance of setting from the urban character and the historic development of the town.
- 14.9 The area of the application site immediately adjacent to the Conservation Area (Zone 1) is likely to have the greatest physical impact due to the proximity and extent of development proposed in this zone. The application submissions indicate that the proposed development towards the north of the site will follow the finer grain found in this part of the area before opening out to the town park to the south and that materials and form will be sympathetic to the character of Balance Street with a variance across the site of two and three storey buildings.
- 14.10 The applicants submitted Conservation Area Statement notes that views into Balance Street up Pinfold Lane are interesting in townscape terms and are satisfactorily 'closed off' by the Grade II listed Police Station. The Statement further notes that Balance Street is important in the character of the town centre because of the extent in the survival of its historic and distinctive form.
- 14.11 The proposed development around Zone 1 would include the west of Pinfold Street as it ascends into the Conservation Area. It is considered that there is potential to be derived from the development scheme for enhancement in the approaches to the Conservation Area through the sensitive and sympathetic development of the area including reinforcing the building line along the peripheral streets that lead into the Conservation Area. It is considered that the view along the street to the police station could to be respected.
- 14.12 The current application is nevertheless only outline in form (with details of access) therefore whilst an illustrative sketch scheme has been



submitted this is only indicative and all details such as layout, design, materials and scale etc would be reserved for any later detailed consideration. Therefore, at this stage any assessment is being made in principle as to whether the development is acceptable in heritage asset terms whilst also having due regard to the fact that a previous permission has been granted for the re-development of the site.

14.13 In overall terms, therefore, the existing site does not in its present form as vacant cleared industrial site make a positive contribution to the character of the Conservation Area or the setting of the listed buildings. There is therefore an opportunity to enhance the setting of heritage assets and the approach into the Conservation Area by reinforcing building lines and providing a more coherent streetscape.

14.14 Whilst it is recognised that ultimately the success of this scheme will depend on any reserved matters submissions (over which the Council will clearly have necessary control in due course), considering the limited contribution that the existing site makes to the setting of heritage assets there is at this outline stage considered to be sufficient potential scope for positive development to come forward to conclude that the scheme will preserve or enhance the Conservation Area and the setting of the nearby listed buildings. Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are satisfied accordingly.

14.15 In relation to archaeological matters, the County Archaeologist comments that the levelling which has occurred across the development site would in all likelihood have removed any archaeological remains which may have survived associated with the medieval backplots and as such no archaeological recording condition would be relevant in this case.

## 15. Flood Risk and Drainage

### Relevant Policies

15.1 Section 14 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 risk 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.

15.2 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.

### Assessment

15.3 The application site being bisected by the Picknall Brook means that it is partly situated within flood zone 2 and partly within flood zone 3. There

were objections and concerns raised in relation to the original application proposal by the owner and one of the tenants of the Bridge Street Industrial Estate.

- 15.4 During the original application process, the owner of the Industrial Units submitted a detailed report in support of their concerns over flooding risks which in turn was the subject of a rebuttal submission on behalf of the applicant. These respective reports, along with the original flood risk submissions of the applicants, have all been subject of a detailed review by both the Environment Agency and the County Council as the Local Lead Flood Authority, both of whom concluded that there are technical solutions to mitigate any flood risk concerns that may arise as result of the development which could be successfully addressed by conditions of any grant of outline planning permission.
- 15.5 The County Council as the Local Lead Flood Authority and Severn Trent Water Ltd raise no objections in principle in terms of foul and surface water drainage which would also be subject to conditions of any outline approval. Any detailed scheme would have regard to the surface treatments within the development site (having regard to the comments of the Town Council).

## **16. Green Infrastructure**

### **Relevant Policies**

- 16.1 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.
- 16.2 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 it is expected to meet which provide for the enhancement of any environs and for wider benefits than just those of the occupiers of any site.

### **Assessment**

- 16.3 This development proposal provides for the creation of the ‘town park’ (within the whole of Zone 3) along with an open area in the southern part of residential Zone 1 which will deliver some 2.0 ha of open space alongside the Picknall Brook which as well as serving the residents of the development would provide for green corridor link between Hockley Road and Bridge Street. This provision would clearly also enhance this urban environment as part of a rejuvenation of a brownfield site and as such ensures pedestrian linkages could be provided to children’s play space/open spaces and the wider footway/footpath network.

## 17. Biodiversity (including Habitat Regulations Assessment)

### Relevant Policies

- 17.1 Paragraph 180 of the NPPF 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.
- 17.2 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.
- 17.3 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. Policy DP8 seeks that protection is provided for trees on development schemes.
- 17.4 Detailed Policy 11 of the Local Plan states that development will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the integrity of the Cannock Chase SAC.

### Assessment

- 17.5 The Picknall Brook is an integral part of the development lands and scheme proposes re-naturalisation works to the watercourse which are considered to be visually beneficial to the townscape.
- 17.6 The updated ecological surveys provided with the application indicate there was no evidence of protected species being present on the land areas of the site but points out that the Picknall Brook provides a habitat for various fish species and that beyond its canalised form in this location supports otters and water voles. As such conditions of any approval would provide for a detailed scheme of ecological protection and enhancement; and thus take on board the concerns of the Town Council. The mitigation would also provide for the removal of Japanese Knotweed and Indian Balsam which are in evidence on the site. The protection of existing trees to be retained as part of the development could be secured by a condition.
- 17.7 Along with the provision of necessary landscaping, which would also be secured by any condition, it is considered that the submissions in terms of on site works would meet the aims of national and local planning policies in terms of biodiversity and ecological enhancements.

### Habitat Regulations Assessment

- 17.8 The Development site - in terms of its western part - lies within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC) and both individually, and in combination with other development within the zone of influence, will increase the human population within the

zone and contribute to the creation of new paths, path widening, erosion and nutrient enrichment from visitor use and vehicle emissions.

17.9 The project being assessed would result in a net increase of up to 108 No. residential dwelling within the 15km zone of influence; although given that only part of the site is within the zone it is likely to be approximately half that amount (as any land outside the 15km zone cannot be taken into account). In line with the published evidence, an adverse in combination effect on the integrity of the SAC would therefore be likely to result due to an increase in recreational disturbance as a result of the new development. As such, in order to lawfully be permitted, the effects resulting from the development will need to be avoided and mitigated through a package of suitable measures.

17.10 The Cannock Chase SAC Partnership has agreed a series of mitigation and avoidance measures with Natural England. These are referred to as Strategic Access Management and Monitoring Measures (SAMMM). Furthermore, evidence indicates that the measures set out in the SAMMM can accommodate fluctuations in housing delivery from speculative growth (windfall), provided any fluctuations are within the parameters of currently adopted plans. This is set out in detail in the Cannock Chase SAC Planning Evidence Base Review Stage 2 (2021).

Therefore, the Cannock Chase SAC Planning Evidence Base Review Stage 2 (2021) suggests that any likely significant effects to the Cannock Chase SAC can be avoided or mitigated through the provision of a financial contribution per net residential dwelling proposed towards the measures outlined in the SAMMM. The relevant financial contribution per additional dwelling has been set at £290.58 which the applicants have acceded to pay on pro rata rate per relevant dwelling on the land that falls within the zone of influence (as part of the Section 106 Agreement). Therefore, with relevant mitigation secured it is concluded that that the proposed development would deliver sufficient mitigation and avoidance measures, to prevent an adverse in combination effect on the integrity of the Cannock Chase SAC.

## **18. Affordable Housing and Housing Mix**

18.1 Section 5 of the NPPF expects Local Authorities to 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 Revised Housing Choice SPD (of 2019) responds to this requirement.

18.2 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.

18.3 The Revised Housing Choice SPD in respect of development in Uttoxeter expects the following housing mix for market housing:

	Uttoxeter
Housing for the Elderly**	10%
1-bedroom homes (flats, houses or bungalows)	3%
2-bedroom houses	28%
3-bedroom houses	30%
4-bedroom houses	20%
5-bedroom houses	9%

- 18.4 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(3) 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.
- 18.5 Strategic Policy 17 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 40% of affordable housing. The policy states the following percentages:
- On previously developed land within the built up areas of Burton and Uttoxeter; 25%
  - On greenfield sites within and on the edge of Burton and Uttoxeter; 33%
  - On other land; 40%
- 18.6 Strategic Policy 17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.
- 18.7 Policy H2 of the Uttoxeter Neighbourhood Plan 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. 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.
- 18.8 The Revised Housing Choice SPD provides guidance on the expected affordable housing mix of sites.
- 18.9 As far as the housing mix is concerned given the scheme is in outline form without a detailed breakdown on the housing mix the issue would necessarily be addressed at any future reserved matters stage.
- 18.10 With regard to the guidance providing 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.

- 18.11 Insofar as affordable housing provision is concerned, Policy SP17 of the Local Plan requires that 25% of dwellings shall be Affordable Housing and that 13% (of the overall total of properties) must be provided on site; with the remaining 'difference' of 12% to be provided as an affordable housing financial contribution sum (calculated at £40,000 per dwelling).
- 18.12 The issue of affordable housing provision was the subject of a full assessment during the application process in the light of the viability submissions. Following review by external consultants (CPV) appointed by the Local Planning Authority, it was concluded that in this particular case the Council should defer viability testing until the scheme is fully designed because at that stage dwelling mixes/types will be available, that construction costs will be better known and that any abnormal costs (such as foundation construction requirements) can be applicant's more readily understood.
- 18.13 The applicants subsequently confirmed that they were agreeable to accept a clause in a Section 106 at this outline stage to defer the agreement on affordable housing levels to the reserved matters stage (see also Section 22 below).
- 18.14 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 be a matter for any reserved matters stage.

## 19. Open space

### Relevant Policies

- 19.1 The NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 19.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 19.3 Policies SP32 and SP33 set out the requirements of open space provision across the Borough.
- 19.4 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.
- 19.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document

- 19.6 Policy L3 of the Neighbourhood Plan 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 (Borough Council's) Open Space SPD.
- 19.7 Policy E1 of the Neighbourhood Plan 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.

### **Assessment**

- 19.8 As set out in Section 17 above the application scheme will provide some 2.0 ha of open space alongside the Picknall Brook. This provision is substantially above that which would be the overall minimum requirement for the development of this scale; this being some 0.66 ha.
- 19.9 In terms of the breakdown of the elements of the required open space, it would be expected that the open space provision would comprise 0.02 ha of equipped play; 0.22 ha of parks and gardens, 0.15 ha of semi/natural green space, 0.21 ha of amenity greenspace and 0.06 ha of allotments. In this instance given the visual contribution of the town park and its open space linkage role, it is considered that the scheme would not necessarily lend itself to allotment provision. Precise details of the laying out of the 'town park' and other open spaces would be secured by way of condition.
- 19.10 A management regime for the maintenance of the public park is proposed by the applicants and would be secured as part of any Section 106 Agreement; as would any public realm installations (see Section 22 below). As such the scheme would meet with the aim of the open space provision needs of the relevant policies.

## **20. Education**

### **Relevant Policies**

- 20.1 There is a need for education facility provision in East Staffordshire, particularly at Burton Upon Trent and there is the need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be expected in Uttoxeter and Burton Upon Trent. In addition, the policy describes how proposals for education facilities will be assessed. Applications will be required to demonstrate that the location is accessible for the need for which it is intended to meet. Policy C3 of the Neighbourhood Plan relates to Education and Childcare Provision and seeks to ensure the provision of education and childcare facilities.

### **Assessment**

20.2 The Education Authority identify that that the application scheme - as a proposal for up to 108 No. dwellings – requires a commuted sum of £688,394 in respect of provision of education provision; being comprised of new school places in first school education (£418,800) and middle school education (£269,594). The relevant commuted sums could be secured by any Section 106 Agreement (see also Section 22 below).

## **21. Health**

### **Relevant Policies**

21.1 Policy SP34 of the Local Plan requires the health and wellbeing of residents in the Borough to be taken into consideration and Policy SP9 requires developers to contribute to infrastructure and services required as a consequence of a development. Health is included in the definition of infrastructure in the Local Plan

21.2 Policy C2 of the Neighbourhood Plan 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.

### **Assessment**

21.3 The Health Authority identify that that the application - as a 108 No. dwellings scheme - would require a commuted sum of £70,199 towards health facilities in the town. As per the education requirement the relevant commuted sum could be secured by any Section 106 Agreement (see also Section 22 below).

## **22. Section 106 Contributions**

22.1 Paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

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

22.2 Having regard to the matters addressed in the Assessment section above the following contributions/requirements are sought by the LPA :-



Item	Planning Obligation	Cost (where applicable)
Education	Commuted sums for new school places in first school education (£418,800) and middle school education (£269,594).	<b>£688,394 (based on 108 No.)</b>
Refuse Containers	Contribution to provide refuse storage containers,	<b>£90 per dwelling</b>
Primary Care	Request a commuted sum of £70.199 towards health care provision in Uttoxeter. (based on 108 No. dwellings)	<b>£70,199 (based on 108 No.)</b>
Open space	Provision of a maintenance regime for the public open space (inc. proposed 'Town Park' along Picknall Brook).	-
Affordable Housing	Affordable Housing provision	<b>To be determined by way of viability assessment to accompany any reserved matters submission(s)</b>
Public Realm improvements	Public Art installation to be provided by the applicants in the new town park area.	-
Cannock Chase SaC	Financial contribution £290.58 per dwelling located within the Sac zone of influence	<b>£290.58 pro rata per dwelling located in the 15km zone.</b>
Travel plan monitoring	Residential Travel Plan Monitoring fee	<b>£15,000</b>
Off-site Highways Works (Physical Works)	<ul style="list-style-type: none"> <li>• Toucan crossing on Hockley Road;</li> <li>• Yellow box junction on Hockley Road;</li> <li>• Pedestrianisation of the southern section of Pinfold Street; and</li> <li>• Traffic calming scheme on Pinfold Street</li> </ul> <p>(with the works to be completed prior to completion of the 50th dwelling).</p>	-

- 22.3 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.
- 22.4 As set out in Section 5 of this report Uttoxeter Town Council in their submissions have requested if planning permission was granted for the scheme that any Section 106 (or deed of variation) provide for the following
- (i). Providing and installing, or providing the funding for, additional road safety/community enhancement measures for traffic calming into and out of Uttoxeter;
  - (ii). Providing and installing, or providing the funding for benches to facilitate enhancement of the Town's green corridors and to provide safe walkways to assist with the promotion of benefits to health for all ages and abilities;
  - (iii). Contributing to the additional costs of the Council-owned Cemetery.
- 22.5 With regard to point (ii), it is considered that in terms of the additional provision of open space and the enhancement of the green corridors/public footpaths that the scheme already achieves substantive enhancements. In respect of points (i) and (iii) it is not considered that these matters would meet the necessary tests of the NPPF and Community Infrastructure Levy Regulations 2011 (as amended) as the requested matters are not necessary to make the development acceptable in planning terms. It is also pointed out that none of the matters requested by the Town Council formed part of the Section 106 requirements when the application for the larger was determined by the Committee in April 2019.

## 23. Conclusions

- 23.1 In overall locational terms, the scheme is considered to represent a sustainable residential development that would fully meet the housing delivery strategies set out in national and local planning policies.
- 23.2 There are no objections from the County Highway Authority in relation to the detailed access arrangements shown at this outline stage. The Highway Authority also conclude that the proposed off-site highway works will ensure that the development will not comprise the safe use of the railway crossings over the adjoining railway line. Network Rail raise no objections in principle.
- 23.3 There are also no other technical issues, for example in relation to matters such as drainage, land contamination or other pollution issues, which could not be dealt with successfully by way of a condition of a outline approval or a clause of a Section 106 Agreement. The Section 106 would also seek to deliver affordable housing; albeit the matter will be subject to a viability appraisal at the reserved matters stage.

23.4 It is also considered that the scheme would provide for the improvement of the visual amenities of this urban locality and could be accommodated without giving rise to any detrimental impact on residential amenities. The scheme would also be able to address biodiversity and ecological aims and in its provision of open space could provide much needed additional green space in this town centre environment. The scheme would not give rise to increased flood risks subject to technical mitigations.

23.5 The re-naturalisation works to the Picknall Brook could also represent a visual enhancement to the locality as well as having on site ecological benefits. The potential impacts on the Cannock Chase SAC will be mitigated by a commuted sum payment (under the Section 106 Agreement).

23.6 The scheme could also afford an opportunity to enhance the character and appearance and setting Conservation Area - as well as the wider townscape - and to enhance the setting of listed buildings. The statutory duties under Section 66 (1) and 72 would therefore be successfully addressed.

**23.7 RECOMMENDATION - THAT OUTLINE PLANNING PERMISSION BE APPROVED SUBJECT TO A SECTION 106 AGREEMENT (as detailed in section 22 above) and the following CONDITIONS.**

**Condition 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.

**Condition 2 - Reserved Matters Details**

The developable residential area(s) within the application shall be as shown on the approved plans (listed at condition 2 below) and no development shall take place within any Phase until details of the following reserved matters for that Phase have been submitted to and approved in writing by the Local Planning Authority:

- a - Appearance
- b - Landscaping
- c - Layout
- d - Scale

The development of any Phase shall be carried out strictly in accordance with the approved details to the satisfaction of 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.

**Condition 3 - Time Limit for Development to Start**

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 conform 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.

#### **Condition 4- Approved Plans/Documents**

The development hereby permitted insofar as it relates to the extent of the application site (and uses) and means of access only shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission.

Drawing No. MP.002A-Rev Site Location Plan dated as being received on 1.9.2022

Drawing No. MP.105A-Rev Masterplan - Site Access Updated dated as being received on 1.9.2022

Drawing No. 273.MP.101-Rev Zoning Plan dated as being received on 1.9.2022 Amended application form dated as being received on 1.9.2022

B Uttoxeter Properties Holdings Limited Update Supporting Statement dated as being received on 1.9.2022

SCP Revised Transport Assessment (July 2022) dated as being received on 1.9.2022

RSK Constraints Walkover Report (3rd Nov 2021) dated as being received on 1.9.2022

Weetwood Flood Risk Clarification Note (2nd Nov 2021) dated as being received on 1.9.2022

C Henshaw Archaeological Building Recording Report (2013) dated as being received on 27.10.2017

RSK Bat report (July 2013) dated as being received on 6.10.2017

RSK Ecological Constraints walkover Report (October 2017) dated as being received on 27.10.2017

Envirotrat Final Validation and Verification Report (August 2017) dated as being received on 27.10.2017

Weetwood Flood Risk Assessment Draft Report v2.0 (September 2017) dated as being received on 6.10.2017

GIP Phase 2 Ground Investigation and Test Report (3rd Nov 2011) dated as being received on 9.10.2017.

Echo Acoustics Noise Assessment (02 October 2017) dated as being received on 27.10.2017

Echo Acoustics Addendum Noise Assessment (25 October 2017) dated as being received on 27.10.2017

RSK Phase 1 Habitat report (July 2013) dated as being received on 6.10.2017

RSK Picknall Brook Ecological Survey Report (July 2013) dated as being received on 6.10.2017

C Henshaw Pinfold Street Uttoxeter Archaeological building recording report (July 2015) dated as being received on 27.10.2017

Envirotrat Remediation Strategy Rev 3 (November 2015) dated as being received on 6.10.2017.

Sustainable drainage SCP Travel Plan (September 2017) dated as being received on 6.10.2017.

Weetwood Utilities Assessment (March 2016) dated as being received on 27.10.2017

RSK Uttoxeter Otter and Water Vole letter report (26 September 2017) dated as being received on 6.10.2017

RSK Uttoxeter Walkover Report (01 September 2017) dated as being received on 6.10.2017

Reason: For the avoidance of doubt to ensure the development will not adversely affect the setting of heritage assets/appearance of the locality, the amenities of neighbouring properties, biodiversity or flood risk, railway safety or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP4, SP5, SP7, SP8, SP9, SP10, SP16, SP17, SP23, SP24, SP25, SP27, SP29, SP32, SP34, SP35, DP1, DP2, DP3, DP5, DP7, DP8 and DP11, the Uttoxeter Neighbourhood Plan Policies D1, D3, T1, T2, T3, T4, T5, L3, E1, E3, E4, H,2, C2, and C3, Revised Housing Choice Supplementary Planning Document (2019), East Staffordshire Design Guide, Separation Distances and Amenity Supplementary Planning Document, Parking Standards Supplementary Planning Document, Waste Storage and Collection Guidance for New Developments, Open Spaces and Playing Pitch Supplementary Planning Document, Climate Change Supplementary Planning Document, Planning Obligations Supplementary Planning Document and the National Planning Policy Framework.

### **Condition 5- Phasing Plan**

Details of a phased programme of work shall be agreed with the Local Planning Authority prior to the commencement of any development (including site clearance works/groundworks) and shall include a phasing timetable for the development of the residential element(s) of the scheme (including associated open space provision) along with the timing of the works for the re-naturalisation of the Picknall Brook and for the provision of the 'town park'/other open space provision along with the details of the treatment of any lands that may remain vacant upon the occupation of any dwelling unit(s) on other phases/areas of the site. The agreed phasing shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity/ecology and to prevent pollution of the water environment as recommended by the Environment Agency in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

### **Condition 6- Re-naturalisation of the Picknall Brook**

Unless otherwise agreed under the provisions of the phasing scheme (to be agreed under condition 5) no development (including any site clearance works/groundworks) shall take place on the site until precise details of the restoration/re-naturalisation of the Picknall Brook (including a long-term maintenance plan) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the commencement of any other part of the development approved by this

planning permission unless otherwise agreed under the provisions of the phasing scheme (to be agreed under condition 5)

Reason: In the interests of biodiversity/ecology and to prevent pollution of the water environment as recommended by the Environment Agency in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

### **Condition 7- Flood Risk Mitigation**

The development hereby permitted shall not be commenced until such time as a scheme to ensure adequate compensation for the loss of flood plain to the development up to a 1 in 100 year plus 30% allowance for climate change critical flood event, as defined by the flood levels included in the Flood Risk Assessment Version 2.0 (dated 27 September 2017), has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Environment Agency. The scheme shall demonstrate through the submission of plans, drawings and calculations that the area of floodplain to be created exceeds the loss of floodplain for each and every phase of development as well as upon completion of the overall development.

The scheme to be submitted shall also show the location of the cut and fill works and provide detailed designs of any retaining structure/s and the flood plain compensation areas through the submission of plans and cross-sectional drawings, showing each 200mm horizontal slice through.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Environment Agency.

Reason: To mitigate flooding and to prevent pollution of the water environment as recommended by the Environment Agency in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

### **Condition 8- Watercourse alteration**

Prior to the commencement of any phase of the development hereby permitted which includes the alteration of the watercourse detailed designs and alignment for the watercourse, as indicated on the Illustrative Masterplan for the proposed development (as listed at condition 4), shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The detailed designs shall demonstrate through the submission of plans, drawings, calculations and (where necessary) modelling the following:

- the alignment of the watercourse and any lowering of bank levels, including a minimum 8 metre easement/maintenance access strip from top of channel edge to any built development
- the designs for any crossings pedestrian and/or vehicular
- that the channel is capable of conveying flood flows without increasing the risk of flooding to third parties
- how the design makes a net positive contribution to biodiversity

- the incorporation of an unobstructed access for maintenance purposes

The works shall be implemented in accordance with the approved detailed designs and a timetable of construction to be submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Agency.

Reason: In the interests of biodiversity/ecology and to prevent pollution of the water environment as recommended by the Environment Agency in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

### **Condition 9- Construction Method Statement (Flood Plain)**

Prior to the commencement of any works affecting the flood plain/existing watercourse, including any site clearance works/groundworks, within each Phase of the development, detailed Construction Method Statements for the flood plain compensation and separately any alterations of the watercourse shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The Statements shall provide for:

- methods used for all flood plain and /or channel and bank-side/water margin works including temporary and permanent works
- machinery to be used
- location and storage of plant, materials and fuel
- access routes to the works, access to the banks of the watercourses
- method of protection of the site and any areas of ecological sensitivity and importance
- site supervision
- location of site office, compounds and welfare facilities

The approved statements shall be adhered to throughout the construction period unless otherwise agreed in writing with the Local Planning Authority.

Reason: To mitigate flood risks, in the interests of biodiversity/ecology and to prevent pollution of the water environment as recommended by the Environment Agency in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

### **Condition 10- Construction Vehicle Management Plan (Highways)**

No phase of the development shall take place (including any site clearance works/groundworks), until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The CVMP shall include the following:

- Arrangements for the parking of site operatives and visitors
- Loading and unloading of plant and materials (including delivery hours)
- Storage of plant and materials used in constructing the development
- Construction days and hours

- Pedestrian and cyclist protection
- Any proposed temporary traffic restrictions
- Recorded daily inspections of the highway adjacent to the site access
- Wheel washing and measures to mitigate mud or debris being carried onto the highway.

The approved CVMP shall be adhered to throughout the construction period unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35 and the National Planning Policy Framework

### **Condition 11- Noise and Dust mitigation (Construction Phase)**

No phase of the development (including any site clearance works/groundworks) shall take place until details of a scheme of noise and dust mitigation during the construction process are first submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

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

### **Condition 12- Foul Water Drainage**

No development (including any site clearance works/groundworks) shall take place on any phase of the development scheme until details of the proposed foul water drainage systems are first submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate foul 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 SP27 and DP7 and the National Planning Policy Framework.

### **Condition 13- Sustainable Surface Water Drainage**

No development (including any site clearance works/groundworks) shall take place on any phase of the development scheme until details of Sustainable Surface Water Drainage systems to serve the development are submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development. The plan should include a named body responsible for undertaking the agreed management and maintenance plan over the lifetime of the development.



The development shall be undertaken in accordance with the approved scheme prior to the first occupation of any dwelling and thereafter maintained in strict accordance with the approved management and maintenance plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate surface 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 as requested by Staffordshire County Council as the Local Lead Flood Authority in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

#### **Condition 14- Vehicular Access details**

Prior to the commencement of development (including any site clearance works/groundworks) on any relevant phase full details of vehicular access points including visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The vehicular access points and visibility splays shall be provided in accordance with the approved details prior to the first occupation of any dwelling served by that access and thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, Uttoxeter Neighbourhood Plan Policy T4, and the National Planning Policy Framework.

#### **Condition 15- Road Construction details**

No development (including any site clearance works/groundworks) shall take place on any phase of development until details of road construction related to that phase, including the longitudinal sections and means of drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1, SP27 and SP35 and the National Planning Policy Framework

#### **Condition 16- Highways Surfacing details**

No development (including any site clearance works/groundworks) shall take place on any phase until details of all materials for hard-surfaced areas relating to that phase, including accesses, roads, parking, turning areas, pavements, pathways and any other hard-surfaced areas within the phase and around the buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, Uttoxeter Neighbourhood Plan Policies T1, T2, T4 and E3 and the National Planning Policy Framework.

**Condition 17- Finished Floor/Ground Levels**

No development (including any site clearance works/groundworks) hereby permitted shall take place on any agreed phase until details of finished floor levels and finished ground levels of that phase of the development are submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The details to be submitted shall demonstrate that internal finished floor levels are set a minimum of 450mm higher than the 1 in 100 year plus 30% for climate change predicted flood level for that phase of development.

The development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of creating or exacerbating a flooding in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

**Condition 18- Habitat Protection**

No development (including any site clearance works/groundworks) shall take place on any phase until mitigation measures (including an implementation timetable) for the protection of protected species/other ecological interests on the relevant phase (including the Picknall Brook) during and after construction works have been submitted to and approved in writing by the Local Planning Authority. Where any development commences within 2 years of the date of the most recently submitted ecological report(s) on this application (as listed in condition 4 above) the mitigation measures shall be based on the ecological survey work submitted with the application. Where any development commences after the aforementioned 2 year period the mitigation works shall thereafter be based on updated ecological survey work which shall have first been submitted to and approved in writing by the Local Planning Authority (and which in any case shall not be more than two years old at the time of works commencing). All mitigation works shall be undertaken in accordance with the approved details/timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity/ecology in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

**Condition 19- Biodiversity Strategy**

No development (including any site clearance works/groundworks) shall take place until a biodiversity strategy for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The submissions (where relevant to that phase(s)) shall relate to the 'town park' and other open spaces/green areas and built-up areas, and include a nature conservation management plan for the town park and other open space/green areas. The development shall only be carried out in accordance with the approved strategy and plan document(s) unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of biodiversity/ecology in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

### **Condition 20- Highway Works (on site)**

The details required under condition 2 in relation to any development on Zone 1 shall include a Master Plan which shall include the following: Street layout and character including measures to restrain vehicle speeds to 20mph/Parking Strategy including the provision of secure cycle parking facilities for each dwelling unit/Phasing/timetable of the works/Pedestrian connectivity (especially to public transport)/Clear delineation of roads and footways to be offered for adoption. The Master Plan (including the timetable of works) shall be complied with unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, Uttoxeter Neighbourhood Plan Policy T3 and T4, Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

### **Condition 21- Securing access to dwellings on Balance Street**

The details required under condition 2 in relation to any development on Zone 1 shall include details of the means of ensuring that vehicular and/or pedestrian access to the rear of all those properties on Balance Street which currently benefit from vehicular and/or pedestrian access is retained during the construction phase and in relation to the development occupation phase.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35 and the National Planning Policy Framework.

### **Condition 22 – Completion of Highway Works**

All the following off site highway works listed below shall be completed prior to completion of the 50th dwelling unless otherwise first agreed in writing with the Local Planning Authority :-

- Provision of traffic calming measures on Pinfold Street;
- Provision of a Toucan crossing on Hockley Road;
- Provision of a Yellow box junction on Hockley Road; and
- Pedestrianisation scheme for the southern section of Pinfold Street.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35 and the National Planning Policy Framework.

### **Condition 23 – Land Contamination (Zone 1)**

(a) No development (including any site clearance works/groundworks) shall commence on Zone 1 (as identified on the approved drawings listed at

condition 4 above) until the submission to and approval by the Local Planning Authority of the final phase of remedial works in Zone 1 including suitable capping layer and gas protection measures (where applicable) and a timetable for undertaking the works.

- (b) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and agreed in writing with the Local Planning Authority.
- (c) Upon completion of all approved remediation works, a closure report shall be submitted to and approved by in writing by the Local Planning Authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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

#### **Condition 24- Laying out of open space**

The details required under condition 2 in relation to development on Zones 1 and 3 shall where relevant include details of the formal laying out of the 'town park' and other areas of open space/green areas, precise details of the pathways throughout the park/lands, including links with existing public footways (including a timescale for completion). The pathways and links shall be provided in accordance with the approved details and timescale and thereafter shall be retained and maintained as available for use for the life of the development.

Reason: In the interests of sustainability, visual amenities and biodiversity/ecology interests in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP29, D1 and DP3, Uttoxeter Neighbourhood Plan Policy L3, E1, and E3 and the National Planning Policy Framework

#### **Condition 25 – Land contamination mitigation (Zone 3)**

- (a) No development (including any site clearance works/groundworks) shall commence on Zone 3 (as identified on the approved drawings listed at condition 4 above) until the submission to and approval in writing by the Local Planning Authority of the final phase of remedial works in Zone 3 including suitable capping layer and gas protection measures (where applicable) and a timetable for undertaking the works.

- (b) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and agreed in writing with the Local Planning Authority.
- (c) Upon completion of all approved remediation works, a closure report shall be submitted to and approved by in writing by the Local Planning Authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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

#### **Condition 26- Energy Saving construction**

No development above damp proof course level shall take place on any residential element within a phase until details of sustainability/energy saving measures and techniques to be employed in relation to dwellings in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable forms of development in accordance with East Staffordshire Local Plan Policies SP1 and DP2 and the National Planning Policy Framework.

#### **Condition 27 – Noise mitigation (occupation phase)**

No development above damp proof course level shall take place on any residential element within a phase until details of noise attenuation measures to be incorporated in the residential properties in that phase have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall be completed in accordance with the approved measures unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of future residents in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

#### **Condition 28- External materials**

No development above damp proof course level shall take place in relation to

residential development on any phase of the development scheme until samples and details of all external materials and finishes relating to that phase (including those for walls, roofs, windows, doors and chimneys), including details of colour, coursing and texture have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the agreed materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of visual amenities/setting of heritage assets in accordance with East Staffordshire Local Plan Policies SP1, SP25, SP25, DP1, DP3 and DP5, Uttoxeter Neighbourhood Plan Policy E4, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **Condition 29- Redundant crossings closure**

Upon the approved site access points being completed and first brought into use any existing footway crossings on Hockley Road and Pinfold Street, made redundant as a consequence of the development, shall be permanently closed with the access crossing reinstated as a footway in accordance with details which shall have been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35 and the National Planning Policy Framework.

### **Condition 30- Boundary treatment details**

Before any development is first occupied/brought into use on each phase of the development details of boundary treatments, including materials, finishes, heights and sections (where there are changes in topography) in relation to that phase shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenities and visual amenities/setting of heritage assets in accordance with East Staffordshire Local Plan Policies SP1, SP25, SP25, DP1, DP3 and DP5, Uttoxeter Neighbourhood Plan Policy E4, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **Condition 31- Landscape management (years 5-10)**

Before any dwelling is first occupied on each phase of the development details of a landscape management plan related to that phase, for all landscape areas outside of private domestic curtilages, for years five to ten from initial planting shall be submitted for approval in writing by the Local Planning Authority. The landscape areas shall be managed in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

**Condition 32- Travel Plan**

No dwelling on any phase of the development shall be first occupied until a Travel Plan relating to that particular phase of development has been submitted to and agreed by the Local Planning Authority in conjunction with the County Highway Authority. The Travel Plan shall be implemented through agreed mechanisms that have been approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable forms of transport in accordance with East Staffordshire Local Plan Policies SP1 and SP35, Uttoxeter Neighbourhood Plan Policy T4 and the National Planning Policy Framework.

**Condition 33- Tree Protection Measures**

No development (including any site clearance works/groundworks) shall take place on any phase until such time as the protection measures for all existing trees and hedges to be retained in relation to that phase have been erected in accordance with the approved tree report (as listed at condition 4 above) and shall be retained at all times whilst construction work is taking place unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with East Staffordshire Local Plan Policy DP8 and the National Planning Policy Framework.

**Condition 34- Lighting Scheme**

No development shall be first occupied/first brought into use on any phase of the development until a lighting scheme to serve that phase has been completed in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35 and the National Planning Policy Framework.

**Condition 35- Floodplain Topographical Survey**

Upon completion of the cut and fill works (floodplain compensation scheme) required by the development scheme for each phase and prior to any first occupation of each development phase/the bringing into use of the development, an 'as built' topographical survey of the area of floodplain compensation shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason: As required by the Environment Agency to mitigate flooding and to prevent pollution of the water environment as recommended by the Environment Agency in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

**Condition 36- Retained Ground levels**

Unless otherwise shown on any approved plans there shall be no raising of ground levels or erection of any building, structure or any other such obstruction to flood flows within the area of floodplain compensation created as part of the redevelopment of this site unless otherwise agreed in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason: As required by the Environment Agency to mitigate flooding and to prevent pollution of the water environment as recommended by the Environment Agency in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

**Condition 37- Landscaping (Zone 1)**

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 dwelling(s) to which it relates or the completion of the development of the phase of which it forms part, 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.

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 in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

**Condition 38- Landscaping (Zone 3)**

All planting, seeding or turfing comprised in the approved details of landscaping on Zone 3 shall be carried out in accordance with a timetable first agreed in writing by the Local Planning Authority prior to the occupation of any dwellinghouse on Zone 1. 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.

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 in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

**Condition 39- Boundary treatment provision.**

Any scheme of boundary enclosures approved as part of a condition of this permission shall be completed prior to that relevant phase of the development first being brought into use/the relevant dwelling(s) being first occupied.

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, SP25, DP1, DP3 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework

**Condition 40- Timing of tree/hedgerow removals.**

Any approved tree/hedgerow removals works shall be undertaken outside the bird breeding/nesting season unless that removal is undertaken in accordance with mitigation measures set out the approved application submissions (listed at condition 4 above) or otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity/ecology in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework

**Informative Notes**

1.

The conditions identified below require details to be approved before commencement of the development.

Condition No's 5 - 21 and 23-25.

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

Condition(s) No. 22, 26-32, 34-35 and 38

This means that a development may not be lawful unless the particular requirements of these conditions have been met.

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

You are advised that requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made by cheque or card only. Please telephone 01283 508606.

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

2.

The applicant is advised that in complying with the relevant condition(s) above regarding the submission of samples and details of all external materials, ensuring the product name and manufacturer is provided and must be

submitted in writing to the Local Planning Authority as part of the relevant Discharge of Condition application along with correspondence confirming that date on which samples will be made available on-site and where they will be located.

3.

The applicant's attention is drawn to the comments of the Environment Agency in relation to the water environment (including pollution).

4.

The applicant's attention is drawn to the comments of the Network Rail insofar as the submission of any discharge of condition submissions are concerned where it is necessary to have due regard to the operation of the railway (including level crossings) which adjoins the site.

5.

The proposed site access works will 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](mailto: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/HighwaysWorkAgreements.aspx>

6.

With regard to the provision of surface water drainage submissions under condition 13 submission your attention is drawn to the comments of Network Rail and to the fact that the County Highway Authority advises that any soakaway to be installed should be located a minimum distance of 4.5m to the rear of the highway boundary. The County Council as the Lead Flood Authority advises that the final drainage scheme shall be based upon the information detailed within the approved Flood Risk Assessment (revision 2) undertaken by Weetwood in September 2017 (and listed at condition 4 of this approval) and shall include a technical note appended by drawings/ information to demonstrate the following: -

- Evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations.
- If applicable, evidence of ground conditions/ and or contamination that prohibit the use of infiltration (i.e., intrusive ground investigation) or infiltration testing in accordance with BRE365 should be provided to fully demonstrate the viability (or non-viability) of discharging to ground.
- If discharge to a watercourse is proposed, then confirmation of

acceptance to discharge at the point and proposed rate is required from the Environment Agency.

- Drawings showing the total permeable and impermeable areas of the pre-developed and post-developed site.
- Limiting the surface water run-off generated by the overall site so that the existing green field parts of the site will discharge at green field rates and the existing developed parts of the site will offer a significant reduction in discharge rates from current rates and therefore reduce the risk of flooding off-site.
- Provision of appropriate volumes of attenuation storage for all events up to and including the 100-year event plus an appropriate climate change allowance for residential developments.
- Detailed design (plans, network details and performance 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 periods and storm durations.
- Finished floor levels are set in agreement with the Environment Agency or 150mm above local ground level, whichever is the highest. This will ensure that residential development is located outside of areas of fluvial and surface water flooding.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- 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.

7.

This permission does override any private legal issues such as rights of way or the requirements of other legislation (for example in relation to the operation of the railway).

8.

The applicant/developer is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found at any point all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

9.

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

10

As is this application is outline approval with access only this approval does not imply approval for any housing layout plans or house type submitted with this application. Those documents have been treated as being for illustrative purposes only.

11

Severn Trent Water Ltd advises that it should be noted that for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to Severn Trent Water Ltd under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either the Severn Trent Water Ltd website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contact our Development Services Team (Tel: 0800 707 6600).

12.

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

13.

This permission is subject to a Section 106 Agreement.

## **24. Background papers**

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

- The Local and National Planning policies outlined above in Section 7
- Papers on the Planning Application file reference P/2017/01307
- Papers on the Planning Application file reference P/2014/00969 and the associated discharge of condition application files.
- Papers on the Planning Application file reference OU/05254/018

## **25. Human Rights Act 1998**

25.1 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.

## **26. Crime and Disorder Implications**

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

## **27. Equalities Act 2010**

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

For further information contact: Alan Harvey

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Email: [dcsupport@eaststaffsbc.gov.uk](mailto:dcsupport@eaststaffsbc.gov.uk)