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| Agenda Item: | 5.2 |
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| Site: | Fivelands Allotments, Stanton Road, Stapenhill, Burton upon Trent, Staffordshire, |
| Proposal: | Erection of 64 affordable dwellings and construction of vehicular access (amended plans) |

Report of Head of Service (Section 151 Officer)

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

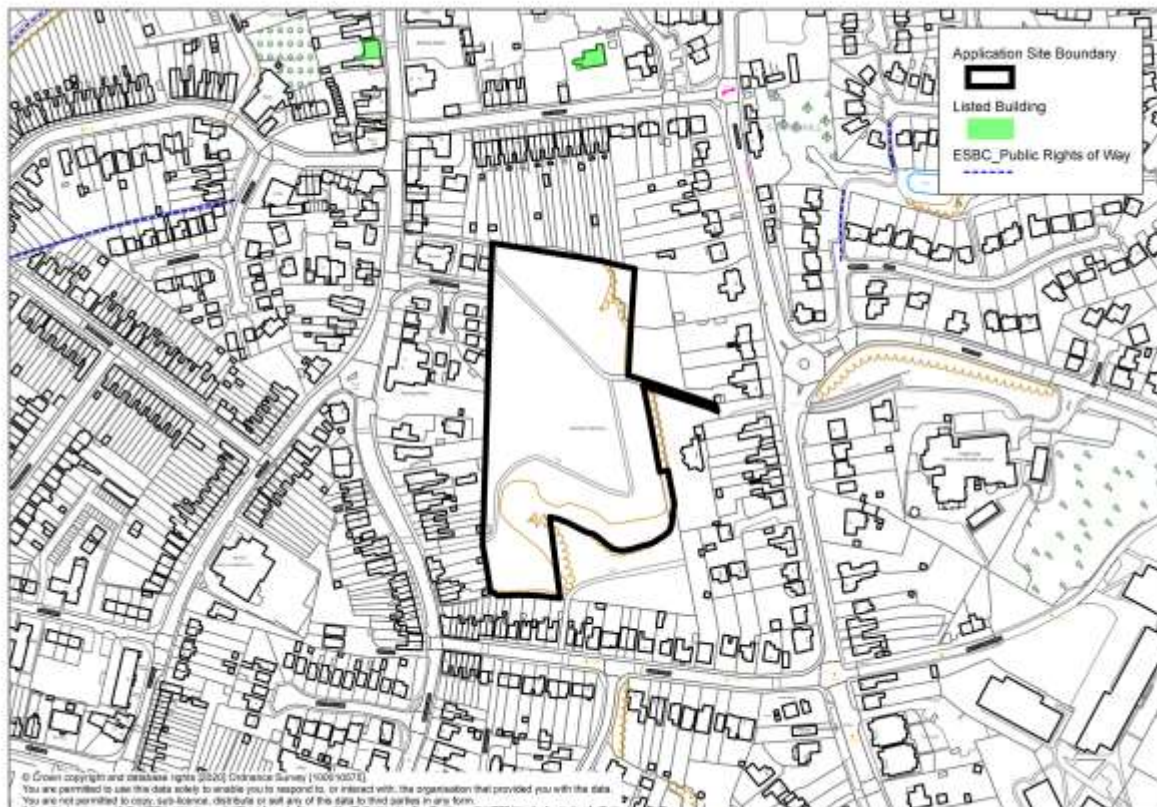
[Hyperlink to Application Details](#)

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| Application Number: | P/2019/01465 | |
| Planning Officer: | Emily Summers | |
| Type of Application: | Detailed Planning Application | |
| Applicant: | Midland Heart/Tricas Construction Ltd | |
| Ward: | Stapenhill | |
| Ward Member (s): | Councillor B Brady Councillor Michael Fitzpatrick Councillor Ms A J Legg | |
| Date Registered: | 23 December 2019 | |
| Date Expires: | Extension of time to 26 th June 2020 agreed in writing by the Planning Agent | |
| Reason for being on Agenda | Outline permission P/2018/01451 was reported to Planning Committee in May 2019 | |
| Officer Recommendation | Approval subject to a S106 agreement and conditions | |

1. Executive Summary

- 1.1 The application site comprises 1.88 ha of the former Fivelands Allotment site which has become dominated by overgrown scrubland. The application is submitted in full and proposes the erection of 64 affordable dwellings with associated access, open space and wildlife corridors. The site is located within the Parish boundary of Stapenhill.

- 1.2 The principle for developing the site for residential purposes is established under the extant outline planning permission P/2018/01451. However this is a full application given the site area has increased to include an additional 0.28 ha of land located to the south of the site and a footpath to the south west of the site has been omitted since the original outline plans. The site is within the Burton settlement boundary and is surrounded by established residential properties. The site is not allocated or earmarked for any purposes within either the Proposals Map of the Local Plan or the Proposals Map of the Stapenhill Neighbourhood Plan
- 1.3 Statutory consultees and relevant Council departments who have been consulted have all raised no objections to the application that cannot be overcome by way of planning conditions. Specialist consultee, the County Ecologist has also been commissioned to provide a technical response on the scheme and raises no objection.
- 1.4 Stapenhill Parish Council have raised objections which are summarised within this report. The initial neighbour notification process, including the display of site notices resulted in the receipt of 25 objections to the proposals. A further notification following the submission of amended plans resulted in the receipt of 6 additional objections.
- 1.5 The proposal would not adversely affect the amenities of occupiers of existing and proposed nearby dwellings, and would provide an acceptable level of amenity for the occupiers of the new dwellings. The proposal will not have an unacceptably adverse impact on the wider existing highway network nor give rise to any environmental concerns. The scheme would also provide necessary mitigation and compensatory measures in relation to protected species and biodiversity.
- 1.6 In addition to the appropriateness of the scheme some weight should also be given to the Section 106 Agreement where fair and reasonably related contributions have been negotiated following viability testing during the current application process. Accordingly, it is considered that the scheme complies with the aims and criteria of relevant policies from the Local Plan, the Council's Supplementary Planning Documents (SPDs), the Stapenhill Neighbourhood Plan and the National Planning Policy Framework.
- 1.7 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to the necessary S106 agreement and conditions.
- 1.8 **Members are advised that the above is a summary of the proposal and the report below provides full details of all consultation responses and the Officer 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 is mostly featureless scrubland covering 1.88 hectares that is landlocked by established built form. There is a brick wall approximately 1.5 - 2 metres in height in parts along the west boundary of the site beyond which are residential properties at Five Lands Road, Convent Close and Rosliston Road. Beyond the north boundary there are the gardens of properties which front Holly Street. Beyond the east boundary are properties accessed from Stanton Road. To the south Eastern corner of the site, adjacent allotments outside of the site provide separation to properties along Saxon Street.
- 2.2 The experience of the site is mainly overgrown scrubland and the topography is the main physical feature where the land has a steep incline upwards from west to east (of approximately 10m). This helps the site feel isolated from built form especially to the east and from the allotments to the south as the land here changes to a significantly elevated level beyond the site boundary. Wooded areas around the perimeter further help the site feel secluded from surroundings.
- 2.3 Close to the west boundary there is a flatter section of land where there are 6 allotment plots. This use is only evident in this section of the site. In terms of accessibility there is a footpath which provides a route through the site and creates a link from the northwest corner near Main Street to Stanton Road to the east. This footpath cuts through vegetation and appears to be heavily used although it is unlit, winding and narrow.

- 2.4 Apart from the perimeter woodland there are no notable trees centrally within the site. Oak trees are visible to the north however these are located just outside the application site boundary on a strip of unregistered land. There are no obvious remnants of any previous use or buildings on the land as there is no fixed surface structures. It is assumed that over the process of time the site has become greenfield and the topography makes areas feel inaccessible. There is also no evidence of any part of the land being used as community open space other than allotments and the footpath. Overall, the site can be characterised as vacant scrubland with no significant visual landscape value.
- 2.5 The national definition of ‘greenfield’ is land usually farmland, that has not previously been developed. The NPPF provides a definition for ‘Previously Developed Land’ and this specifically excludes land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time. Taking into account the experience of the site as scrubland the site can reasonably be categorised as greenfield.

3. Planning history

- 3.1 **P/2018/01451** - Outline application for the construction of up to 49 dwellings including details of access. Resolution for approval (by Planning Committee in May 2019) and S106 Agreement completed 12-05-2020.

4. The Proposal

- 4.1 The application is a full proposal for the erection of 64 affordable dwelling houses with associated highways, drainage and open space infrastructure. The scheme site area encompasses part of the extant outline consent for residential development (P/2018/01451).
- 4.2 The proposed scheme offers a density of 34 dwellings per hectare consisting of two blocks of 6 x 1-bed apartments and a mixture of 2, 3 and 4 bed terrace, semidetached and detached dwellings in a cul de sac formation. There would be a mix of affordable rent/shared ownership (69%/31%). The site would be managed by Midland Heart (the applicant).
- 4.3 The proposal comprises the following housing mix;

| House Type/ Bedrooms | Number |
|------------------------------------|-----------|
| 1 bed apartments | 12 |
| 2 Bed Semi Detached/terraced House | 23 |
| 3 Bed semi -detached House | 22 |
| 4 bed semi detached house | 6 |
| 1 bed detached house | 1 |
| Total | 64 |

- 4.4 A green buffer will be provided from the north west corner round to the southern boundary with the retained allotments. Existing banking will be retained outside of the residential curtilages. An area of site to the north west corner will be natural greenspace and incorporate an attenuation basin. Public open space will be provided on site in addition to the wildlife corridor. This will equate to 890sqm. A landscape scheme has also been provided which consists of tree planting, specimen and shrub planting to private gardens.
- 4.5 Proposed boundary treatments have been provided and consist of timber fences, brick walls and post and rail fences. The existing wall to the west of the site is to be re-built.
- 4.6 Vehicular access to the site will be from Five Lands Road. Off road parking is provided to serve each dwelling in the form of private driveways and communal courtyard parking for the apartments. An existing pedestrian access through the site to the eastern boundary is to be retained albeit re-routed.

List of supporting documentation

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

- PL 100 Location Plan at 1:1250 dated as received 16th December 2019
- PL 02 Rev T Proposed Site Layout at scale 1:500 dated as received 9th June 2020
- PL 03 Rev E Proposed Boundary Treatments at scale 1:500 dated as received 5th June 2020
- PL 04 Rev C Proposed Landscaping at scale 1:500 dated as received 9th June 2020
- PL 02 Rev T Proposed Site Layout at scale 1:500
- PL 04 Rev B Proposed Landscaping at scale 1:500
- PL 05 Rev B Type A Elevations and Plans
- PL 06 Rev B Type B Elevations and Floor Plans at scales 1:50 and 1:100
- PL 07 Rev B Type C Plans and Elevations Sheet 1 at scales 1:50 and 1:100
- PL 08 Rev B Type D Plans and Elevations at scales 1:50 and 1:100
- PL 09 Type B Plans and Elevations at scales 1:50 and 1:100 dated as received 16th December 2019
- PL10 Rev B Type C Plans and Elevations
- PL 11 Rev A Type D Plans and elevations at scales 1:50 and 1:100

- PL 12 Rev C Type A1 Floor Plans Plots 56-64 at scale 1:50
- PL13 Rev D Type A1 Elevations Plots 59-64 Sheet 1
- PL 14 Rev C Type A1 Elevations Plots 59-64 Sheet 2
- PL 15 Type B1 Plans and elevations
- PL 16 Type D1 Plans and elevations at scales 1:50 and 1:100
- SK10 Rev A Existing Site Sections at scale 1:200

- SK 12 Rev D Proposed Site Sections at scale 1:200
- 15649_T Rev 1 Topographical Survey at scale 1:500
- Preliminary Ecological Appraisal (PEA)(Evolution Ecology, October 2019)
- Breeding Bird Survey (Evolution Ecology, October 2019)
- Bat Transect Survey (Evolution Ecology, October 2019)
- Reptile and Terrestrial Amphibian Survey (Evolution Ecology, October 2019)
- Terrestrial Invertebrate Survey (Evolution Ecology, October 2019)
- Design, Access, Planning and Heritage Statement (Nicol Thomas, October 2019)
- Arboricultural Survey (RJ Tree Services, December 2018)
- Health Impact Assessment
- Transport Statement by Integrated Engineering Consultants (September 2019)
- Drainage Management Statement (HSP Consulting)
- Phase II Site Appraisal by GRM (April 2018)
- Witham Archaeology Archaeological Desk-based assessment (October 2019)

(please note that some documentation cannot be published in this list given it refers to protected species)

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

5. Consultation responses and representations

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

| Statutory and non statutory consultee | | Response |
|---------------------------------------|---------------------------|--|
| 5.2 | Stapenhill Parish Council | <p>Initial comments as summarised below;</p> <ul style="list-style-type: none"> - The application fails to include the provision of a pedestrian footway from the south end of the development on to Rosliston Road - National Forest planting equates to 6% rather than 20% - Results in over development of the site, an increase of 29% from the outline consent - Increased levels of congestion and air pollution - Increased levels of road hazards - Lack of funding for changes to highway infrastructure - Increased strain on stretched local facilities - Insufficient investigation of site ecology and archaeology - Irreversible damage to wildlife on site - Damaging effects of no S106 funding <p>Further comments received in response to revised plans provided during the course of the application as</p> |

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| | | <p>summarised below;</p> <ul style="list-style-type: none"> - Applicant has failed to address the omission of the footpath in the south corner. States that it is not within their control. If this land has been sold to a third party then this is a betrayal of the outline consent - The applicant wasn't intending on making any financial contributions until viability was assessed by ESBC - Only 7% National Forest planting shows scant regard to Local and Neighbourhood Plans - Still a dense scheme and the applicant has not offered evidence that this is comparable to other schemes in the Borough - No improved pedestrian or cycle links - The improvements to the Five Lands Road/Rosliston Road junction will be very minor and not address the substantial congestion and road safety concerns - The S106 contributions will in part address some of the additional strain on local facilities - The changes from the outline are substantial and have produced a scheme of less merit - Concerns of local residents relating to wildlife, air pollution, planting and pedestrian access links have not been addressed by the scheme. <p>The full comments of the Parish Council are appended to this report.</p> |
| 5.3 | SCC Highways | No objection subject to conditions requiring cycle storage, junction improvements, construction management plan |
| 5.4 | SCC Education | No objection subject to a financial contribution of £69,902 towards 11 primary school places, 3 secondary school places and 1 post-16 place |
| 5.5 | SCC Flood Risk Team | No objection subject to condition requiring details of the mitigation of all potential impacts of groundwater flood risk and a satisfactory surface water design. |
| 5.6 | SCC Archeology | No objection subject to condition requiring a programme of archaeological works to be completed |
| 5.7 | Environment Agency | No objection |
| 5.8 | Severn Trent Water | No objection subject to conditions requiring the submission of satisfactory drainage details |
| 5.9 | Natural England | No objection |
| 5.10 | Ramblers Association | No objection |

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| 5.11 | The National Forest | No objection subject to a condition requiring the submission of a Management Plan for the areas of green space and wildlife corridor |
| 5.12 | Architectural Liaison Officer | No objection |

| Internal Consultees | | Response |
|---------------------|----------------------|--|
| 5.13 | Environmental Health | No objection subject to conditions relating to contaminated land |
| 5.14 | Environment Manager | No objection subject to the provision of external storage containers for refuse and recycling collection |
| 5.15 | Housing Strategy | No objection |
| 5.16 | Tree Officer | No objection |

6. Neighbour responses

6.1 23 letters of objection were received in response to the original submissions. Following receipt of amended plans a re-consultation was carried out where an additional 7 responses were received reiterating the original objections and concerns raised. All objections and concerns are summarised as follows:

| Neighbour responses | |
|---------------------------|--|
| Principle | <ul style="list-style-type: none"> - Development has little to do with the original consent - Not earmarked for development in the Neighbourhood Plan, the outline should not have been granted permission. - At a time where families are struggling to feed themselves the loss of this vital resource is not a good idea - Massive strain on schools, doctors surgeries and the hospital - Allotments can only be developed with the permission of the Secretary of State in accordance with the Allotments Act 1925. - No mention of flats in the outline - Have enough affordable accommodation in Burton - Lack of mix of housing tenure will lead to the creation of a 'benefits ghetto'. |
| Impacts on Visual Amenity | <ul style="list-style-type: none"> - Requirement for 20% planting but have only provided 7% - Overdevelopment - Unsympathetic layout - Materials must be similar to existing developments |
| Impacts on Residential | <ul style="list-style-type: none"> - Increase in air pollution |

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| Amenity | <ul style="list-style-type: none"> - Very little green space in Stapenhill - Garden will no longer be healthy place for children to play - Loss of green space is detrimental to the health and wellbeing of residents. |
| Highways Impacts | <ul style="list-style-type: none"> - The outline showed a pedestrian footpath from the south west corner onto Rosliston Road – the loss of this proposal would result in the over reliance on cars. - Traffic Assessment does not mention the increased HGV activity to the waste plant at Drakelow - Prior to construction on site the works to the access must be completed - Increase traffic flow and congestion on nearby roads - Roadworks will have to be completed in order to supply electricity to the site - Increase in road traffic accidents and road rage incidents - Lack of visitor parking |
| Flood and drainage impacts | <ul style="list-style-type: none"> - Who will maintain the drains - Storm drains and sewers cannot cope and this will lead to flooding - Increased runoff could lead to flooding |
| Ecology | <ul style="list-style-type: none"> - similar application was turned down a few years ago on ecological grounds - haven to protected wildlife - certain protected species have not been mentioned in the ecology reports - There are all kinds of wildlife on the site – birds, amphibians, foxes, bats - The Ecology report was carried out in 2017 and doesn't include the additional land - There is an 'average green space deficit' in Stapenhill according to Council studies - Not enough wildlife surveys have been conducted in the area - Does Stapenhill want to contribute to the UK being one of the most nature depleted countries in the world? |
| Heritage Assets | <ul style="list-style-type: none"> - There is an ancient pathway running from Main Street to Stanton Road that will be destroyed. - Anglo Saxon remains were previously found on the site therefore there is archaeological interest. |
| Other Matters raised | <ul style="list-style-type: none"> - Conflict of interest issues in relation to members of the Parish Council - Loss of public right of way |

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| | <ul style="list-style-type: none"> - The need for affordable housing is a result of overpopulation of the country - Concern relating to the repair and works to the brick boundary wall and potential impact on property - The proposed footpath is meandering rather than a direct route - Is there a waiting list for allotments? - Who will pay for the affordable housing - Will end up being sold to private landlords - Application should be deferred given the current situation with Covid-19 and lockdown. - Who will manage area - The LPA are ruthless and completely devoid of appreciation to built heritage and environment. |
| Ward Member | No responses received |
| Kate Griffiths MP | <ul style="list-style-type: none"> - If the Council is minded to approve the application can I ask if particular care is paid to the final layout and its effect on the local area? A number of residents have raised concern about the wildlife in the area and plans should be put forward to show what steps they will take to mitigate harmful effects on the protected wildlife present. - The Council should also have regard to the protection of amenity for existing residents ensuring a suitable amount of green space is provided and footpaths are retained. |

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
- 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 Open Space Policy
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 & DP6 Heritage Assets
- DP8 Tree Protection

Stapenhill Neighbourhood Plan

- Policy SH1 – Housing for All
- Policy SH3 – High Quality Design
- Policy ST1 – Access for All
- Policy ST2 – Parking and Servicing
- Policy SC1 – Heritage Assets
- Policy SC2 – Local Heritage Assets
- Policy SC4 – Nature Conservation

Supplementary Guidance

- Housing Choices SPD
- Design Guide SPD
- Revised Car Parking Standards SPD
- Separation Distance and Amenity SPD

8. Principle of Development

8.1 The principle of the development of the site has been established with the approval of the outline planning permission. Whilst this application covers a slightly larger area (0.28 ha larger) it is considered that for reasons given below the principle of developing this larger site area for a residential use is acceptable.

8.2 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. Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- 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; or
- specific policies in this Framework indicate development should be restricted.

8.3 Paragraph 251 of the NPPF states that `due weight should be given to relevant policies in existing plans according to their degree of consistency

with the NPPF. The closer the policies in the plan to 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 30th September 2019 and concludes there is 6.30 years of supply. Therefore the policies in the plan can be considered up to date.

10. Local Plan

- 10.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. 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 Although the Council can currently demonstrate a 5 year land housing supply there is a general context nationally for significantly boosting housing. The application site lies within the settlement boundary of the main town close to the Local Centre of Main Street, Stapenhill, and is therefore in a sustainable location where windfall new houses can play a part in meeting local housing needs.

10.4 Historically the site is understood to have been allotments, however currently there are only 6 used plots. Over the process of time all other allotment use of the site has ceased and the land has become vacant. Therefore, in order to create and establish further allotment provision money would first need to be spent to clear land. Notwithstanding the current site characteristics, within the vicinity there is formal allotment provision beyond the south boundary where land is elevated to the same level as properties along Saxon Street. This allotment site is easily accessible from Saxon Street and there is space available for expansion. This allotments site and the application site are both owned by the Allotment Association and there is an agreement in place to relocate existing plot holders requiring relocation from the development site onto the retained land. Within the local area approximately 500 metres to the south along Rosliston Road there is another formal allotments site which is also allocated as Local Green Space within the Stapenhill Neighbourhood Plan. It is difficult to assess the catchment areas of allotments due to their nature and usage however taking into account the level of established provision within proximity to the site it would be unreasonable to suggest that residential development is unsuitable purely based on loss of allotment land.

10.5 There are no reasonable prospects for the site being bought into use for allotments as it is not entirely capable due to the topography of the site. Whilst any loss resulting from the proposed development would be replaced by equivalent provision in a suitable location. The site is not allocated or earmarked for any purposes within either the Proposals Map of the Local Plan or the Proposals Map of Stapenhill Neighbourhood Plan. With the above points in mind and taking into account the extant outline consent it is considered that the principle of windfall new houses at this site is considered acceptable.

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

11.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from

good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 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 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 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.7 Policy SH3 from the Neighbourhood Plan requires that all new development should exhibit high quality design and should respond creatively to the function and identity of Stapenhill Parish. High quality design will be expected of both buildings and spaces. Where affordable housing is delivered it should be indistinguishable from other dwellings. Where

appropriate, schemes should seek to ensure that they deliver development which minimises the potential for anti-social behaviour and crime.

- 11.8 The proposed layout is dictated by the contours of the site. The layout has been arranged to maximise back garden separation, privacy levels, and to achieve good connectivity throughout the site. It is considered that there is a sense of spaciousness within the layout as all buildings are set-back from the internal road, of an appropriate scale, and there has been effort to incorporate landscaped frontages which breaks up hard surfacing and parking areas. The incorporation of a soft landscaped open space area aids the visual openness of the scheme.
- 11.9 The proposed layout makes efficient use of available land where houses of a suitable scale would appear well placed around the proposed road layout. Dwellings which surround the open spaces within the site would front onto these areas providing natural surveillance and active frontages. The density equates to 39 dwellings per hectare (although based on developable area gives a density of 44 dwellings per hectare) and on this basis it is not considered that the proposal would result in a scheme which is over intensive.
- 11.10 The proposed dwellings have been designed to complement the existing area in terms of appearance and details of proposed materials have been provided which are traditional in appearance. The local area is of varied building design and materials, and therefore the proposal would not appear out of character in the wider locality.
- 11.11 It was considered important that the apartment block to the entrance of the development was a feature given its prominence and amendments were made during the course of the application to achieve a design and layout which achieved this. Furthermore additional windows have been added to blank gables to assist in achieving a good level of surveillance and active frontages throughout the site.
- 11.12 The proposed landscaping scheme will be central to softening the development and provide appropriate areas of green infrastructure. Existing hedges and trees will be retained as part of the proposals.
- 11.13 Based on the above assessment, it is considered that the design and landscaping of the proposal is acceptable and suitably reflects the surroundings of the site. The development will result in a high quality development which complies with the relevant local plan policies, East Staffordshire Design Guide, the Neighbourhood Plan Policies and the National Planning Policy Framework.

12. Residential Amenity

- 12.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.

- 12.2 Land levels are undulating across the site. Proposed dwellings with rear gardens bounding those on Saxon Street would sit at a lower level, as would proposed dwellings to the eastern boundary with Saxon Street. Levels rise into the site from the northern boundary with Holly Street and western boundary to Five Lands Road and Convent Close.
- 12.3 Taking into consideration the change in land levels across the site and given the relationship with existing dwellings, Officers are satisfied that distances and levels between the existing and proposed dwellings remain acceptable to ensure that residential amenity is protected in compliance with the Separation Distances and Amenity SPD. The proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them an unacceptable loss of light or privacy or any overbearing or overshadowing impacts. The scheme is therefore compliant with the provisions of Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, the Neighbourhood Plan and the NPPF.
- 12.4 The private amenity spaces for dwellings range from 45.3sqm to 164sqm and shared private amenity space for the apartments is approximately 120sqm and 158sqm. The Separation Distances and Amenity SPD recommend a minimum garden size of 50sqm for 2 bedroom properties; it is noted that two of the proposed dwellings fall slightly below this. Likewise two of the gardens of the 4-bed properties fall below the 70sqm minimum garden size. However, given the level of open space proposed within the site the shortfalls are not considered to have a harmful impact on residential amenity, given all can accommodate appropriate clothes drying facilities and outdoor seating area. It is also noted that there are a good range of recreational facilities within close proximity to the site.
- 12.5 In terms of residential impacts the scheme is therefore compliant with the provisions of Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, the Stapenhill Neighbourhood and the NPPF.

13. Sustainability (energy efficiency and low carbon)

- 13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:
- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
 - incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
 - use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
 - incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;

- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in ‘Biodiversity by Design’ or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

13.2 Whilst the proposal does not propose to incorporate any renewable energy sources or specific green construction techniques, the dwellings would be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient. It is therefore considered that the proposals would accord with the aims of Policy DP2 of the Local Plan.

14. Highway Matters

14.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

14.2 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.

14.3 The Council’s parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses. Policy ST1 from the Stapenhill Neighbourhood Plan states that the provision of new and improved pedestrian routes will be supported. Policy ST2 states that all new development should proactively address and manage its parking provision. New housing will normally be expected to deliver on-site provision of 1 space for dwellings of up to 2 bedrooms, 2 spaces for development of 3 bedrooms and 3 spaces for development of 4 or more.

14.4 With regard to parking provision, the dwellings are all allocated off road parking spaces each predominantly on paved front and side drives, all close

to properties to facilitate easy access by residents All but two plots provide parking levels in accordance with the aforementioned Council's Revised Parking Standards SPD. These two plots are in deficit by one (2 No.4 bed dwelling providing 2 car parking spaces rather than the required 3 spaces). However, it is not considered that over the whole of the application site this would lead to detrimental highway safety and parking issues and the County Highway Authority have raised no objections to this.

- 14.5 The Highway Authority recommends that conditions be attached to any approval including the provision of secure cycle storage prior to occupation of the dwellings, the carrying out of improvements to the junction of Five Lands Road and Main Street and the submission of a Construction Management Plan.
- 14.6 In terms of wider highways issues, the Transport Assessment submitted with the application concludes that there is no reason in respect of traffic impact or safety terms why the proposed residential development cannot be accommodated. It is not consider that the proposal would prejudice the safe or efficient use of the highway network.
- 14.7 Some of the representations refer to the loss of the footpath through the site. This is not a public right of way and therefore on this basis no objection is raised in relation to its loss. Concern is also noted about the omission of the footpath from Rosliston Road which was included in the outline consent. This is a full application, which is dealing with a different 'red line' site area to that of the outline. However it is noted that there would be the inclusion of a new footpath link to the existing public footpath onto Stanton Road. The existing footpath from Main Street to the north of the Church would also still give accessibility to the site.

15. Historic Environment

- 15.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 15.2 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.
- 15.3 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.

- 15.4 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.
- 15.5 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.
- 15.6 The housing development would be over 250 metres away from the nearest Conservation Area which is Burton Town Conservation Area. There is no inter-visibility between the application site and the Burton Town Conservation Areas as the site is landlocked by established urban built form. As a result it is considered that there would not be no demonstrable harm upon the characterful aspects and appearance of any Conservation Areas or their setting.
- 15.7 The nearest Listed Building to the site is The Old Farm, 13 Holly Street which is a 16th century Grade II Listed Building. The house sits within its own setting over 120 metres away to the north of the application site and is also separated from the site by existing built form along the opposing side of Holly Street. These properties are on an elevated level in comparison to the site. The proposed development would not therefore affect the significance or setting of any Listed Buildings. Therefore, it is considered that the character, significance and setting of heritage assets within Stapenhill would not be harmed and the proposal would not conflict with Policies SP25, DP5 and DP6 from the Local Plan and Policies SC1 and SC2 from the Neighbourhood Plan.
- 15.8 It is considered that the statutory duties under Section 66(1) and under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been considered as part of this application and are not engaged by it
- 15.9 Groundworks have the potential to encounter and impact upon significant archaeological remains associated with a nearby Romano British settlement site (known extents approx. 160m to south of proposal site) and the site of an Anglo Saxon cemetery (known extents approx. 90m to south of proposal site), both of which were originally encountered as part of the development of a number of brickworks in the area in the late 19th century. An archaeological report has been submitted to support the application.
- 15.10 The County Archaeologist has confirmed that their comments in relation to the previous outline application remain and on that basis raise no

objections to the proposal, confirming that the conclusions of the submitted comprehensive Archaeology Assessment are supported. The assessment includes a programme of archaeological works to be carried out in advance of groundworks the proposal, and on this basis is acceptable and would not impede on the archaeological interests of the site. It is also noted that The County Archaeologist also supports the rebuilding of the historic red brick wall and the retention landscape banks given that these are likely to relate to the historic use of the site as brickworks.

16. Flood Risk and Drainage

- 16.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 16.2 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.
- 16.3 The site falls within Flood Zone 1 and the Environment Agency has raised no objections in terms of fluvial flood risk. The Agency has also not notified the Council of any critical drainage issues in this area.
- 16.4 A Drainage Strategy and Flood Risk Assessment has been submitted which provides an overall strategy for how the scheme would be designed to be appropriately flood resilient in terms of surface water run-off, including the provision of an attenuation basin to the northwest of the site. The technical view of the County Lead Local Flood Authority (LLFA) is that the proposal is acceptable subject to a condition to provide details as to the mitigation of all potential impacts of groundwater flood risk and a satisfactory surface water design.
- 16.5 Severn Trent Water Company has also been consulted on the application and raised no objections.
- 16.6 Overall, taking into account the technical opinion of the LLFA and The Environment Agency it is considered that the proposed scheme would be appropriately flood resilient, flood risk would not increase elsewhere and surface water flows can be suitably managed by the sustainable drainage system. The scheme would achieve compliance with Policy SP27 from the Local Plan.

17. Affordable Housing and Housing Mix

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

17.2 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.

17.3 Policy SH1 from the Stapenhill Neighbourhood Plan states that new residential development will be particularly supported if, where appropriate, it is focused on the delivery of smaller residential dwellings of two bedrooms or less. These properties should be suitable for families, first time buyers or elderly persons wishing to move to more suitable housing.

17.4 The Housing Choice SPD expects the market housing mix for Burton as shown below in the table. A column has been included which shows how the proposed scheme compares:

- 12 x 1 bed apartments
- 23 x 2 bed dwellings
- 22 x 3 bed dwellings
- 7 x 4 bed dwellings

| | Stapenhill | <i>Proposed Scheme</i> |
|--|-------------------|-------------------------------|
| 1-bedroom homes (flats, houses or bungalows) | 3% | 19% |
| Houses for Older People** | 50% | 0% |
| 2-bedroom houses | 10% | 36% |
| 3-bedroom houses | 17% | 34% |
| 4-bedroom houses | 14% | 11% |
| 5-bedroom houses | 6% | 0% |

17.5 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. The applicant has confirmed that 10% will be built to the M4 (2) standard. A condition to secure provision of the standard for these dwellings is attached.

17.6 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:

17.7 The Housing Choice SPD provides guidance on the expected affordable housing mix of sites.

- 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%

17.8 SP17 states that well-planned affordable housing led residential development providing an appropriate mix will be welcomed. The Housing Choice SPD provides more guidance on such schemes, considering that there remains a risk that development of larger sites can cause segregation of social housing, sustainability concerns and polarisation within the community. To address these concerns, the SPD states that as a guide, developments of exclusively rented affordable housing should not normally contain more than 25 dwellings. Where sites are for more than 25 dwellings they should also include other types of housing for example rented affordable designated to older people, market housing for sale or rent, owner-occupied affordable housing where appropriate or self build plots. By including a wider mix schemes can enhance the inclusivity and sustainability of the development.

17.9 The proposal includes 64 affordable properties and there is a range of property sizes proposed. The range and tenure (affordable rent/shared ownership) has been dictated by the requirements set by Midland Heart, the registered Social Landlord. This gives 44 affordable rent dwellings (12x 1 bed, 11 x 2 bed, 14 x 3 bed and 7 x 4 bed) and 20 shared ownership dwellings (12 x 2 bed and 8 x 3 bed). Whilst it is noted the mix is not in strict accordance with the guidance set out in the Housing Choice SPD, this mix has been formulated in response to local housing need established by Midland Heart and discussed with Housing Strategy prior to the submission of the application. It is also noted that because of the topography of the site it would be difficult to meet the requirement for housing for older people, however it is considered that some property types would be appropriate for such, including those to be M4 (2) compliant or ground floor apartments. The provision of the affordable housing and the mix will be secured by a S106 agreement.

18. Green Infrastructure and National Forest

- 18.1 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.
- 18.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet
- 18.3 Strategic Policy 26 supports the National Forest Strategy expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.
- 18.4 The application site is within the National Forest. The proposals refers to 1155sqm of National Forest Planting and a further 2422sqm of semi natural greenspace. This gives a total of 0.36ha, however given that a 1.88ha site would require 0.37ha of woodland planting and landscaping this does result in a slight deficit. The plans show that the semi natural greenspace would be retained in its natural condition and this would also cover the area shown as National Forest Planting. Given these areas are worthy of retention, as opposed to providing new areas of planting then a Management Plan is sought via planning condition. This Management Plan will need to set out what the retained habitats are and how they will be maintained to improve their value for biodiversity and amenity. Given the above the National Forest Company have not raised objections to the proposals.

19. Biodiversity

- 19.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 19.2 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.
- 19.3 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.
- 19.4 Policy SC4 from the Neighbourhood Plan states where practicable all developments, regardless of size and location, will be required to demonstrate how they will support and protect wildlife and enhance

biodiversity both on and off the site. This may include, amongst other options, the retention of existing natural features within the design of a site, the use of native planting within a landscape proposal, or alternatively delivering new green infrastructure as part of public realm proposals.

- 19.5 Within representations received concerns have been raised about the impact upon wildlife. A number of ecological and wildlife reports have been submitted as part of the application. In order to fully assess these reports the County Ecologist was commissioned to provide professional opinion. The scope of this work was to advise whether the submitted ecology reports are sufficiently robust and whether the proposed wildlife area and wildlife corridors on the Plans are satisfactory as mitigation/protection for wildlife. The County Ecologist has raised no objections to the scheme and confirmed agreement with the recommendations of submitted ecological and wildlife reports. Natural England has also raised no objections to the proposal.
- 19.6 It is noted that the Ecology Survey work does not cover the whole of the area and only that which was previously granted outline consent, however the County Ecologist has evaluated the application on the assumption that they are not shown as mapped habitat in the ecology assessment is similar to the remainder. However, a revised survey should be submitted prior to commencement of development on the site. If the habitats are found to be different from those mapped the survey must be accompanied by a completed biodiversity metric that demonstrates net gain to biodiversity or provides off-site mitigation. Based on the survey works which have been completed the views of the County Ecologist remains unchanged from the extant outline consent and it is concluded that if the proportion of greenspace and managed habitat shown on the plans will achieve a small net gain to biodiversity.
- 19.7 The County Ecologist was also asked to look at the representations received through the consultation process given that a large number related to ecology. It is considered that these concerns will be covered by appropriate conditions stated below. It is fully accepted that this is an important wildlife corridor and a degree of connection will be maintained by the proposal around the east and northern sides of the site, along with the remaining allotments.
- 19.8 With the technical view of the County Ecologist to mind it is considered that the proposal does provide opportunities for protecting habitats in compliance with Policy SP29 from the Local Plan and Policy SC4 from the Neighbourhood Plan, and pre-commencement conditions should be attached to any outline permission to ensure an Ecological Management Plan is submitted prior to clearance works and installation of bird boxes and gaps in boundary treatments to allow movement of hedgehogs, external lighting details, vegetation clearance outside of bird nesting season.
- 19.9 It is noted that Natural England considers that the proposed development will not have significant adverse impacts on statutory protected nature conservation sites or landscapes.

20. Open space

- 20.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. 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.
- 20.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 20.3 SP32 and SP33 set out the requirements of open space provision across the Borough.
- 20.4 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.
- 20.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document.
- 20.6 For Burton East, which includes Stapenhill, the average amount of allotments is 0.46 hectares per 1,000 population which is the highest level of provision in East Staffordshire. The National Society of Allotment and Leisure Gardeners (NSALG) suggests a national standard of 20 allotments per 1,000 households (20 per 2,000 people based on two people per house or one per 100 people). This equates to 0.25 hectares per 1,000 populations based on an average plot-size of 250 square metres.
- 20.7 Whilst the above information has been considered, an assessment has also been made for the level of allotment provision within Stapenhill. Within the vicinity of the site there is formal allotment provision beyond the south boundary. This allotment site is easily accessible from Saxon Street and there is space available for expansion. Within the local area approximately 500 metres to the south along Rosliston Road there is another formal allotments site which is also allocated as Local Green Space within the Stapenhill Neighbourhood Plan. As a result it is considered that whilst there are a small number of allotments on the site the loss resulting from the development would be replaced by equivalent provision in the adjacent allotment site to the south. There is also the overriding context that there is a good level of existing allotment space already within Stapenhill and the loss of provision within the site would not result in the level of provision falling below the standards recommended by The National Society of Allotment and Leisure Gardeners. Therefore, it is considered that the criteria of Policy SP32 has been satisfied.
- 20.8 The Council's Open Spaces SPD states that sustainable urban drainage systems (SUDS), which are considered to take large areas of land, could also be counted against open space typologies where an appropriate dual use, such as water storage and informal recreation is suitable, so long as

SUDs are designed safely and it is made clear who would be the maintaining authority would be.

20.9 The proposed plans show 700sqm of the proposed semi/natural greenspace figure is for the SUDS attenuation basis (to be maintained by Severn Trent). However as only 6% of the National Forest planting contribution has been achieved on site additional semi /natural green space has been provided. The total requirement for open space provision (excluding the semi/natural greenspace) is 5453.12sqm. The total to be provided is 4467sqm. Whilst there is a shortfall it is noted that the existing allotment provision outside of the site area is to be retained and added to and there are a good level and range of recreational facilities within a short distance of the site. On this basis it is considered that the proposal is acceptable.

21. Education

21.1 There is a need for education facility provision in East Staffordshire, particularly at Burton Upon Trent. 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.

21.2 The development will have an impact on the provision of both primary and secondary education and post -16 education in the Borough and financial contributions have been sought and secured through the S106 agreement.

22. Section 106 Contributions

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

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

22.2 National Planning Practice Guidance states that when CIL is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

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

| Item | Planning Obligation | Cost (where applicable) |
|------|---------------------|----------------------------|
|------|---------------------|----------------------------|

| | | |
|----------------------------------|---|-----------------|
| Education | Secondary and sixth form provision (£17,114 x 3 for secondary school places and £18,560 x 1 for 6 th form provision) | £69,902 |
| Refuse Containers | Contribution to provide refuse storage containers at £75 per dwelling | £4,800 |
| NHS Clinical Commissioning Group | Contribution towards the provision of local Primary Care provision specifically the expansion of Stapenhill Surgery and Bridge Surgery. | £26,880 |
| Open space | To be maintained by Midland Heart (SUDs feature to be maintained by Severn Trent) | |
| Affordable Housing | To be provided on site | |
| | Total Requested | £101,582 |

22.4 The application is proposed to provide 100% of the dwellings as affordable. As such, the full policy requirement for affordable homes as set out in Policy SP17 would be provided on site.

22.5 A total financial contribution of £101,582 has been requested as set out in the table above. A Viability Appraisal has been put forward by the developer, which has been independently assessed by the Councils appointed Viability Expert. In conclusion it has been agreed that all contributions as set out above can be achieved by this scheme. In light of this, the applicant has agreed to meet with all of these requirements

23. Conclusions

23.1 The principle of developing the land for housing has already been established under the outline consent and it is considered that this is also the case for the additional land given the site's sustainable location within Burton upon Trent.

23.2 The submitted details demonstrate that the proposed built form by way of its siting, scale, massing and design can be integrated into the site. The proposed layout shows that separation distances between existing and proposed dwellings are such that the site can be developed without having a significant detrimental impact on the reasonable amenities of any existing or proposed neighbouring properties. The Highway Authority has confirmed that there are no issues in relation to Highway safety.

23.3 The County Ecologist has been commissioned to provide technical response on the scheme and has raised no objections, neither has Natural England. It is therefore considered that subject to mitigating conditions the proposals would not result in harm to ecology and biodiversity.

23.4 All other technical matters in relation to highways, flood risk, contamination, ecology and archaeology can be covered by suitably worded pre-commencement/pre-occupation conditions attached to the consent.

23.5 Overall, it is desirable to see windfall housing on a largely vacant and featureless site where efficient use of the land can optimise the potential to bring forward new homes within the settlement boundary. In addition to the appropriateness of the scheme some weight should also be given to the Section 106 Agreement where all requested contributions would be provided.

23.6 It is considered that the scheme as proposed would not result in any demonstrable harm upon the character and significance of the historic environment and there are no other material considerations which should be added to the planning balance.

23.7 Accordingly, it is considered that the scheme complies with the aims and criteria of relevant policies from the Local Plan, the Council's SPD's, the Made Neighbourhood Plan and the National Planning Policy Framework 2019.

23.8 **RECOMMENDATION**

23.9 **Permit**, subject to the following conditions and the completion of a S106 Agreement:

23.10 **Conditions**

1. **Time limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **Plans**

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

Drawing No.s:

PL 100 Location Plan at 1:1250 dated as received 16th December 2019

PL 02 Rev T Proposed Site Layout at scale 1:500 dated as received 9th June 2020

PL 03 Rev E Proposed Boundary Treatments at scale 1:500 dated as received 5th June 2020

PL 04 Rev C Proposed Landscaping at scale 1:500 dated as received 9th

June 2020

PL 05 Rev B Type A Elevations and Plans at scale 1:50 and 1:100 dated as received 1st May 2020

PL 06 Rev B Type B Elevations and Floor Plans at scales 1:50 and 1:100 dated as received 18th December 2019

PL 07 Rev B Type C Plans and Elevations Sheet 1 at scales 1:50 and 1:100 dated as received 18th December 2020

PL 08 Rev B Type D Plans and Elevations at scales 1:50 and 1:100 dated as received 18th December 2019

PL 09 Type B Plans and Elevations at scales 1:50 and 1:100 dated as received 16th December 2019

PL10 Rev B Type C Plans and Elevations at scales 1:50 and 1:100 dated as received 19th December 2019

PL 11 Rev A Type D Plans and elevations at scales 1:50 and 1:100 dated as received 18th December 2019

PL 12 Rev C Type A1 Floor Plans Plots 56-64 at scale 1:50 dated as received 1st May 2020

PL13 Rev D Type A1 Elevations Plots 59-64 Sheet 1 dated as received 1st May 2020

PL 14 Rev C Type A1 Elevations Plots 59-64 Sheet 2 at scales 1:50 and 1:100 dated as received 1st May 2020

PL 15 Type B1 Plans and elevations at scales 1:50 and 1:100 dated as received 1st May 2020

PL 16 Rev A Type D1 Plans and elevations at scales 1:50 and 1:100 dated as received on 23rd April 2020

SK10 Rev B Existing Site Sections at scale 1:200 dated as received 2nd December 2019

SK 12 Rev D Proposed Site Sections at scale 1:200 dated as received 2nd December 2019

15649_T Rev 1 Topographical Survey at scale 1:500

Preliminary Ecological Appraisal (PEA)(Evolution Ecology, October 2019)

Breeding Bird Survey (Evolution Ecology, October 2019)

Bat Transect Survey (Evolution Ecology, October 2019)

Reptile and Terrestrial Amphibian Survey (Evolution Ecology, October

2019)

Terrestrial Invertebrate Survey (Evolution Ecology, October 2019)

Design, Access, Planning and Heritage Statement (Nicol Thomas, October 2019)

Arboricultural Survey (RJ Tree Services, December 2018)

Health Impact Assessment

Transport Statement by Integrated Engineering Consultants (September 2019)

Drainage Management Statement (HSP Consulting)

Phase II Site Appraisal by GRM (April 2018)

Witham Archaeology Archaeological Desk-based assessment (October 2019)

Flood Risk Assessment by HSP Consulting October 2019

Utilities Statement by Tricas October 2019

Affordable Housing Statement

National Forest Planting Statement

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies Principle 1, NP1, SP1, SP2, SP4, SP16, SP17, SP23, SP24, SP25, SP26, SP27, SP29, SP30, SP32, SP34, SP35, DP1, DP2, DP3, DP5, DP7 and DP8, the Stapenhill Neighbourhood Plan, the Housing Choice Supplementary Planning Document, Revised Car Parking Standards Supplementary Planning Document, Open Spaces and Playing Pitch Supplementary Planning Document, the East Staffordshire Design Guide, the Separation Distances and Amenities Supplementary Planning Document and the National Planning Policy Framework.

3. **Habitat Survey**

Prior to commencement of any works on site, an updated habitat survey that covers the whole of the site area will be provided and agreed in writing by the Local Planning Authority. If habitats in the additional areas are not scrub, allotment or amenity grassland, this must be accompanied

by a biodiversity metric.

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

4. **Construction Environmental Management Plan**

Prior to commencement of any works on site, including site clearance, a Construction Environmental Management Plan (Ecology) that covers all aspects of species protection measures shall be submitted and approved by the LPA. The works shall be carried out in accordance with the approved details.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

5. **Materials**

No development shall take place above damp proof course until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including windows and doors) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved.

Reason: To safeguard the character and appearance of the building and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the Stapenhill Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework

6. **Junction Improvements**

Prior to occupation of the dwellings hereby approved the Five Lands Road/Main Street junction improvements as broadly indicated on Drawing no. MA 11153/600 contained within the approved Transport Statement (as listed in condition 2) shall be completed.

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

7. **Cycle Storage**

Dwelling units reference B, B1, C, D, D1, as shown on the approved plans (as listed in condition 2) hereby permitted shall not be occupied until a secure cycle storage facility has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority to promote sustainable forms of transport in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework

8. Drainage

No development other than site clearance shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first occupation.

Reason: To ensure adequate 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 recommended by Severn Trent Water Limited in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7 and the National Planning Policy Framework.

9. Groundwater flood risk and surface water

No development other than site clearance shall not be commenced until such times as the details of the mitigation of all potential impacts of groundwater flood risk and a satisfactory surface water design has been submitted to and approved in writing by the LPA.

Reason: To ensure adequate 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 recommended by Local Lead Flooding Authority in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7 and the National Planning Policy Framework.

10. Construction Management Plan

No development other than site clearance shall take place until a Construction Management Plan has been submitted to, and agreed in writing with the Local Planning Authority. The submitted Construction Management Plan shall include:

- The routing of all demolition and construction vehicles to and from the site. The measures shall include the phasing of movements to avoid traffic congestion.
- The parking of vehicles of site personnel, operatives and visitors
- Arrangements for the loading and unloading of plant and materials
- Areas of storage for plant and materials used during the construction of the development
- Measures to prevent the deposition of deleterious material on the public highway during the construction of the development

The approved Construction Management Plan shall be implemented and adhered to throughout the construction period.

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

11. **Contamination**

No development other than site clearance shall take place until the land in the south west of the site (as shown hatched on the attached plan) is sampled and screened/assessed for potential contaminants of concern and a report submitted to the Local Planning Authority to confirm in writing that the sampling exercise has been satisfactorily completed. Should any contamination be identified no development shall take place until remedial measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved mitigation scheme prior to the first occupation of the development.

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

12. **Contamination**

Prior to the first occupation of any dwelling the recommendations with regards to contamination identified within the Phase II Site Investigation issued by GRM on April 2018 (Project reference P8335), should be completed, and verified by a suitably qualified Environmental Consultant within a validation report which has been submitted to and approved in writing by the Local Planning Authority.

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

13. **Slab Levels**

No development other than site clearance shall take place until details showing the existing and proposed land levels of the site including spot heights and the finished floor levels, ridge and eaves heights of all buildings hereby permitted with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect the amenities of adjoining properties and the character or appearance of the area in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework

14. Written scheme of investigation

No development other than site clearance shall take place until a written scheme of investigation securing the implementation of a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The programme of work shall be implemented in accordance with the approved details.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation in accordance with East Staffordshire Local Plan Policies SP1, SP25 and DP5 the National Planning Policy Framework.

15. National Forest Management Plan

No development should take place above damp course level until a Management Plan for the areas to be retained as National Forest Planting has been submitted to and approved in writing by the Local Planning Authority. These areas shall be managed in accordance with these details in perpetuity,

Reason: In order to protect the character of the National Forest in accordance with Policies SP1 and SP26 of the Local Plan and Stapenhill Neighbourhood Plan.

16. Ecological Enhancement Measures

No development shall take place above damp proof course until details of ecological enhancement measures (including details of 58 bird boxes and fencing with appropriate gaps for hedgehogs) to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the first occupation/use of any of part of the development and thereafter made available at all times for their designated purposes.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

17. Electric Charging points

Prior to first occupation of the development hereby permitted details of electric vehicle charging points, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies SP1 and SP35 of the Local Plan and the Parking Standards SPD.

18. External Lighting

No development above damp course level shall take place until full details of external lighting have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, height, type and direction of light sources and intensity of illumination. The development shall be carried out in accordance with the approved details and additional external lighting shall not be installed without the prior consent in writing of the Local Planning Authority

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

19. **Turning and Parking**

Prior to the first occupation of each dwelling hereby granted permission the access, parking and turning areas shown on the approved plans (listed at condition 2 above) shall be provided in a bound porous material, and thereafter shall be made available at all times for their designated purposes.

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

20. **Landscaping**

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

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

21. **Tree Protection**

All existing trees and hedges and existing planting within the wildlife corridor shown as being retained on the plans hereby approved shall be protected by 1m high chestnut fencing. Such fencing shall be erected before development commences and shall be retained at all times whilst construction work is taking place. Should any of the wildlife corridor be lost during construction this should be replanted in accordance with the species mix as shown on Landscape Plan.

Reason: To ensure that adequate measures are taken to preserve trees, hedges and the proposed wildlife corridor 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.

22. Wall to Fiveland's Road

All works of alteration and making good of the existing brick wall to the west of the site shall be carried out in materials to match the existing.

Reason: To safeguard the character and appearance of the wall and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP1, the National Planning Policy Framework, Stapenhill Neighbourhood Plan and the East Staffordshire Design Guide.

23. PD removal

Notwithstanding the provisions of Classes A, B, C, D, E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwelling(s) hereby permitted shall not be altered or extended, no new windows shall be inserted and no buildings or structures shall be erected within the curtilage of the new dwellings unless planning permission has first been granted by the Local Planning Authority.

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

24. Surface Water Drainage

Where a private access falls towards the public highway a surface water drainage interceptor connected to surface water outfall, shall be provided across the access immediately to the rear of the highway boundary unless otherwise agreed in writing with the Local Planning Authority.

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

25. M4 (2) Compliance

Six of the dwellings hereby approved shall be completed to Building Regulation 2010 Standard M4 (2) before the first occupation of the relevant dwelling unit(s) concerned.

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

26. Vegetation Clearance

No vegetation clearance shall take place during the bird nesting season (March to end August)

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

27. Implementation of Walling and Fencing

The approved scheme of walling and fencing as set out on the drawings approved under condition 2 above shall be completed in accordance with the approved scheme before each dwelling served by the fencing/ walling is first occupied and thereafter maintained for the lifetime of the development.

Reason: In the interests of the residential amenities of the future occupiers of the dwellings in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP3, the Stapenhill Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

Informatives**1. Engagement**

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.

2. Pre-commencement Conditions

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

Condition No's 3 and 4

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

As from 6th April 2008 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.

3. Ecological Responsibilities

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.

4. Highway Works Agreement

The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to nmu@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/transport/staffshighways/highwayscontrol/HighwaysWorksAgreement.aspx>

5. Approval under Section 7

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. Swept path analysis for an 11.9m long refuse vehicle shall be provided in support of the Section 7 application.

6. Contamination

With regard to **condition 9** above you are advised that due to the limited size of the additional portion of land, it is recommended 2 sample locations with sample depths <0.6mbgl, to be analysed for the same suite of chemical determinands as carried out in the Phase II Site Investigation issued by GRM. Should the sampling consultant/engineer suspect the presence of any additional contamination this could be assessed/reported at the same time as the remedial measure recommended within the Phase II Site Investigation issued by GRM on April 2018 (Project reference P8335).

7. Public Right of Way

Definite Map of Public Rights of Way shows that no public Rights of Way cross the site. The County Council has not received any application under the Wildlife and Countryside Act 1981 to add or modify the Definitive map of

Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a Right of Way at common law or by virtue of a presumed declaration under section 31 of the Highways Act 1980. It may therefore be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way members of the public.

8. Environment Agency

It is noted that there is a well on site and this should be appropriately decommissioned. The applicant should refer to the Environment Agency 'Good Practice for Decommissioning Boreholes and Wells'.

24. Background papers

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

- Papers on Planning Application file ref: P/2019/01465
- Papers on Planning Application file ref: P/2018/01451
- The Local and National Planning Policies and Supplementary Planning Documents outlined in the report above.
- The Stapenhill Neighbourhood Plan

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: Emily Summers
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