

## Item 5.2

**Site:** Land to the South of Forest School Street, Rolleston on Dove, Burton upon Trent, Staffordshire,

**Proposal:** Outline application for up to 100 residential units and associated open space with all matters reserved

### Report of Head of Regulatory Services

---

#### [Hyperlink to Drawing and Forms](#)

**Application No.** P/2012/00636  
**Case Officer:** Jim Malkin  
**Application Type:** Outline Planning Application

**Applicant:** Burton and South Derbyshire College

**Ward:** Rolleston on Dove  
**Ward Member(s):** Councillor B Toon

**Registered:** 08 June 2012  
**Expires:** 07 September 2012

---

## 1.0 The Site

- 1.1 The application site is the former playing fields associated with the former college campus in Rolleston on Dove; the campus buildings themselves have previously been re-developed for housing. The site is an area of green field land covering 5.9ha located to the south of Forest School Street, and backing onto Forest School Street, Twentylands and Fairfield Avenue; to the south of the site is the existing playing fields off Craythorne Lane. The site is currently in private ownership, but was a former playing field and is used by villagers on an informal basis for dog walking.
- 1.2 The site is outside, but immediately adjoining, the development boundary for Rolleston on Dove as shown in the adopted local plan, and is classified as green field land. However following the proposed settlement boundary amendment in the Pre-submission Local Plan (October 2013) the site is shown within the development boundary, whilst also forming part of the calculation in relation to the Council's 5 year land supply.

## **2.0 The Proposal**

2.1 The proposal is an outline application with all matters reserved for the erection of up to 100 dwellings, with associated public open space.

2.2 As the application is in outline with all matters reserved, formal details of the layout, scale, design, landscaping and means of access to the site will be subject to future applications to the Local Planning Authority.

2.3 The application is accompanied by a number of illustrative plans including an indicative layout, which shows how the 100 dwellings can be disposed across the site, along with the provision of a single access point through the existing estate off Forest School Street. The indicative layout suggests the predominant use of detached dwellings, but does include a small number of semi-detached and terraced dwellings. The scheme includes an area of open space linked to the existing play area adjoining the site, and providing a link to the existing Parish Council play area to the west. This area also includes a surface water drainage pond, and a balancing area; this however will only be used in extreme weather conditions as foul and surface water drainage is proposed to be to the existing drainage system. Scale parameters have also been submitted and they advise that the maximum ridge height of the dwellings will be 9.3m.

2.4 The application has been accompanied by the following supporting information: -

- Design and Access Statement – Advises that the site can fit acceptably into the context of the adjoining built form, and provides design guidance on how it would be anticipated the development will be completed on the site.
- Flood Risk Assessment – Identifies that the development of the site is acceptable, and will not be at risk of, or increase the risk of flooding elsewhere.
- Phase 1 Contaminated Land Survey – Concludes that the site has no constraints in relation to contamination from previous land uses.
- Transport Assessment – Advises that the existing highway networks are capable of taking the increased movements related to the re-development of this site.
- Construction Management Plan – Concludes that the construction of the site, and the necessary materials can be bought onto the site through the existing estate without significant impact on highway safety, or disturbance to the occupiers of these dwellings.
- Ecological Assessment – Advises that the land is of no more than local importance from an ecological perspective; advises of key mitigation

and enhancement measures that should be included in any development.

- Travel Plan – Provides a residential travel plan for the development which gives suggestions how reliance on the private motor vehicle can be reduced.
- Sewer Impact Assessment – Produced by Severn Trent Water and advises that there are no needs for upgrading off-site foul water drainage.

2.5 The site has been subject to a screening opinion in relation to the need for an Environmental Impact Assessment which has concluded that the site does not require the submission of a formal impact assessment.

### **3.0 Relevant Planning History**

3.1 OU/02863/014/PO - Outline application for residential development including details of the means of access – Approved 20/08/2001

3.2 RM/02863/017 - Reserved Matters application for the erection of 89 dwellings including details of siting, design, external appearance and landscaping – Approved 05/02/2002

### **4.0 Consultations**

4.1 **Staffordshire County Council (Highways)** No objections subject to conditions requiring the following: -

- Off site highway works to include a raised junction table at the entrance to the proposed development
- No development shall take place until details of: site layout, including parking, turning and servicing areas; means of surface water drainage; full road construction (including street lighting; and an emergency link from Fairfield Avenue have been approved
- No development shall take place until a masterplan for the development of the site which shall include the following has been agreed: Movement Framework; connections to surrounding areas for all modes; street layouts including measures to limit speeds to 20mph; parking strategy including cycle parking facilities; and development phasing have been approved
- No development shall take place until a

construction management plan including the following: routing of construction vehicles; parking facilities for personnel, operatives and visitors; arrangements for the loading and unloading of plant and materials; areas for the storage of plant and materials; and measures to prevent the deposition of detritus on the public highway

- 4.2 **East Staffordshire Sports Council** Objects to the proposal, and requests that the land is bought into community use for the benefit of the community.
- A second letter has been received dated the 5<sup>th</sup> August 2013 reiterating the following points, and advising that the College has refused to let sports to be played on the land.
- 4.3 **Natural England** No objections, and advises that the ecology survey has identified that there will not be any significant impacts on statutorily protected species. It is recommended that the development should encourage biodiversity in the locality
- 4.4 **Environmental Health Manager** No objections subject to the submission of a noise assessment for construction activities, the submission of a contaminated land assessment, and a restriction on hours of construction, and dust emissions
- 4.5 **Staffordshire Playing Fields Association** Objects on the grounds of the loss of the playing field
- 4.6 **Environment Manager** No objections subject to an obligation in the S106 agreement requiring the provision of refuse containers
- 4.7 **Rolleston Parish Council** Object to the application, the comments of the Parish Council at all stages of the application are attached at Appendix A
- 4.8 **Severn Trent Water Ltd** No objections subject to a condition requiring the submission of details of foul and surface water drainage
- 4.9 **Staffordshire County Council (Archaeology)** No objections subject to a condition requiring the submission of a scheme of archaeological

	investigation
4.10 <b>Ramblers</b>	No objection, but do raise concerns over the loss of informal recreation space
4.11 <b>Police Architectural Liaison Officer</b>	No objections to the proposal but advises on ways to design out crime
4.12 <b>Sport England</b>	Initially objected to the scheme on the grounds of the loss of the playing fields, but removed the objection subject to the payment of a contribution to £150k to the provision of changing rooms at Craythorne Fields
4.13 <b>Tutbury Parish Council</b>	Object to the application, and the full comments are attached at Appendix B.
4.14 <b>Highways Agency</b>	No objections
4.15 <b>Housing Strategy Manager</b>	Advises that the site should provide 30% affordable housing, as is the assessed need for greenfield sites across the Borough. These should also be constructed to lifetime homes standard
4.16 <b>Staffordshire County Council (Education)</b>	No objections but requests a contribution of £535,062 towards primary, high and 6 <sup>th</sup> form spaces
4.17 <b>Environment Agency</b>	No objections subject to the following conditions:- <ul style="list-style-type: none"><li>• Compliance with the submitted Flood Risk Assessment, in particular the following points: the discharge of surface water to Severn Trent's surface water sewer; surface water run-off limited to 100 yr plus 30% critical storm event, and outflow restricted to 24 l/s; details of surface water drainage</li><li>• No development shall take place until a construction management plan to include the following has been approved: the means of access for construction traffic; the loading and unloading of plant and material; the storage areas for plant and materials; details of wheel washing facilities; measures to control dust and dirt; and a scheme for the recycling of waste from construction</li></ul>

**4.18 Staffordshire Wildlife Trust**

No objections to the scheme, but request conditions covering the following: -

- enhancement of habitats for priority bird species, and repeat surveys after completion of the development;
- enhancement of remaining open space and grassland to ensure no net loss of biodiversity;
- imposition of protective measures for common amphibians on the site

Also confirm that there is no evidence of Great Crested Newts using the land.

**5.0 Publicity/Representations**

5.1 Neighbours have been notified of the application, a site notice posted and an advertisement placed in the local newspaper. The period for receipt of comments expired on the 30<sup>th</sup> November 2012. Comments have been received from 325 interested parties raising the following objections:-

Principle of Development

- The scheme is unsustainable, and is against the principles of the neighbourhood plan and localism
- The scheme is premature, and should wait till the finalisation of the Local Plan
- The scheme is premature of the Council's core strategy
- None of the residents of Rolleston want this development
- The scheme will result in the loss of open space and potential sports facilities which are heavily used by the community
- The proposal would begin coalescence with Stretton
- There is no lack of services and employment opportunities in Rolleston
- Rolleston should not be a Tier 1 village as is being suggested in the core strategy, and the policy team should reconsider the scoring of the village
- There are already enough greenfield sites being used for development, surely no more are needed
- There is no need for additional housing
- No consideration has been given to sustainable features in the design of dwellings
- The scheme is unsustainable and is a significant distance from existing village facilities, and people will go to shops out of town
- The development does not provide enough amenity space
- The scheme does not provide affordable housing
- There are not enough facilities in the village for growth of this scale
- The affordable housing provision is below that required by the Housing Choice guidance, and is significantly less than was required for the Guinevere Avenue site only 500m away

### Highway Safety

- The roads onto the site are not wide enough, and the scheme does not achieve safe and suitable access for all
- The site does not have adequate access to public transport, or safe cycling routes
- There are insufficient parking spaces within the existing development which results in significant on street parking
- Construction traffic will cause significant intrusion, disruption and increased highway danger to residents of the Westbury estate and to those on Fairfield Avenue
- Articulated lorries will not be able to access the site in winter due to ice
- Cars park on the pavements making them impassable for pedestrians
- Survey data submitted with the application is inaccurate and not a true representation of highway use
- The junction onto the A38 at Claymills will not be able to cope with the increased level of traffic
- There is chaos in the village at school opening and closing times
- The proposed play area is too close to the main access road
- A development of this size should have more than 1 access point
- The proposed temporary car parking is insufficient

### Streetscene Impacts

- The development will cause a major intrusion into the countryside
- The development would be a major blot on the landscape, and have nothing in common with its neighbours
- The indicative layout is unimaginative, and cannot be considered as good design
- The layout will result in a dark and claustrophobic finished development

### Other Issues

- Lack of water pressure, and lack of capacity in foul drains
- The centre of the village is regularly under water during times of flood, and this proposal will only make matters worse
- Surface water will flood existing gardens
- The development should give more community benefit, and the proposed S106 payments are not high enough, and do not mitigate the impact of the scheme
- Devaluation and lack of saleability of existing properties on the estate
- Ecology assessments were undertaken in the winter, and do not show the variety of species on the land
- The proposed open space is taken up by the balancing pond
- There has been no engagement with the local community throughout the process
- Increase in noise and pollution from the development
- The school has no capacity to take increased numbers of pupils

- All the land is not in the ownership of the college, and therefore the site cannot be developed
  - New residents will destroy village life
- 5.2 A number of documents have been received from the College Fields Action Group, and these are attached at Appendix C.
- 5.3 A further 331 standard letters of objection were received on the 5<sup>th</sup> July 2013 covering the same points raised above.
- 5.4 Further responses have been received from the Rolleston on Dove Neighbourhood Plan Group raising the following points: -
- When the Methodist Chapel and Brookhouse Hotel Close Rolleston will not score enough points in the Settlement Hierarchy to be classed as a tier 1 strategic village, and should be within tier 2
  - The village should be classed as a local service village, and therefore should only accept very limited growth, not a strategic allocation
  - The application does not accord with the Rolleston on Dove Neighbourhood Plan, which has substantial weight given the level of consultation undertaken, and therefore should be refused; to accept this application would render the Neighbourhood Plan a waste of time and money
  - DCLG guidance notes state that a neighbourhood plan can be considered as a material planning consideration and can be used to refuse a planning application on the grounds of prematurity when determining a planning application that if approved would fundamentally undermine that Plan especially if the Plan has received significant support from the community. Rolleston's Plan has received 880 letters of support from the community and only one letter of objection, from Peter Diffey and Associates on behalf of Burton and South Derbyshire College
  - Appeal decisions have accepted that neighbourhood plans hold weight in the determination of planning applications
- 5.5 Three letters of support has been received raising the following points: -
- Income generated as a result of this development will be of a great benefit to learners at Burton and South Derbyshire College, and will enhance facilities for the benefit of all students
  - Facilities at the college are currently inadequate
  - The sale of this land will help more young people to enter apprenticeships, employers training and the workforce
  - I'm supportive of the development, and would like to know when the development will go ahead
- 5.6 A copy of the response from the President of the Burton and South Derbyshire College Students Union is attached at Appendix D for Members information.



5.7 A further 3 letters have been received following the deferral of the application at the last planning committee raising the following concerns: -

- There has been further accidents on the A38, and at the very dangerous junction at Claymills the use of which will be increased by this development
- Nearby infrastructure cannot cope with growth prescribed to it. Highways are over used, hospital facilities / A&E facilities are overcrowded, dentist facilities are not available
- The development does not improve cycling provision
- Station Road floods and was underwater at the time of the previous site visit

## 6.0 Policy Framework

### 6.1 National Policy/Guidance

National Planning Policy Framework  
Circular 11/95: Use of Planning Conditions

### 6.2 East Staffordshire Local Plan Saved Policies

NE1 Development outside Development Boundaries  
BE1 Design  
H6 Housing Design  
T1 Transport: General Principles for New Development  
T2 Strategic Highway Network  
T6 Parking Areas: Design  
T7 Parking Standards  
IMR2 Contributions and Legal Agreements

### 6.3 Pre-Submission East Staffordshire Local Plan

Principle 1 – Presumption in favour of sustainable  
Strategic Policy 1 – East Staffordshire Approach to Sustainable Development  
Strategic Policy 2 – A Strong Network of Settlements  
Strategic Policy 3 – Provision of Homes and Jobs 2012 – 2031  
Strategic Policy 4 – Distribution of Housing Growth 2012 – 2031  
Strategic Policy 6 – Managing the Release of Housing and Employment Land  
Strategic Policy 16 – Meeting Housing Need  
Strategic Policy 17 – Affordable Housing  
Strategic Policy 24 – High Quality Design  
Strategic Policy 29 – Biodiversity and Geodiversity  
Strategic Policy 32 – Outdoor Sports and Open Space Policy  
Strategic Policy 35 – Accessibility and Sustainable Transport  
DP1 – Design of New Development  
DP2 – Designing in Sustainable Construction  
DP3 – Design of New Residential Development, Extensions and Curtilage

#### Buildings

DP6 – Pollution

#### 6.4 Supplementary Planning Documents/Guidance

East Staffordshire Design Guide

Open Space

Waste Storage and Collection Guidance for New Development

Investment and Planning Obligations: Responding to the Downturn – Good

Practice Notes – Homes and Community Agency 2009

Parking Standards

Housing Choice

ESBC Affordable Housing Viability Assessment

Rolleston on Dove Village Design Statement

Emerging Rolleston on Dove Neighbourhood Plan

#### 7.0 **Human Rights Act 1998**

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

#### 8.0 **Crime and Disorder Implications**

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

#### 9.0 **Equalities Act 2010**

- 9.1 Due regard, where relevant, has been taken to the East Staffordshire Council's equality duty as contained within the Equalities Act 2010.

#### 10.0 **Main Issues/Evaluation**

- 10.1 The main issues to take into account in the determination are as follows: -

1. Principle of the development
2. Design and impact on the character and appearance of the area
3. Impact on the amenities of nearby residents
4. Highway matters
5. Section 106 Matters
6. Other Matters including Ecology, Drainage and Affordable Housing

#### 10.2 Principle of the Development

- 10.2.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. It also re-emphasises that the starting point for decision-making is the development plan, and that where proposed

development accords with an up to-date plan it should be approved, and where it does not accord with the plan it should be refused unless material considerations indicate otherwise. Paragraph 211 of the NPPF states that, 'for the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of this Framework'. Paragraph 215 clarifies that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework'. Paragraph 216 clarifies the relationship with emerging strategies. It states that 'from the day of publication, decision takers may also give weight to relevant policies in emerging plans' according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

10.2.2 The development plan for East Staffordshire therefore is currently comprised of saved policies in the adopted Local Plan with policies in the emerging Pre-Submission Local Plan constituting a material consideration.

10.2.3 The protection of the countryside remains very much a feature of the Framework, as does the direction of development towards the most sustainable and least environmentally sensitive locations. Saved Policy NE1 strives to secure the same objectives and therefore as a matter of principle it is compatible with the policies of the Framework. It is therefore considered that saved Policy NE1 can as a matter of principle be afforded significant weight.

10.2.4 The only difference with the Framework is that it seeks to balance these objectives against the requirement to deliver housing. As the sole surviving limb of the Development Plan, the East Staffordshire Borough Local Plan which was adopted in 2006 was only ever intended to cover the period up to 2011. The adopted Local Plan development boundaries would never be able to accommodate future growth and as such are not 'up to-date' in accordance with Paragraph 14 of the NPPF, a point of principle which was accepted by the Local Planning Authority during recent housing appeals, and as such leaves the authority in a position whereby Paragraph 14 and the Presumption in Favour of Sustainable development is automatically triggered and overrides saved Policy NE1.

10.2.5 Within this context it should be noted that this site forms a strategic allocation within the pre-submission Local Plan, and is also included within the 5 year housing land supply calculation. The most recently published land supply position which is dated July 2013 sets out that 80 units

contribute to the supply calculation in the 5 years. This contribution is based on the assumptions that it will take a few years for the site to have reserved matters approved and preliminary site work undertaken prior to construction. The assumption is that 40 units will be delivered in years 4 and 5 of the five year land supply. 80 units equates to approximately 1.5 months of supply.

- 10.2.6 The July publication of the 5 year land supply recorded a 5.35 years supply position. The Council defended this position at an inquiry into the provision of 250 dwellings at Red House Farm, Burton upon Trent. The Inspectors Report, received on 13<sup>th</sup> November, into the Inquiry allowed the application. Of relevance to this application is that the Borough Council has been directed to re-calculate its 5 year supply position by acknowledging persistent under delivery and thereby introducing a 20% buffer, accelerating the delivery of under supply into the 5 year equation and using the tested and regionally accepted regional spatial strategy housing land requirement figure which is higher than the NPPF compliant housing figure in the Borough Council's Local Plan. Until this re calculation is undertaken the supply position isn't known however it is the view of the Secretary of State, that the Borough Council does not have a 5 year land supply and it is suggested that it could be as low as 3 years.
- 10.2.7 Paragraph 14 of the NPPF advises that the golden thread running through decision-taking is the presumption in favour of sustainable development. In decision making terms this means that Local Planning Authorities should be approving proposals that accord with the development plan without delay; or where a development plan is absent or silent, or the relevant policies are out of date (as is the case with East Staffordshire) permission for schemes should be granted unless the adverse impacts of doing so could significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted.
- 10.2.8 The NPPF states that there are three dimensions to sustainable development namely economic, social and environmental, and that these should be considered collectively when assessing development proposals. In respect of the current proposal the principal elements of sustainability to be taken into account are: the importance of providing a supply of housing to meet the needs of present and future generations; ensuring accessibility to local services; creating high quality built environments; protecting and enhancing the natural environment; and safeguarding the amenities of existing communities. Given that the proposal would contribute to the identified need for housing within the Borough over the next five years on a site which is immediately adjacent to existing built development within the village and accessible to local services, the development would meet the first two of these principal elements of sustainability. The remaining components of sustainable development are considered in more detail in the relevant sections later in this report.

- 10.2.9 Whilst the above analysis assesses the proposal in respect of Local Plan saved policies in the context of the NPPF, the application must also be considered against the emerging Local Plan and other material considerations. Rolleston on Dove is a large village within the context of East Staffordshire and, within the pre-submission Local Plan (October 2013) is classified as a tier 1 village capable of accommodating a strategic level of growth to support facilities and services. The pre-submission Local Plan proposes a strategic allocation of approximately 100 units, on the College Playing Fields site (the subject of this application), supported by a development allowance of 25 units to meet residential needs over the plan period (2012-31). The pre-submission Local Plan is now at a stage where it has to be given due weight in the consideration of this and other applications, and the proposal is entirely consistent with the Council's strategy and vision for the development of strategic villages in the Borough, and would deliver development on the site that has been identified as being able to offer the strategic growth proposed for Rolleston on Dove.
- 10.2.10 The Rolleston on Dove Neighbourhood Plan (RODNP) has been through two consultation stages and was examined via written representations by an independent examiner Chris Collinson. His report into the examination was received on the 18<sup>th</sup> October and prior to the Planning Applications Committee held on the 21<sup>st</sup> October. The application was deferred on the 21<sup>st</sup> October to allow the Borough Council more opportunity to digest the report. The Independent Examiners report indicates that subject to modifications, which are put forward by the Examiner, the plan should proceed to referendum.
- 10.2.11 In contrast to the emerging Local Plan, the Rolleston NDP specifies a need to deliver 85 units over the 2012-31 plan period comprising 2 housing allocations outside the development boundary in relation to both the adopted and emerging Local Plan on greenfield sites. This amounts to 22 dwellings (11 units on each site) and an additional 26 windfalls assigned to the village which equates to 48 units in total when the existing stock of houses is taken into account. The NDP also has a policy to protect the college field's site as an open space.
- 10.2.12 The key area of conformity for the NDP in relation to the emerging Local Plan is therefore the quantum and distribution of growth the village has assigned to itself. The lower quantum more accurately reflects the adopted Local Plan which had limited growth to the villages and tightly drawn development boundaries. The lower quantum whilst located on greenfield sites matches this more limited rural strategy. The quantum of growth set out in the emerging pre-submission Local Plan seeks to meet housing needs from 2012 (post-adopted Local Plan) to 2031. Growth has been distributed to villages across the Borough to accommodate future housing in accordance with a settlement hierarchy.
- 10.2.13 To progress the RODNP to referenda there are a number of stages that the plan will need to pass through. The Borough Council need to produce a decision statement which accepts or otherwise the Independent Examiners

suggested modifications to the neighbourhood plan. The Independent Examiners report is not binding on the Local Authority and it is the responsibility of the Local Authority to determine if the RODNP proceeds to referenda. If the decision is taken to proceed it will take approximately 6 months for the referenda to take place. The RODNP will be 'made' subject to a positive vote at the referenda stage.

- 10.2.14 Having received the Independent Examiners report the Borough Council has received independent legal advice on its contents. There are a number of issues that the Borough Council have sought additional advice including the relative weight to assign the two emerging documents, prematurity and the relationship of the emerging Local Plan to the RODNP should it proceed to referenda.
- 10.2.15 Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. Local Planning Authorities should set out clearly their strategic policies for the area and ensure that an up to date Local Plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Paragraph 184 of the NPPF (2012) states that Neighbourhood Plans should not promote less development than set out in the Local Plan or undermine its strategic policies.
- 10.2.16 The Independent Examiner has concluded that the RODNP is in general conformity with the adopted Local Plan 2006 in that the Neighbourhood Plan assigns growth to Rolleston in the absence of a strategic housing provision policy. Put simply, some growth in Rolleston is better than no growth when considering the adopted Local Plan. The Independent Examiner has therefore attached considerable weight to the adopted Local Plan and limited weight to the emerging Local Plan, which does clearly set out a strategic approach to housing growth, albeit at an untested Local Plan stage.
- 10.2.17 How much weight you attach to a document is set out in the NPPF in paragraph 211. In relation to an existing adopted Local Plan 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Paragraph 216 of the framework clarifies that weight, unless material considerations indicate otherwise may also be given to relevant policies in emerging plans. BUT, it depends on the stage of preparation – the more advanced the greater the weight, the extent of unresolved objections and the degree of consistency with the framework.

The Local Plan has gained some weight since the publication of the Preferred Options last year but until it is formally tested cannot be given great weight. It is however worth pointing out that the Pre Submission plan is NPPF compliant in that it positively seeks to deliver growth and supports the government agenda of achieving sustainable development, boosting significantly the supply of housing and supporting a prosperous economy.

The Neighbourhood Plan has similarly been in production and has progressed through the examination and as such is a material consideration. The level of support that the Neighbourhood Plan has received is considerable and this provides you with some guidance as to how much weight you assign to this plan. Whilst the RODNP could be argued as being further advanced than the Local Plan, it does not follow that this carries more weight than the emerging Local Plan in relation to development control decisions; because the weight attached to any material consideration is for the judgement of the decision maker.

- 10.2.18 The current guidance on the limited circumstances where it may be justifiable to refuse planning permission on the grounds of prematurity is set out in The Planning System: General Principles. Paragraphs 17 and 18 set out that:

*In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.*

*Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached.*

For clarity, in attaching weight to the decision making process and in deciding if the proposal should be refused on prematurity grounds it is necessary to consider if the proposed development is substantial and its effects so substantial that Development Plan Document production would be prejudiced e.g. the Local Plan.

- 10.2.19 Reference has been made by objectors to the Planning Practice Guidance launched on the On 28 August 2013, by the Department for Communities and Local Government (DCLG) for testing and comment. The guidance has not yet been issued by the Secretary of State and we understand that this is likely to happen later in the year.

The guidance clearly states that:

*arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account).*

*Those situations where exceptionally you may wish to consider prematurity are limited to situations where both:*

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan; and*
- b) the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made).*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

It can therefore be seen that emerging guidance indicates that prematurity could be used where the NP has reached the end of the publicity period and in the case of Rolleston, it has. This guidance has yet to be issued but it indicates the broad direction of travel in the future.

10.2.20 The Rolleston NDP is *not in conformity* with the strategic housing allocation of 100 dwellings on the college field's site in the pre-submission Local Plan. It also undermines the Settlement Hierarchy that the Council has developed – which essentially undermines not just the approach in Rolleston but across the plan as a whole.

10.2.21 The Independent Examiner has helpfully suggested modifications to the RODNP. Of particular relevance to the application is modification to Policy H1: Housing Requirement. The modified policy read as follows:

*An assessed housing requirement of 85 dwellings will be met over the plan period 2012 to 2031 on the sites identified in Policies H5a and H5b, and on windfall sites, and on sites already granted planning permission. The housing requirement does not represent a ceiling on development and will be objectively assessed through independent review at five year intervals throughout the plan period. Such reviews may lead to additional housing land allocations.*

A further modification which is relevant is the deletion of Policy OS1: Development Outside the Settlement Boundary. In identifying this



modification the Independent Examiner acknowledges that the Framework establishes a presumption in favour of sustainable development that the RODNP has not sought to clarify that there is enough capacity within the village to accommodate the windfall allowance and also that development is acceptable outside the settlement boundary in relation to a prosperous rural economy. The Independent Examiner notes that the restriction on development arising from the implementation of Policy OS1 is not in accord with the national approach set out in the Framework.

The Independent examiner recommends modifying Policy OS2 which seeks to protect local green spaces of community value. The modification involves deleting College Playing Fields from the list of spaces in the policy, due to the examiners conclusion that the site does not meet criteria for inclusion in such a list.

10.2.22 Even taking the Examiners modifications into account there is still conflict with the Council's Borough-wide assessment distribution and quantum of housing with respect to the emerging Local Plan. Fundamentally there is conflict with the Councils settlement hierarchy.

10.2.23 Members should also be aware that the development of this site supports the aspirations of Burton and South Derbyshire College to expand and improve facilities for education with the Borough. All profits achieved from this development would be spent on the enhancement and improvement of teaching facilities at the College, and result in significant investment in the town centre.

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

10.3.1 Saved Policy BE1 of the East Staffordshire Local Plan states that planning permission will only be granted for proposals that relate well in design terms to their surroundings. In establishing whether development is acceptable in design terms, it requires that several factors be taken into account, including the scale, massing and height of the proposal and materials from which it is to be constructed in the context of the site and its surroundings. Saved Policy H6 expands upon this aim with specific reference to residential development. It requires new dwellings to integrate well within the street scene.

10.3.2 The East Staffordshire Design Guide elaborates upon the requirements of Saved Policies BE1 and H6. It states that:

- a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
- b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;

- c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
- d) Repetitive house types should be avoided;
- e) The cramming together of large numbers of detached properties should be avoided.
- f) High proportions of frontage car parking will not be acceptable.

These policies are in full conformity with the design requirements outlined with Section 7 of the National Planning Policy Framework.

- 10.3.3 Policy DP1 of the pre-submission local plan re-iterates the design principles set by the existing development plan 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.
- 10.3.4 The application is an outline proposal, with all matters reserved for future approval; at the time of submission, the application included details of the approximate position of the access, buildings, open spaces and routes and upper and lower height limits for the proposed buildings. This level of information needed to support outline applications has since been reduced by central government. However all information submitted with this application will be considered in the determination of this proposal.
- 10.3.5 The site lies on the edge of Rolleston on Dove off Forest School Street, and adjoining existing residential development on Twentylands, Fairfield Avenue and Walford Road. The development immediately adjoins newer residential properties on Forest School Street, set around a manual for streets compliant layout, with 1960's estate style dwellings to other boundaries. The predominant context of Rolleston in this location is of medium to lower density housing facing onto existing transport routes. The Needwood Avenue / Forest School Street development was constructed within the past 10 years, and is a modern estate utilising high quality materials and finishes. The open rural context of the land beyond the application site towards Craythorne Lane is also relevant to the design of new development in this locality, as any new buildings must be assimilated into these surroundings in such a way that they enhance this rural edge of the village.
- 10.3.6 The indicative layout shows a low density of approximately 17 dwellings per hectare, which is considered appropriate in this context. The development is arranged around a central access loop, with home-zone areas and private driveways. The dwellings are generally shown to be sited facing onto the highway which provides a degree of enclosure to the street; parking is shown to be provided within the curtilages of the proposed dwellings. Building lines are relatively consistent throughout the site, but a variety of housing types are indicated, adding variety and interest to the scheme which is typical of the village as a whole. Consideration has been given to provision of vistas within the development and long views through the site to sports pitches, and countryside beyond.

- 10.3.7 The indicative layout shows the provision of open space to the west of the site. The level of open space provided within the application is in accordance with that required by the 'Open Space' supplementary planning document, and provides linkages to existing play areas, and to the sports field to the south; some smaller areas of open space are shown within the site boundaries.
- 10.3.8 The applicant has submitted a Design and Access Statement which includes a design brief, which seeks to give key principles to ensure that the development respects the character of the village, and is well integrated with the existing built form. Whilst this document includes some guidance on the layout of the site, many of its principles are standard urban design requirements, and in this context it is not considered necessary to condition that any reserved matters development is brought forward in accordance with this document. Whilst this is not an ideal approach, in this instance it does give a future developer, the Council and the Parish Council, the freedom to shape the scale, design and appearance of any reserved matters application at the site.
- 10.3.9 The indicative layout and development framework are informed by the East Staffordshire Design Guide, and the physical characteristics of the site, and in principle a scheme of the form and density shown on this plan is considered acceptable. The scheme is also in line with the key principles of the Rolleston on Dove Village Design Statement. The Local Planning Authority has the tools to shape any future reserved matters submissions on the land, and members should be assured that officers will ensure that any future reserved matters applications will show a high quality development that the site merits as required by local and national planning policy.
- 10.4 Impact on the Amenities of Nearby Residents
- 10.4.1 Saved Policy H6 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 or overlooking. Policy DP2 of the pre-submission local plan states that the impact on the amenity of neighbouring properties in terms of loss of light, outlook or privacy will be considered in the determination of the planning applications. Whilst details of the position of windows and the internal layout of the proposed dwellings have not been submitted at this stage, the indicative layout shows that the development of 100 houses can be adequately developed within the boundaries of the site. The indicative layout also shows a landscaping buffer to existing dwellings that will seek to reduce the impact of the scheme on existing residents.
- 10.4.2 The indicative layout shows that 100 dwellings can be constructed on the site without compromising the reasonable amenities of the future occupiers of the dwellings, whilst the new dwellings can also be provided with sufficient private amenity space commensurate with their size. There are

also no issues raised in relation to noise as the site does not adjoin any sources of significant noise.

- 10.4.3 Subject to further consideration of reserved matters it is considered that the proposal satisfactorily accords with the aforementioned policy and would meet the sustainability requirements of the NPPF by providing acceptable living conditions for both new and existing residents.

10.5 Highway Safety

- 10.5.1 Saved Policies T1 and T2 of the Local Plan state that new development will be accepted where it will not adversely affect the safe and efficient use of adjoining highways, including strategic routes. Strategic Policy 9 of the pre-submission local plan relates to infrastructure delivery, and requires that working with partners the Borough Council should ensure that sufficient on and off site physical infrastructure is provided to support development, and this includes ensuring that adequate transport infrastructure is provided to support the development.

- 10.5.2 Although means of access into the site is reserved for future approval, the applicant has shown an indicative access into the site directly from Needwood Avenue / Forest School Street, with a pedestrian access provided through Fairfield Avenue. The Highway Authority has confirmed that an access in this position would be acceptable, and the current estate and access has capacity to take the increased movements associated with this proposal. It should be noted that the access from Station Road, and highway network around the estate was designed to cater for the future development on this site, whilst the original estate was designed to meet Manual for Streets guidance which results in tight corners and reductions in visibility in certain positions to reduce speeds through the estate. The indicative layout shows car parking of 2 to 3 spaces per dwelling which is an acceptable provision; however it should be noted at this stage that the layout is only indicative, and the position of dwellings, car parking, servicing and turning areas will be approved at reserved matters stage.

- 10.5.3 The Highway Authority has advised that they have given due consideration to the information submitted by the College Fields Action Group, and the formal response is attached at Appendix E.

- 10.5.4 In terms of the wider impacts of the proposal on the village and the A38 junction at Claymills, the Highway Authority and the Highways Agency have confirmed that they have no objections to the development, and are comfortable with its impact on the local and strategic highway network.

- 10.5.5 The developer has shown through the submission of tracking plans that a low loader can adequately access the site through the existing estate. A construction management plan has been submitted with the scheme within which the developer confirms that all construction traffic will access the site from the existing estate, and commits to the following: -

- It is the responsibility of the site agent to ensure all drivers of vehicles delivering to the construction site are aware of the Construction Management Plan. The site agent is the responsible person for enforcing compliance with the Plan.
- Except in an emergency all delivery vehicles will access and exit the site via Needwood Avenue, Garrett Square and Forest School Street (the “Construction Traffic Route”).
- A plan showing the “Construction Traffic Route” must be displayed in the site supervisor’s office. The plan should identify the “construction traffic route” and anticipated swept path movements for differing types of delivery vehicle likely to visit the site. These plans will be agreed as part of the Reserved Matters Application.
- Any additional restrictions imposed on the movement of vehicles (together with this Construction Management Plan) must be displayed in with the “construction traffic route” plan.
- The site agent is the responsible person for liaising with local residents over traffic movements and compliance with the Construction Management Plan.
- Goods vehicles over 7.5 tonnes in weight may only enter and / or leave the site between 9.30am and 2pm Monday to Friday.
- Goods vehicles over 7.5 tonnes shall only travel to and from Needwood Avenue via Station Road / Dovecliffe Road, Claymills Avenue / Rose Avenue from the Clay Mills A38 / A5121 junction. Such vehicles shall not travel through the centre of Rolleston on Dove.
- No goods vehicles over 7.5 tonnes may enter or leave the site at weekends (except in an emergency).
- Goods vehicles over 8.5m in length (“long vehicle”) or 2.4m in width (“wide vehicle”) must be accompanied along Needwood Avenue and Forest School Street by a banksman. Such vehicles will notify the site agent of their arrival, at least 20minutes prior.
- At least 24 hours before the “long vehicle” or “wide vehicle” is expected all residents fronting Needwood Avenue, Garrett Square and Forest School Street must be informed of the expected vehicle movement with a request not to park on the access roads allowing residents’ adequate notice to relocate parked cars.
- No vehicles (except management and security staff vehicles) may enter the site prior to 7am nor may they leave the site after 7pm.
- At the entrance to the construction site, immediately adjacent to Forest School Street, a temporary secure residents’ parking area adequate for the parking of 12 cars shall be provided. The access shall be separate from the site access. The car park shall be adequately surfaced to allow easy and dry access for local residents. The car park shall be provided within 7 days of construction work commencing. The design and layout of the car park shall be agreed with East Staffordshire prior to work commencing on site. The car park shall be signed a being restricted to use by residents of Forest School Street, Garrett Square and Needwood Avenue. The car park shall remain in place until main building works have ceased.

- No construction-site vehicle parking (including contractor and employee parking) shall take place within the existing housing estate. Adequate contractor and site operative parking areas and space for delivery vehicles to park and turn must be provided together with on-site loading / unloading areas. Such parking and delivery areas are to be provided within 14 days of work commencing on site.
- A road sweeping regime and or other measures to ensure access roads remain clear of debris must be in place and operational throughout the period of construction. If construction traffic access remains difficult it may be necessary for a temporary waiting restrictions along Forest School Street /Garrets Square / Needwood Avenue to be secured by a Traffic Regulation Order to be secured. In such circumstances local residents will be consulted prior to any order being applied for.
- Prior to commencement of construction works the contractor will provide the residents of the adjoining estates with a mail drop outlining the following items: Key site personnel contact details (including emergency out of hours contact number); explanation of the main site activities; details of residents car park; details of long and wide vehicle notification process (described above); Details of the “construction traffic route”; details of the working hours restrictions; Details of walking routes around the site and; an estimated programme of works.
- While the intension of an element of the Construction Management Plan is to facilitate co-operation between the local residents affected by the works and the contractor building the scheme, a temporary parking restriction scheme may be required to allow safe access for construction traffic. Staffordshire County Council would need to implement this change to the traffic regulation orders on the “Construction Traffic Route” and therefore require a Section 106 contribution (figure to be agreed). This temporary order will only be implemented if the contractor is experiencing difficulties traversing the “Construction Traffic Route” due to residents parking and only if the contractor has followed the Construction Management Plan with regard to delivery notifications

10.5.6 In addition to the above it would also be expected that the developer would enter into a construction operative Travel Plan which would reduce the level of movements through the site during the construction phase. Compliance with these requirements can be secured via a suitably worded planning condition, and also through an obligation included within the Section 106 agreement, and it is considered that these restrictions will be sufficient to ensure that the scheme does not have a significant adverse impact on residential amenity, or on highway safety.

10.5.7 Paragraph 32 of the National Planning Policy Framework states that ‘development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’. In this instance the submitted Transport Assessment, Construction Management Plan and the responses of both the Highways Agency and the Highway Authority have confirmed that the proposal will not significantly harm the

local or the strategic highway network. Consequently, there are no highway safety grounds on which to refuse the development.

- 10.5.8 Section 4 of the NPPF promotes the use of sustainable transport. It states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel, and that Local Planning Authorities should support a pattern of development which facilitates the use of sustainable modes of transport. The application site is considered to be in a sustainable location, and is within walking distance of local amenities and bus stops, while the provision of the residential Travel Plan will seek to ensure that future occupiers are aware, and make full use, of sustainable means of transport.
- 10.5.9 In relation to the site the Council have received Transport Assessments from both the developer and the College Fields Action Group. In light of the differing assessments of harm in these documents the Council took the decision to engage with SCP Transport Consultants to critically analyse the responses of SCC Highways and the College Fields Action Group, SCP also undertook site inspections. The report of SCP concludes *'it is considered that whilst the existing situation is not ideal that there are no sound highway reasons to recommend refusal of the proposals subject to the imposition of suitable conditions and the applicant entering into a Section 106 as requested by the Highway Authority and a condition in relation to a Travel Plan in relation to construction staff.* The full report of SCP is attached at appendix F for members' information.
- 10.5.10 It is therefore considered that, subject to the conditions requested by the Highway Authority, and a S106 Agreement in respect of the Green Travel Plan, and the Construction Management Plan, the proposal would not prejudice the safe or efficient use of the highway network. The proposal therefore satisfactorily complies with the aforementioned policies and the sustainability requirements of the NPPF.

## 10.6 Section 106 Matters including Affordable Housing

10.6.1 The development is proposing the following Section 106 contributions: -

- Provision of Public Open Space, and payment of on-going management sum of £50k
- £50k contribution to the Parish Council for the provision of new play equipment, or for the use in creating a Parish Room
- Sport England contribution of £150k to be used for the construction of changing rooms at Craythorne Lane playing fields
- Education Contribution of £535,062
- Provision of, or payment of a financial contribution to the provision of refuse containers
- Provision of 15% affordable housing, to be comprised of 7 units on site (of a mix and tenure to be agreed) and a financial contribution of £467,200 towards a further 8 units off site

- All profits from the site to be used in the provision of educational facilities at Burton and South Derbyshire College
- Provision of Green Travel Plan, and associated monitoring sum of £6,200
- Compliance with the Construction Management Plan, and associated payment of £3,000 towards temporary Traffic Regulation Order

10.6.2 The above contributions have been negotiated with the developer throughout the determination of this proposal. Initially the developer requested that no contributions be sought from the development to ensure that all profits could be re-invested within Burton and South Derbyshire College. This was clearly an unacceptable position as development must benefit the village in which it is to be constructed, and in this instance it is now considered that all reasonable contributions have been secured from the scheme.

10.6.3 The affordable housing provision is lower than that set out as necessary within the Housing Choice SPD, however recent analysis of the need in Rolleston has suggested that 7 affordable homes are needed in the village and these will be provided by the development. In addition to this a contribution of £467,200 will be received in accordance with the level of contribution set out in the Housing Choice SPD. Whilst this is a compromise it still achieves a reasonable amount of affordable housing for the village, whilst enabling the College to achieve reasonable profits to be re-invested for education purposes in local area.

10.6.4 In relation to the Sport England contribution the Parish Council have requested that the changing rooms at Craythorne Fields are provided to a 'turn-key' standard. However members must be aware that the Council can only seek planning obligations that are reasonably required by planning policy, and in this instance the contribution of £150k is an acceptable contribution to offset the loss of the playing field and has been agreed with Sport England. The LPA could therefore not require the developer to provide a 'turn-key' facility at Craythorne Fields.

#### 10.7 Other Matters including Flood Risk, Drainage and Ecology

10.7.1 The NPPF seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. The site is located in Flood Zone 1 and as such is at low risk from fluvial flooding. Strategic Policy 27 of the pre-submission local plan advises that permission will only be granted in flood risk areas where they would not cause unacceptable harm to the following interests; the protection and storage capacity of the flood plain, access to watercourses for maintenance, the characteristics of surface water run-off, the integrity of fluvial defences, the drainage function of the natural watercourse system, and the necessity for additional public finances for flood defence works.

10.7.2 Whilst the site is not within any designated area of flood risk residents have advised there are issues with surface water in the locality, particularly



arising from the drainage scheme linked to the previous development. In attempt to resolve this issue the Environment Agency, and Severn Trent Water Ltd have advised there is capacity in the existing surface water drain in Station Road, and all surface water will be discharged into this system (at an acceptable rate of 24l/s) and not into the existing culverts, or any soakaway system which could increase the risk of surface water flooding in the locality.

- 10.7.3 Subject to the conditions recommended by the Environment Agency and Severn Trent Water Ltd in respect of drainage, it is considered that the scheme accords with the relevant policies and sustainability requirements of the NPPF.
- 10.7.4 The application has been accompanied by an ecological assessment which advises that the site does not provide habitats for protected species. The assessment proposes a number of ecological enhancement measures which can be secured via condition, and will ensure that the proposal will result in a net gain for bio-diversity in the area and not impact adversely on any European protected species. The proposal therefore satisfactorily meets the sustainability requirements of the NPPF in respect of ecology. The requirements of Staffordshire Wildlife Trust will be incorporated within the necessary enhancement measures.
- 10.7.5 With regards to the additional comments received post the October planning committee those in relation to flooding have been covered in the main body of the report above. With regards to wider infrastructure provision this cannot be attributed to this scheme in isolation, and are wider issues to be considered through the local plan, or by outside agencies. In relation to highway impacts neither SCC Highways nor the Highways Agency has raised any objections to the scheme.
- 10.7.6 Following a request from the Parish Council the Secretary of State has advised the LPA, under the requirements of the departure legislation set out with the Town and Country Planning (Consultation) (England) Direction 2009, that they must inform the Secretary of State if they intend to approve an application. The Secretary of State has 21 days from the date of receipt in which to decide whether or not to call in the application. The local authority cannot grant planning permission until that time is up unless notified before the expiry of 21 days that the application will not be called in.

## **11.0 Conclusions**

- 11.1 The National Planning Policy Framework gives a presumption in favour of sustainable development. As the proposal, subject to conditions and consideration of details at reserved matters stage, should deliver high quality development on the edge of an existing village with access to local services, and would make provision to safeguard residential amenity and the natural environment, the application is considered to meet the requirements of the NPPF in terms of sustainable development. The principle of the proposal therefore falls to be acceptable under the

presumption in favour of sustainable development. The proposal raises no concerns in relation to the amenity of the occupiers of properties adjoining the site, while it is also noted that no statutory consultees raise any concerns in relation to flood risk, drainage, highway safety or ecology.

- 11.2 Whilst there will clearly be some adverse impacts from the scheme, and there is significant objection from neighbours, the benefits of the proposal including the provision of market and affordable housing, public open space and green infrastructure, alongside the economic benefits associated to new development weigh heavily in support of the application, and on balance the benefits of the scheme outweigh any specific concerns that are raised in relation to the proposal. The proposal is therefore considered to accord with saved policies in the East Staffordshire Local Plan, the pre-submission Local Plan, the National Planning Policy Framework, and all other supplementary planning guidance.

## **12.0 Engagement**

- 12.1 During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework.

## **13.0 Recommendation**

- 13.1 For the reasons set out in the above report then **PERMIT** subject to the following conditions, and completion of the associated Section 106 agreement in accordance with the requirements outlined in 10.6.1 above, providing the Secretary of State decides not to call in the proposal for his own determination following the referral of this application

1. Time limit for commencement
2. Submission of reserved matters
3. Time limit for submission of reserved matters
4. Approved plans condition
5. Submission and approval of samples and details of materials to include details of eaves, verges, chimneys and hard-surfacing
6. Submission and approval of finished floor levels and levels of any re-contoured land
7. Submission and approval of details of the play area
8. Submission and approval of details of fencing and walling
9. Submission and approval of a scheme of foul and surface water drainage
10. Submission and approval of a contaminated land assessment, and completion of necessary remediation measures

11. Submission and approval of means of protecting trees and hedgerows to be retained during construction
12. Submission and approval of biodiversity enhancement measures within the development, including roosting and nesting facilities for bats and birds, enhancement of remaining grassland, and protection measures for common amphibians during construction
13. Submission and approval of a written scheme of archaeological investigation
14. Submission and approval of a noise assessment for construction traffic and noise, including the provision of necessary mitigation measures
15. Submission and approval of a scheme of dust suppression and mitigation
16. Submission and approval of details of the site layout, including means of surfacing access roads and parking/turning/servicing areas, means of surface water drainage, full road construction (including street lighting; and an emergency link from Fairfield Avenue)
17. Submission and approval of a master-plan for the development to include a movement framework, connections to surrounding areas for all modes, street layouts to include measures to limit speeds to 20mph, parking strategy to include cycle parking, and phasing of the development
18. Submission and approval of construction management plan, broadly in accordance with the submitted document, but also including details of parking facilities for personnel, operatives and visitors; arrangements for the loading and unloading of plant and materials; areas for the storage of plant and materials; and measures to prevent the deposition of deleterious material on the public highway
19. Submission and approval of details of energy efficiency measures to be incorporated in the development
20. Completion of off-site highway works to include a raised table junction table at the entrance of the site
21. Implementation of landscaping
22. Implementation of fencing and walling
23. Development to be carried out in accordance with the FRA, in particular the discharge of surface water to the surface water sewer, at a rate restricted to 24l/s

#### **14.0 Informatives**

1. The applicant is advised that the contents of the submitted Design and Access Statement and associated Development Brief are not considered an acceptable basis for the formation of any reserved matters application. Any developer of the site is urged to contact the Local Planning Authority to discuss design and layout prior to the submission of formal applications
2. Hours of construction
3. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer.
4. Compliance with pre-commencement conditions
5. Statement of positive engagement

6. The applicant is advised that approval under Section 7 of the Staffordshire Act 1983 and Section 38 of the Highways Act 1980 will be required.
7. Any soak-away shall be located a minimum of 4.5m rear of the public highway

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